

Report to PERFORMANCE OVERVIEW AND SCRUTINY COMMITTEE

Update on the Special Educational Needs and Disability (SEND) Inspection Re-visit

Portfolio Holder:
Cllr Shaid Mushtaq

Officer Contact: David Shaw, Assistant Director - SEND.

Report Author: David Shaw, Assistant Director - SEND.

18th November 2021

Purpose of the Report

To give the Performance Overview and Scrutiny Committee (POSC) an update on progress to date addressing the two remaining recommendations from the Written Statement of Action (WSOA) that have formed the priorities identified in the Accelerated Progress Plan (APP) being monitored by the Department for Education (DfE).

Executive Summary

Following the reinspection in September 2019 and identification of two remaining areas requiring improvement, the APP was developed to ensure significant improvement continued to be made in relation to area 3 (the dysfunctional EHC process and inadequate quality of plans) and area 5 (the significant underachievement of children and young people who have SEN and/or disabilities, including the high rates of fixed-term exclusions and persistent absenteeism). The final draft of the APP was submitted to the DfE in March 2020 including 6 and 12 month milestones.

Due to the closure of all schools in England on the 18th March 2020 during the first national lockdown and the cancellation of national performance tables and national examinations for all Key Stages, the actions identified in area 5 were amended and updated to reflect the significant challenges presented by the Coronavirus situation. This update was completed and agreed with the DfE ahead of the review meeting held on the 31st July 2020.

Following a successful review meeting on the 31st July 2020, and a further successful formal monitoring review meeting on the 14th January 2021 the most recent formal review meeting took place on 25th June 2021 to consider whether the impact and progress being made in the previous two meetings had been sustained and any associated impact or risks to our plans resulting from the Coronavirus situation.

The outcome of the review meeting on the 25th June 2021 was that based upon the progress made, it is the opinion of the DfE and NHS England that formal monitoring via the 6 monthly progress reviews is no longer necessary. Oldham will continue to receive support and challenge from our DfE and NHS England SEND Advisors who will assure themselves that we are sustaining the progress we have made. The DfE and NHS England may, should the need arise, request updates on strands of activity in the APP or reinstate more regular and formal reviews.

This outcome is a tremendous achievement and demonstrates the clear and sustained progress being made through the strong partnership approach to co-production in Oldham.

Despite the challenges provided by the Coronavirus situation, actions related to area 3 have proceeded at pace through creative approaches, with the clear message of high quality 'business as usual'. The fixed term additional team to deliver the annual review recovery plan continue to produce high quality EHC plans following annual reviews. However, due to several staff securing permanent roles in other Local Authorities, contract extensions have been secured for the remaining roles until the end of August 2021 to complete the recovery plan. The contract extensions remain within the original funding envelope agreed in March 2020. The main education, health and care plan team continue to work effectively. Co-productive work continues to take place across the partnership to provide challenging but constructive feedback to improve working practices and the quality of information included in the EHC plans. Quality standards continue to be reviewed and raised through increasingly rigorous audit processes completed in partnership with education, social care, health and the CEO of POINT. A quality assurance workshop with our DfE advisor in December 2020 and wide ranging representation from across the local partnership to review the quality of EHC plans with a particular focus on preparation for adulthood confirmed this view once again in March 2021.

Work to improve the achievement, attendance and reduce exclusions for children and young people with SEND, as identified in area 5, has continued despite the turbulence of the Coronavirus situation. Overall exclusions have fallen during the Autumn term 2020 and Spring term 2021 compared with the same period in 2019/20. Summer term 21 data returns are being collated by the Inclusion service. Whilst some of the difference is explainable by the variation in attendance due to bubble closures and associated Coronavirus transmission rates, the work to raise awareness, understanding and tolerance of schools and settings following the trauma experienced by all during the national lockdown appears to have made a positive impact.

Despite the introduction of a third national lockdown on the 5th January 2021 with schools reducing their opening to vulnerable children and critical workers, attendance in Oldham schools has been above the national average for children with an EHC plan or supported by a social worker. A strong multi-agency approach to encouraging attendance and safeguarding Oldham children and young people was introduced following the lockdown announcement to discharge our statutory safeguarding duties alongside schools and other key partners. This has been a key strength to support and increase the attendance in Oldham schools during lockdown and when schools started to fully open in March 2021.

The positive impact on attendance can also be seen at various points following the full return to school in Spring and summer terms 21 when attendance rates were in line with national averages, and often above statistical neighbours despite high levels of Coronavirus transmission in Oldham. There is a clear correlation between rising infection rates, increasing numbers of children and adults isolating and reducing or lower levels of attendance in Oldham schools during the 2020/2021 academic year. This correlation was acknowledged by the DfE advisory team during the visit on 14th January 2021 and on the 25th June 2021.

It was noted by the DfE following the visit in June 2021 that although attendance and exclusions have been difficult to measure due to the pandemic, absenteeism and exclusions in Oldham are now in line with the current national average.

Due to the ongoing disruption caused by the Coronavirus situation and the refocus towards greater system wide improvement the SEND strategy and development plan was updated in the Autumn term 2020. The development plan includes outcomes to be delivered by the end of 2021 and was approved by the SEND Partnership Board in November 2020 to become operational in January 2021. This work is on track to be achieved with regular updates provided as part of the SEND Partnership Board forward plan of agenda items, to ensure strong oversight of the SEND Partnerships responsibilities and improvement work is delivered.

The SEND Strategy and Development Plan will be reviewed and updated in the Autumn term 2021 following the outcome of the APP review, feedback on priorities from the BIG SEND Survey hosted by Oldham Parent Carer Forum and a range of input from children and young people with SEND. This will enable the SEND Partnership to develop clear outcomes to be delivered by the end of each year leading up to August 2026 that will be informed by recovery planning post Covid to ensure that children and young people with SEND maximum opportunity to catch up and succeed following the turbulence experienced since March 20 and the ongoing SEND system improvement work across the partnership.

Recommendations

- That POSC commend the Local Partnership for maintaining the significant ongoing improvements to quality and consistency of EHC plans being delivered and quality assured through effective partnership work.
 - That POSC commend the Local Partnership for the strong positive focus on reducing absenteeism and exclusions at schools and settings, despite the challenges presented by the Coronavirus situation.
 - That POSC schedule an annual update to be provided during the start of each new academic year so that it can review and ensure that the sustained improvement is maintained year on year.
 - That POSC commend the Local Partnership, and all involved, in achieving and sustaining the significant improvements that have led to the DfE and NHS England having the confidence that formal monitoring is no longer necessary due the strength of governance and partnership accountability in place.
-

Update on progress delivering the APP following the SEND Inspection Re-visit**1 Background**

1.1 Ofsted and the Care Quality Commission (CQC) completed a SEND inspection re-visit in September 2019 to review the progress made against the WSOA. Whilst the inspection was positive in many areas, two remaining recommendations from the WSOA were identified as still requiring further improvement. These have formed the priorities identified in the APP being monitored by the DfE.

2. Current Position – EHC Needs Assessments (Area 3)

2.1 EHC needs assessments continue to be processed; there are usually approximately 75-100 CYP undergoing assessment. However, since May 2021, we have seen an increase in EHC needs assessment requests of c.80%, with currently 137 CYP undergoing assessment. The majority of these requests are from Early Years/Primary settings with a primary need of Speech, Language, Communication Need. This is placing significant additional pressure on the service and is a live current risk to service delivery. Timeliness for issuing plans within 20 weeks remains high but has dropped slightly as SEND officers and advice givers work to manage the significant increase in demand. Timeliness was cumulatively 94% in the 2020 calendar year and is currently 86% up to the end of July 2021. Both of these figures are well above the national average for timeliness of 58% in 2020. Advice givers continue to send timely advice using alternative methods of capturing information where necessary and appropriate. Educational Psychologists and health professionals are completing telephone/video call assessments where face to face visits have not been possible. Social care advice is being received in its usual form directly from social workers for children who are looked after, on a child protection plan or identified as a child in need. Wider social care needs are now collected through a range of advice givers, family information and the voice of the child/young person. This is providing a much richer range of information about the child/young person's needs.

2.2 Person Centered Planning meetings are taking place face to face or virtually and then provision and outcomes are being coordinated by the SEND Officers via face to face or virtual multi agency meetings. SEND Officers are using a range of conversations with families to ascertain aspirations and views of the parents and the child/young person. This way of working continues to be positive leading to enhanced information available for section A of an EHC plan related to the views, interests and aspirations of the child and their parents/or young person. We will continue this way of working as we move into the new academic year as part of business-as-usual practice. The EHC plan resource decision making panel is taking place weekly albeit virtually. A new EHC plan Triage panel has been introduced to streamline the decision to assess process and consider suitability of advice at an early stage in the process. Draft and final EHC plans are being sent out electronically to families and posted, as the SEND assessment and transport team have retained continued access to the Civic offices during the 2020/21 academic year despite the lockdown to ensure continuity of service.

2.3 Co-production is strong as officers become increasingly confident in seeking constructive feedback from partners and working together to find creative solutions to challenges. Attendance at Parent Carer Forum events continues to be strong with regular attendance from the SEND Assessment Team Manager. Fortnightly multi-agency update meetings between senior officers across SEND LA, health, social care and early years teams with

the Parent Carer Forum ensure regular communication of challenges, action to address the issues and provide clear messages to parents and carers. Keep in touch events with parents/carers are also held termly through the Parent Carer Forum and hosted by the Assistant Director for SEND and enable questions to be posed/answered so that clear two way communication takes place and the voice of families is heard directly by senior officers.

2.4 Quality assurance of the education, health and care needs assessment process continues via internal quality audits and collaborative scrutiny via the partnership. Robust evaluation and challenge occur during the education, health and care plan workstream chaired by the CEO of Parents of Oldham In Touch (POINT). Governance arrangements have been updated with revised terms of reference and membership of the SEND Implementation Board (IAB, formally SEND TAB) and SEND Partnership Board. Membership has been strengthened through the attendance of senior officers from Children's and Adults Social Care teams. Workstreams continue to drive operational activity, with the Graduated Response workstream refreshed with new membership and clear focus. A new workstream called Making it Personal has been introduced to explore opportunities to reform the funding arrangements for EHC plans and how this can deliver better outcomes for children and young people with SEND.

3 **Current Position - Annual Reviews (Area 3)**

3.1 Annual reviews continue to be led by schools and settings and have taken place face to face and virtually with only a few issues reported by schools or families, which the SEND officers are working to overcome. A virtual annual review process has been circulated to all schools and settings, with positive feedback received on the process from a wide range of schools, academies and settings.

3.2 The annual review recovery plan, which is identified in area 3 of the APP, continues to be delivered and achieved the 6-month milestone target of 40% of plans to be reviewed, updated and re-issued by the end of November. Staffing changes with two members of staff securing permanent appointment in other LAs and the inability to replace these colleagues quickly have impacted on the ability to maintain the pace of work in this area. However, following review from the SEND Partnership Board contract extensions have been agreed until the 31st August 2021 to ensure the recovery plan is delivered. An important point to note is that all annual reviews in the recovery plan had been completed by schools and settings with documentation shared with the SEND team to review the information and facilitate the update of plans.

4 **Current Position - Achievement of children and young people with SEND, including the high rates of fixed term exclusion and persistent absenteeism (Area 5)**

4.1 Work to improve the achievement, attendance and reduce exclusions for children and young people with SEND, as identified in area 5, has continued despite the turbulence of the Coronavirus situation. Overall exclusions have fallen during the Autumn term 2020 and Spring term 2021 compared with the same period in 2019/20. Whilst some of the difference is explainable by the variation in attendance due to bubble closures and associated Coronavirus transmission rates, the work to raise awareness, understanding and tolerance of schools and settings following the trauma experienced by all during the national lockdown appears to have made a positive impact.

4.2 Work to improve the achievement, attendance and reduce exclusions for children and young people with SEND, as identified in area 5, has continued despite the turbulence of the Coronavirus situation. Overall exclusions have fallen during the Autumn term 2020

and Spring term 2021 compared with the same period in 2019/20. Summer term 21 data returns are being collated by the Inclusion service. Whilst some of the difference is explainable by the variation in attendance due to bubble closures and associated Coronavirus transmission rates, the work to raise awareness, understanding and tolerance of schools and settings following the trauma experienced by all during the national lockdown appears to have made a positive impact.

- 4.3 Despite the introduction of a third national lockdown on the 5th January 2021 with schools reducing their opening to vulnerable children and critical workers, attendance in Oldham schools has been above the national average for children with an EHC plan or supported by a social worker. A strong multi-agency approach to encouraging attendance and safeguarding Oldham children and young people was introduced following the lockdown announcement to discharge our statutory safeguarding duties alongside schools and other key partners. This has been a key strength to support and increase the attendance in Oldham schools during lockdown and when schools started to fully open in March 2021.
- 4.4 The positive impact on attendance can also be seen at various points following the full return to school in Spring and summer terms 21 when attendance rates were in line with national averages, and often above statistical neighbours despite high levels of Coronavirus transmission in Oldham. There is a clear correlation between rising infection rates, increasing numbers of children and adults isolating and reducing or lower levels of attendance in Oldham schools during the 2020/2021 academic year. This correlation was acknowledged by the DfE advisory team during the visit on 14th January 2021 and on the 25th June 2021.
- 4.5 It was noted by the DfE following the visit in June 2021 that although attendance and exclusions have been difficult to measure due to the pandemic, absenteeism and exclusions in Oldham are now in line with the current national average.
- 4.6 Due to the ongoing disruption caused by the Coronavirus situation and the refocus towards greater system wide improvement the SEND strategy and development plan was updated in the Autumn term 2020. The development plan includes outcomes to be delivered by the end of 2021 and was approved by the SEND Partnership Board in November 2020 to become operational in January 2021. This work is on track to be achieved with regular updates provided as part of the SEND Partnership Board forward plan of agenda items, to ensure strong oversight of the SEND Partnerships responsibilities and improvement work is delivered.
- 4.7 The SEND Strategy and Development Plan will be reviewed and updated in the Autumn term 2021 following the outcome of the APP review, feedback on priorities from the BIG SEND Survey hosted by Oldham Parent Carer Forum and a range of input from children and young people with SEND. This will enable the SEND Partnership to develop clear outcomes to be delivered by the end of each year leading up to August 2026 that will be informed by recovery planning post Covid to ensure that children and young people with SEND maximum opportunity to catch up and succeed following the turbulence experienced since March 20 and the ongoing SEND system improvement work across the partnership.
- 4.8 The positive impact on attendance can also be seen at the start and end of the Autumn term when attendance rates were in line with national averages, despite high levels of Coronavirus transmission in Oldham. As a comparison, on the 10th December 2020, attendance for children and young people with an EHC plan was above the GM and national average for this cohort. There is a clear correlation between rising infection rates, increasing numbers of children and adults isolating and reducing or lower levels of attendance in Oldham schools during the Autumn term 2020. This correlation was acknowledged by the DfE advisory team during the visit on 14th January 2021.
-

5 **Key Issues for the Performance Overview and Scrutiny Committee to Discuss**

- 5.1 Discuss how the updated SEND strategy has contributed to delivering continued improvement in the two remaining areas discussed in this report, whilst ensuring system wide improvement is also being delivered to support children and young people receive the support they require during this unprecedented period.
- 5.2 Discuss how the SEND strategy has been revised to reflect the significant challenges faced by SEND support services, particularly in health, during the Coronavirus pandemic and the implications for service recovery priorities and timescales.
- 5.3 Discuss how the SEND strategy supports post Coronavirus recovery planning for children and young people with SEND who may have found remote learning and the turbulence of this period more challenging than other children and young people.
- 5.4 Discuss how the Local Partnership will sustain and embed the improvements made, including continuing to monitor closely and focus on reducing the number of children and young people with SEND who are excluded or absent from education settings.
- 5.5 Discuss how the Local Partnership will sustain and embed the improvements made, including continuing to monitor attainment and progress of children and young people with SEND.

6 **Key Questions for the Performance Overview and Scrutiny Committee to Consider**

- 6.1 What challenges are anticipated with the return to schools and settings in September for children and young people with SEND, and how does the SEND strategy or APP areas support us meet these challenges.
- 6.2 How will the SEND strategy be used to drive future transformation and deliver sustainable improvement through efficient use of resources, particularly given the increases in EHC needs assessment requests being received.
- 6.2 How post Coronavirus recovery planning is being developed and facilitated to ensure children and young people with SEND have the best chance of recovery following the challenges and turbulence experienced during the last year.
- 6.3 How the Local Partnership is addressing the need for increased speech and language support to families, schools and early years settings following significant periods of isolation and/or lockdowns that have inhibited the access to social interaction and communication opportunities beyond the immediate family/bubble.

7. **Links to Corporate Outcomes**

- 7.1 SEND links to all the corporate priorities impacting on children and young people. It also links to the health and wellbeing priorities of the council and partners and the SEND strategy 2021-22.

8 **Additional Supporting Information**

- 8.1 It is anticipated that the SEND strategy will be reviewed and refreshed in the Autumn term 2021 to reflect current evaluation of emerging trends and priorities across the Local Partnership, including the lived experience of the family and voice of children and young people. This work will inform the outcomes developed and operational from January 2022 – August 2026.
-

9 **Consultation**

9.1 N/A

10 **Appendices**

10.1 SEND Strategy Principles and Priorities – Year 1 Outcomes and Development Plan

10.2 SEND Partnership Board Forward Plan of Agenda Items