

Report to CABINET

Joint Local Area Special Educational Needs and Disability (SEND) Inspection in Oldham 2 – 6 October 2017

Portfolio Holder: Councillor Amanda Chadderton, Cabinet Member for Education and Skills

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Reason for Decision

To update Cabinet on the recent Ofsted/CQC Inspection on the provision of Special Educational Needs (SEND) support in Oldham and to seek approval for the additional revenue required to support the service and note actions taken to date.

Executive Summary

The Local Authority together with the local Clinical Commissioning Group (CCG) have responsibility under the Children and Families Act 2014 for an effective SEND process and provision. The recent Inspection by Ofsted/CQC found that arrangements were not satisfactory and require the Council and CCG to co-produce with parents/carers a Written Statement of Action (WSOA) by 2 March 2018. This report details the actions taken by the Council and CCG since the Inspection and identifies revenue funding requirements to develop a robust, effective and quality led process to support improvement in educational attainment of pupils within Oldham with SEND.

Recommendations

Cabinet to;

- a) Agree the proposed actions to improve the outcomes for children and young people with SEND in Oldham as set out in the report.
- b) Agree to additional permanent funding of up to £500,000 in order to increase the capacity of the SEN Assessment Service undertaking the Education Health and Care Plan (EHCP) process to improve quality and timeliness and to provide the management oversight required to do so.
- c) Agree to delegate to the Portfolio Holder together with the Executive Director Health and Wellbeing (as Director of Children's Services), the Executive Director Economy, Skills and Neighbourhoods and Oldham Clinical Commissioning Group the final sign off on the Written Statement of Action in order for it to be submitted to Ofsted by 2 March 2018. A report containing the submitted Written Statement of Action together with any feedback from Ofsted will be brought back for Cabinet to note on 26 March 2018.

1. Background

- 1.1 Between 2 - 6 October 2017 Ofsted and the Care Quality Commission (CQC) inspected the arrangements within Oldham to meet the needs of children, young people with Special Educational Needs and Disability (SEND). The Inspection letter containing the findings of the inspection was published on the Ofsted website on 28 November 2017 and requires the Council and the CCG to develop with key stakeholders a Written Statement of Action (WSOA) within 70 working days. This statement should be co-produced with parents/carers, children and young people and be submitted to Ofsted by 2 March 2018. This report details the Inspection outcome and the measures taken by the Council and its partners to address the issues raised.
- 1.2 This report details the Inspection outcome, the immediate measures taken by the Council and its partners to address the issues raised and identifies action required including increased resources in order to deliver a sustainable, high quality SEND offer in Oldham.

2 Current Position

- 2.1 Since the Ofsted feedback meeting on 6 October 2017 the following immediate actions have been taken;
 - Establishment of a SEND Transformation Assurance Board and associated supporting mechanisms chaired by the Executive Director for Economy and Skills with senior representation from Oldham CCG; education and social care officers, and parental representation through the Parents' Association POINT.
 - Interim management arrangements to support the action plan.
 - Further clarification sought from Ofsted on issues raised to help inform the emerging action plan.
 - Review of the EHCP process involving key stakeholders
 - Additional SEN educational and health care (EHCP) writing capacity brought in to address the shortfall in conversions of all remaining Statements of Educational Need into EHC Plans.
 - Interim arrangements in place within the CCG to provide increased strategic capacity on SEND.

- Additional capacity commissioned by the CCG from NHS providers to support work on conversions. Revised Quality assurances processes put in place to ensure that plans reflect appropriate outcomes which are owned and understood by the plan holder and parents/carers.
- Additional capacity sourced by the CCG to support the implementation of the SEND reforms within the local NHS.
- All schools written to by the Director of Education & Early Years reminding them of the exclusions policy and requesting they confirm adherence to all legal requirements. All schools responded affirmatively to this letter.
- Quarterly Joint Monitoring and Support Meeting held with DfE and NHS England officials 5 Dec 2017. The meeting reviewed actions taken since the Inspection against the areas identified as the key themes for the WSOA.
- Inspection findings and feedback sessions held with parents and carers.
- Co-production of the WSOA was launched on 25th January 2018 with a co-production workshop involving over 65 professional staff and 20 parents/carers. The Executive Director of Economy Skills and Neighbourhoods; the Chief Operating Officer (COO) of the CCG and a senior representative of POINT lead the session.

2.2 The final WSOA has to be co-produced by the Council, CCG and parent/carers and must be submitted to Ofsted by 2 March 2018. The WSOA is by necessity a high level plan and consists of a number of priorities identified against each area of significant weakness, each priority is 'owned' by a senior officer of the Local Authority, CCG or NHS Health Provider organisations with a date by which it should be achieved.

2.3 During the early development of the WSOA it became apparent that the current SEND Strategy did not articulate all of the necessary requirements for action. A new joint draft Strategy is being co-produced and will be consulted upon widely over the next six months. This will then develop into the wider, more detailed Action Plan to support and complement the WSOA and will be overseen by the new SEND programme Board which will be chaired by the Portfolio Holder for Education and Early Years.

3. Governance

3.1 A key challenge posed by the Inspection Report was how to improve effective leadership and joint partnership. To meet this challenge revised governance processes are being established in order to;

- Ensure strong strategic and operational oversight from a multi-agency perspective.
- Ensure that the voice and influence of the child/young person and parents/carers are heard and acted upon at the highest level by their direct involvement.
- Ensure that the SEND reform process is firmly cemented within the overall children's strategy and that of the Integrated Care Organisation.

3.2 A significant component of the revised governance structure will be to ensure clear linkage between the SEND agenda and the wider Children's Strategy and this will be detailed in a future report to Members.

3.3 It is recognised that a Board structure needs to ensure effective co-production with children and young people. Local children and young people's expertise will be sought as a means of determining the most appropriate means to achieve this. Additional arrangements involving existing groups such as 'Barrier Breakers' and the Children in Care Council will be required and the potential exists for development of a young people's SEND challenge board going forward. .

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- 3.4 The production of the WSOA will be overseen by the SEND Transformation Assurance Board chaired by the Executive Director Economy, Skills and Neighbourhoods. This Board is established to oversee the Oldham response to the SEND Inspection. It is recommended that final sign off of the WSOA should be via Portfolio holder, the Executive Director Health and Wellbeing (as Director of Children's Services), the Executive Director Economy, Skills and Neighbourhoods and Oldham Clinical Commissioning Group Final sign off

4. Increasing Staff Capacity

- 4.1 As part of the recovery programme for the SEN Assessment Service significant additional permanent revenue funding of up to £500,000 will be required to secure sufficient capacity at an appropriate level and with the requisite skill set in order to complete all legal requirements within mandated timeframes and to the appropriate quality standard. The objective is to develop a robust integrated model of delivery across the appropriate council services and with key partners and the additional revenue funding will facilitate this change management exercise. In the short term there is a need to ensure that the ongoing training and development needs of the existing Team continues to be addressed.

Current demand for EHC Plans

- 4.2 In 2018/19 the SEN Assessment Service expects to review approximately 1800 EHCP's. Recent data suggests that there will be approximately 300 requests for EHCP assessments giving an overall workload figure of approximately 2100. With the changes in age range brought about by the introduction SEND Reforms numbers of cases serviced by the team are not expected to peak until 2020 at the earliest by which time we could see a figure of approximately 2250 cases. This is beyond the capacity of the Team to deal as it is currently structured.

Building in Early Intervention

- 4.3 Developing an effective governance structures provides a starting point for fully embedding SEND in the wider children's services agenda ensuring that early identification and support is the norm for children with additional needs. Allied to this are discussions with Primary and Secondary Heads regarding;

The use of Education support services such as the Education Psychology Team (EP) and the Quality and Effective Support Team (QUEST) Team in order to enhance our early intervention offer. Currently both teams are funded by a combination of Dedicated Schools Grant (DSG) and 'Traded Services'. Traded Services means that Schools have to identify their needs and buy these services in on an individual basis, whilst this is a key aspect of the government reforms for Schools to take ownership of their own spend it can have the perverse effect of delaying early support as financially challenged settings try and manage their budgets.

Research by Graham Allen MP¹ suggests considerable financial savings can be achieved as a result of timely interventions but schools understandable concerns regarding their budgets can lead to delays especially when the early support 'investment' leads to behavioural and educational improvements in other educational establishments. As an example of potential savings the current cost to Education of the 89 young people placed outside of the Borough in Independent Sector Education provision is projected at

¹ Early Intervention – The Next Steps: Graham Allen, MP 2011

approximately £4,000,000 per year or approximately £42,000 per pupil per year. Those who are bi or tri funded will cost public authorities correspondingly more. Fully funding the EP and QEST services from revenue funds would cost the Local Authority in the region of £700,000 per year (in other words preventing 17 young people being placed outside of the LA through preventative work by these teams would fully fund both teams).

The authority will also increase use of its data with its School Improvement Partners (SIP's) whose role is to support and challenge Schools to improve performance. Greater sharing of the SEND data will allow SIP's to provide a more targeted 'challenge' to head teachers and contribute to improved outcomes for individual pupils within settings

5. Summary Conclusion

5.1 The challenges faced by children and young people with SEND in Oldham identified by the recent Ofsted Inspection are substantial. The action required from the authority and partners in response to the Inspection requirements have required significant reflection on practice and process and will involve consistent and open support, challenge and application in order to resolve. Key to this will be establishing a strong multi agency and parent/carers leadership board to lead the change, agree the direction of travel, oversee progress and challenge performance effectively. Alongside this will be the requirement by the authority and partners for investment to improve processes and procedures.

5.2 In order to meet statutory guidelines for timeliness and address the quality issues identified in the SEND Inspection up to £500,000 investment is required to fund the transformation of the SEND Assessment Service.

5.3 In addition to the investment requirement outlined above there is a requirement for system changes, these include;

- Providing better guidance to settings regarding the EHC process and ensuring consistency about the use of SEN support.
- Ensuring School Improvement Partners (SIPs) support and challenge the progress of SEND children and young people in individual settings.
- Development of jointly agreed and owned performance management systems.

6 Consultation

6.1 The WSOA and proposed SEND Strategy have been consulted upon and drawn up in conjunction with parent/carers of young people with SEND in Oldham and officers of Oldham CCG and across education and social care. Additional consultation will continue through February leading up to the final WSOA submission on March 2nd 2018.

7 Financial Implications

7.1 The revisions to the SEND Assessment service will require additional revenue funding of £500k from 2018/19 and immediate resourcing in 2017/18 of £100k. The £100k will be met from available resources in 2017/18.

7.2 Failure to invest in the SEND Assessment service could lead to loss of reputation as well as potential challenge via the SEND Tribunal regarding timeliness and quality of EHC plans.

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- 7.3 Of the £500k, the cost of the additional officers will be c £350k. The remaining funds will be used to assist the service in achieving the improvements and cover any unknown costs at this point.
- 7.4 The £500k has been included in the 2018/19 Revenue Budget as an area for investment. The Budget will go to Full Council for approval on 28th February 2018. Once approval has been given the funds will become available.
- 7.5 Growth has been included within the High Needs Block of the Dedicated Schools Grant (DSG) for additional EHC plans and amendments to plans. It must be noted that the pressures facing the High Needs Block have been noted at Schools Forum and within the Budget papers for 2018/19 and going forward.
- 7.6 Finance, Schools Forum and the Education and Early Years' service have agreed to work together to address the pressures focusing on:-
- Exclusions – the number of exclusions has risen thus contributing the financial pressures. A process will be agreed, working collaboratively with Head Teachers, which will aim to reduce the number of pupils being excluded from school.
 - Timeliness and appropriateness of statements – the Council is revising its processes to ensure that education health plans are issued in a more timely manner and are reviewed on a more frequent basis to have regard to the changing needs of the individual child.
 - Out of Borough Placements – ensuring that placements to the correct facilities are made and there is a more regular review with regard to the changing circumstances of the individual child.
 - Inclusion and Best Provision – promoting school inclusion and ensuring that best educational provision is commissioned and resourced appropriately in a mainstream school setting. (Sam Smith)

8 **Legal Services Comments**

8.1 None (Paul Entwistle)

9. Co-operative Agenda

9.1 The proposed governance arrangements will support the Council's co-operative agenda by involving children, young people, parents and carers in co-produced SEND processes, policies and delivery to improve outcomes and efficiency.

10 **Human Resources Comments**

10.1 People Services will seek to work with its stakeholders to offer ongoing consistent and open support to address the key challenge identified in the report, around improving leadership and partnership working.

10.2 Further to this in the short term there will be a requirement from People Services in supporting the need to ensure that the ongoing training and development needs of the existing Team continues to be addressed.

10.3 This is in conjunction with any requirements identified by senior managers and people services to create additional capacity and requisite skill set to complete all legal requirements, within mandated timeframes and to an appropriate quality standard.

10.4 In application of the above support, the objective will be to assist our partners in developing a robust integrated model of delivery across the appropriate council services and with key partners and the additional revenue funding will facilitate this change management exercise and challenge performance effectively. (Dianne Frost, Director of People)

11 Risk Assessments

11.1 The findings of the recent Ofsted report have highlighted a key risk for the Council to manage in this area. This report sets out a proposal to minimize this risk. If the Council does not manage this risk there is a possibility of a further adverse Inspection and possible direct Intervention. (Mark Stenson)

12 IT Implications

12.1 None

13 Property Implications

13.1 None

14 Procurement Implications

14.1 None

15 Environmental and Health & Safety Implications

15.1 None

16 Equality, community cohesion and crime implications

16.1 None

17 Equality Impact Assessment Completed?

17.1 Yes

18 Key Decision

18.1 No

19 Key Decision Reference

19.1 N/A

20 Background Papers

21 Appendices