

Report subject	<b>Written statement of action for special educational needs and disabilities (SEND).</b>
Meeting date	24 November 2021
Status	Public Report
Executive summary	<p>Following a local area SEND inspection by Ofsted and the Care Quality Commission (CQC) in late June 2021, the local authority (LA) and Dorset Clinical Commissioning Group (CCG) must produce and submit a Written Statement of Action (WSOA) by 7 December.</p> <p>The WSoA is being co-produced by a partnership process involving families, schools, Health, the Council and other partners.</p>
Recommendations	<p><b>It is RECOMMENDED that Cabinet:</b></p> <ul style="list-style-type: none"> <li><b>(a) Endorse the partnership approach to radically improving special educational needs and disabilities across the BCP area</b></li> <li><b>(b) Delegate authority to the Portfolio Holder for Covid Resilience, Schools and Skills to sign off the WSoA on behalf of the Council</b></li> </ul>
Reason for recommendations	To ensure the Council meets the requirement of the SEND local area inspection and support the Council in meeting its legal responsibilities regarding SEND through delivery of the eight work programmes drawn up in response to the eight areas of criticism.

Portfolio Holder(s):	Councillor Nicola Greene (Portfolio Holder for Covid Resilience, Schools and Skills)
Corporate Director	Elaine Redding (Corporate Director for Children's Services)
Report Authors	Sarah Rempel (Director of Education) Claire Webb (SEND Programme Manager)
Wards	Council-wide
Classification	For Information and Decision

## Background

1. As reported to Cabinet in September 2021, the local authority and Dorset CCG were subject to a local area SEND inspection by Ofsted and CQC in late June 2021. Due to the significant concerns found in the inspection, the LA and CCG are required to produce and implement a WSoA that must be judged 'fit for purpose' by the Department for Education (DfE).
2. The LA and CCG will be subject to formal monitoring visits and re-inspection to ensure the WSoA is being delivered and is having the intended impact. Although some actions will be longer term, significant progress and impact must be demonstrated within 12 – 18 months.
3. This is a significant undertaking. The WSoA must be co-produced, reflecting partners' collective action to radically improving SEND across BCP. Co-production will require a culture change in order to work much more closely with parents, carers, children and young people and to mean it. The WSoA must be submitted by 7 December 2021.
4. An initial meeting has been held with the DfE and NHS England advisors, to ensure that all parties were satisfied that robust arrangements were in place to write the WSoA.

## Development of the WSoA

5. Partners have committed to working together on writing and delivering the WSoA and the SEND Improvement Board (SIB) will sign it off on the 2 December 2021 for submission. SIB is chaired by an LGA Advisor, and has representatives from education, health providers and commissioners, parents/carers, the voluntary sector and the LA (Children's Services, Adult Services, Members and senior officers, including the Portfolio Holder for Covid Resilience, Schools and Skills).
6. Workstreams have been established for each of the eight areas of weakness identified in the inspection letter. The workstreams report into the SIB and are responsible for developing and recommending the WSoA (actions, impact measures and resource requirements). Around 100 parents/carers and delivery colleagues across partners form the working groups, with many more children, young people,

parents/carers and delivery colleagues contributing through a variety of mechanisms. These include:

- a) Discussions at local parent/carer groups, attended by the LA and CCG;
  - b) Virtual parent/carer events hosted by the LA and CCG;
  - c) One-to-one discussions with parents/carers;
  - d) A survey undertaken by children and young people
7. Programme arrangements are in place, with a detailed timeline to meet the deadline and to ensure due diligence and quality assurance of all work programmes. This includes an equality impact assessment, assessment of resource needs, a technical review of impact measures being proposed and reviews by the DfE/NHS advisors.
  8. Due to the timescales that the LA and CCG must work to, and the need for partners to agree the WSoA collectively, delegated authority is sought for the Portfolio Holder for Covid Resilience, Schools and Skills to sign off the WSoA on behalf of the Council.
  9. A current working draft of the WSoA reflects the position to date but will be developed further prior to SIB consideration and agreement on the 2 December 2021. Further work will focus on reviewing and refining the actions, and confirming timescales, leads and resource needs. Actions will also be reviewed to ensure they support the aim of a culture based on trust, transparency, empathy, communication, belonging and respect, with the child or young person at the centre.
  10. The draft includes areas of focus (our intent – covering each of the eight areas of weakness) and draft actions to achieve this. These draft actions were co-produced by partners over the week of the 18 – 22 October and have not yet been reviewed by the workstream groups. This is therefore a work in progress and is being shared more widely with families and delivery colleagues at this stage to ensure a transparent co-production approach. Because of the significant weaknesses in co-production identified in the inspection, it is essential partners have full control of the process to develop the WSoA. This is why it is not being shared with Cabinet in its current form, but it is obviously important Cabinet is sighted on the direction of travel at the earliest possible opportunity.
  11. Set out below are the areas of weakness identified in the inspection and a high-level summary of the broad actions being developed by partners, in addition partners are committed to an equally strong focus on preparation for adulthood which is being addressed by all workstreams. There are numerous dependencies between all workstreams, for example co-production is being embedded through actions developed by all workstreams; due to the number, not all dependencies are highlighted. Local areas are not expected to wait until a WSoA is passed as fit for purpose before beginning improvement work. In BCP we are building on existing improvement work already underway and have taken immediate steps which includes for example the additional resources agreed by Cabinet and Council, joint appointment a project lead for joint commissioning by the Council and CCG, and a review of mainstream banding.

Area of weakness/workstream	Partners' focus is to develop actions to
1) The deep cultural issues leading to weak partnership working between services across education, health and care and between these services and children and young people with SEND and their families.	Create and embed a culture of shared values across partners: Trust, Empathy, Belonging, Communication and Respect, including through recruitment, staff training and development.  Ensuring all other sections of the WSoA support this.
2) Weaknesses in leaders' evaluations of the effectiveness of the local area, including the lack of focus on the experiences of children and young people with SEND and their families.	Create a shared data set focussed on the lived experience of families, reflecting the wider demographics of SEND; collectively reviewed by partners to inform improvement planning and linked to the Joint Strategic Needs Assessment and strategic planning (see workstream 7)
3) Poor co-production practice at a strategic and operational level.	Develop an agreed approach/standards for co-production, embedded in governance arrangements, supported by increased capacity and tools for practitioners; an improved Local Offer website
4) Weaknesses in the sustainability of services in the face of high turnover of staff and challenges with recruitment.	Address specific service issues identified in the inspection, and wider sustainability of services through recruitment and retention (including associated issues of training)
5) The inconsistency in the implementation of the graduated response leading to slow identification and inequitable access and experience of the system across education, health and care.	Review and embedding the graduated response; improved accessibility/ease of use of the graduated response; autism pathway (work already underway) and SALT (work already underway)
6) The wide variances in the quality of education, health and care plans caused by weaknesses in joint working, fair access, timeliness and quality assurance processes.	Develop robust governance and management arrangements, supported through training and a sustainable service (see workstream 4)
7) Poor joint commissioning arrangements that limit leaders' ability to meet local area needs, improve outcomes and achieve cost efficiencies.	governance and joint strategic planning and joint commissioning arrangements focus, supported through an improved joint strategic needs assessment (aligned to workstream 2); a consistent approach for

	access to specialist equipment both at home and in education settings
8) The proportion of pupils not accessing education because of the disproportionate use of exclusion and poor inclusive practices across the area.	Take forward relevant recommendations from the Appreciative Inquiry; inclusive culture and practice within schools, with the right support around schools form the wider system; focus on children and young people not in school settings

### **Summary of financial implications**

12. In September 2021, Cabinet and Council agreed in-year and future year resources for the development of the WSoA, which also provides some foundations for aspects of delivery, noting that further business cases would be required. As part of the development of the WSoA, additional resource requirements across partner agencies are in the process of being identified. Some actions set out further review/evaluation work to define the implementation steps that are required. An assessment of resource needs will be undertaken at that point. Some resource needs will be provided by partner agencies, some will need to be met by the LA (including from existing resources).
13. Once the WSoA has been agreed by partner agencies and is passed as fit for purpose by the Department for Education, business cases will be brought forward.

### **Summary of legal implications**

14. The WSoA will support the LA in meeting its legal responsibilities regarding SEND.
15. Local area inspections of responsibilities for children and young people with special educational needs and/or disabilities are carried out under section 20 of the Children Act 2004. Where Her Majesty's Chief Inspector (HMCI) has determined that a written statement of action is required, the local area must produce this statement within 70 days following receipt of the final inspection report/letter, publish it on local websites and send a copy to Ofsted, CQC and the Secretary of State (Regulation 4(5)).
16. During the implementation phase, the legal implications of specific actions will be assessed through the appropriate decision-making process.

### **Summary of human resources implications**

17. The implementation of the WSoA will require a new way of working and significant culture change across all delivery colleagues.
18. During the implementation phase, the human resource implications of specific actions will be assessed through the appropriate decision-making process.

### **Summary of sustainability impact**

19. There are no direct sustainability impacts arising from the WSoA; however, with inclusion at the heart of the SEND & Inclusion Strategy and the WSoA, it will support increasing use of local provision.

### **Summary of public health implications**

20. The scope of the written statement of action includes education, health and care; as such, improving health and wellbeing is at the heart of the WSOA.

### **Summary of equality implications**

21. An EIA conversation document is being developed by partners throughout the process of developing the WSOA. It was discussed at the EIA Panel 14 October and rated as 'GREEN', providing sufficient evidence the public sector equality duty has been met.
22. Children and young people with SEND and their families often have very different experiences in all aspects of life from their peers nationally or their peers locally who do not have SEND; the difference is more marked for those with more complex needs and those with undiagnosed/difficult to diagnose needs. This can include issues such as being less likely to be in mainstream education, to not be able to access public transport or to live as independently as possible. For parent carers this all too often results in greater stress, many additional daily challenges and some have additional needs themselves. We also know that siblings are affected, including when they are young carers.
23. The experiences of families vary significantly depending on whether the child has a diagnosis and/or an EHCP, and the complexity of the need.
24. The WSoA aims to have a positive impact on the experiences and outcomes for children and young people with SEND and their families. It will create significant changes for employees, both in the Council and partner agencies in terms of culture, practice and processes. It is also intended to have a positive impact in terms of the wider community (in school and in civic society) becoming more inclusive and children and adults being used to seeing more diversity.
25. It will do this through addressing the eight issues identified in the inspection report and delivery of the strategic aims of preparation for adulthood (as set out in the SEND & Inclusion Strategy). It is a long-term plan, and while some improvements are starting to be made now, others will take time.
26. Further EIAs will be carried out at the implementation stage.

### **Summary of risk assessment**

27. Risks arising from the delivery of the WSOA are being identified during its development, and risk registers and mitigations will be put in place for projects as part of the WSoA. The more significant risk for the Council arises from a failure to develop and implement a robust WSoA. These include:
  - a) If the WSoA is not judged fit for purpose OR if it is not robust and therefore cannot be delivered, BCP risks intervention by the DfE.
  - b) There is an increased risk of not delivering improvement.
  - c) Failure to support co-production could lead to the follow up inspection finding that BCP has not made sufficient progress.
  - d) Failure to meet statutory requirements including failure to provide robust information to inform commissioning decisions.
  - e) Failure of statutory SEND process to enable wider SEND improvement work and HNB deficit management.
  - f) Failure to meet statutory timescales and requirements.
  - g) Increase in Tribunal or Ombudsman awarded costs.

28. The programme to develop the WSoA has taken account of these risks and mitigates them through the arrangements summarised in paragraphs 5 – 7; with the actions themselves in the WSoA providing mitigation against other risks listed above.

**Background papers**

None.

**Appendices**

None