

CHILDREN AND YOUNG PEOPLE OVERVIEW AND SCRUTINY COMMITTEE

4 DECEMBER 2018

UPDATE ON JOINT LOCAL AREA SPECIAL EDUCATIONAL NEEDS AND DISABILITIES (SEND) INSPECTION

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Summary

The Medway Local Area was inspected by Ofsted and the Care Quality Commission (CQC) from 4- 8 December 2017. The inspection focussed on the local areas' effectiveness in identifying and meeting the needs of disabled children and young people and those who have special educational needs. The Local Area Special Educational Needs and Disabilities (SEND) inspection outcome letter was published on 8 February 2018.

Ofsted and the CQC concluded that the inspection identified a number of serious weaknesses and therefore the Local Authority and CCG were required to submit a Written Statement of Action to the Department for Education (DfE) which was accepted and published in April 2018.

This report provides an update on the actions taken to address the areas of weakness identified under each inspection theme.

1. Budget and Policy Framework

- 1.1 This report is within the Council's Policy Framework.
- 1.2 The SEND local offer is required to bring together education, health & social care services across Medway to transform specialist provision for young people from 0 – 25 years old.
- 1.3 This report informs the Children and Young People Overview and Scrutiny Committee of the progress made towards the actions detailed in the SEND Written Statement of Action that addresses the areas of weakness identified

in the SEND Local Area Inspection, which was carried out jointly by the Office for Standards in Education, Children's Services and Skills (Ofsted) and the Care Quality Commission (CQC) between the 4 and 8 December 2017.

2. Background

- 2.1 The purpose of the Local Area SEND Inspections is to evaluate how well local areas are discharging their duties in relation to SEND. These duties are contained in the Children and Families Act 2014 and elaborated on in the statutory guidance, 'Special Educational Needs and Disability Code of Practice: 0-25 Years' (the Code of Practice). These duties came into force in September 2014.
- 2.2 Inspections of Local Area arrangements for SEND began in May 2016 and it is expected that all local areas will have been inspected by July 2019. The outcome of the inspection is published on the Ofsted website in the form of a letter to the Director of Children and Adults Services that sets out strengths and areas for improvement.
- 2.3 Depending on the outcomes, a local area may be required to provide a written statement setting out the actions that it will take to address priorities identified, and the timescales for taking these actions. A written statement will be required in the event that inspectors identify significant concerns in relation to the way the local area is meeting its duties under the Children and Families Act 2014.
- 2.4 Of the Local Areas that have been inspected to date, 40% have been required to provide a written statement of action.
- 2.5 The Inspection Framework emphasises that Local Area Inspections evaluate the effectiveness of all relevant partners in the local area in fulfilling their responsibilities for SEND. The inspection therefore evaluates the contribution and impact of the local authority, the Clinical Commissioning Group (CCG), Public Health, specialist services, early years settings, schools and further education providers. In the event that an action statement needs to be submitted following an inspection, the report will make clear which partner agencies are responsible for preparing and submitting the statement.
- 2.6 The inspection focused on three broad areas:
 - The effectiveness of the local area in **identifying** children and young people who have special educational needs and/or disabilities.
 - The effectiveness of the local area in **assessing and meeting** the needs of children and young people who have special educational needs and/or disabilities.
 - The effectiveness of the local area in **improving outcomes** for children and young people who have special educational needs and/or disabilities.
- 2.7 The inspectors considered evidence particularly in relation to:
 - The accuracy of the local area's self-evaluation.
 - The extent to which outcomes for children and young people are improving.
 - The efficiency of identification of special educational needs and disabilities, and the timeliness and usefulness of assessments.

- How well local agencies and bodies co-ordinate their work to assess needs and provide support.
- How well the local area engages with children and young people, and parents/carers, to inform strategic commissioning of services.
- How well the local area involves individual children and young people, and parents/carers, in the process of assessing their individual needs.
- The extent to which the local area gives due regard to its duties under the Equality Act 2010 to children and young people with special educational needs and/or disabilities.
- The effectiveness of the Leadership and Governance overseeing the SEND Reforms.

2.8 During the inspection, inspectors visited a nursery, several schools and a college in addition to specialist health services. They met with key officers from health, education and social care, and sought the views of parents, carers and young people on their experience of services. They will also reviewed samples of children's and young people's case notes and Education, Health and Care (EHC) Plans.

3. Medway Local Area SEND Inspection Outcome

3.1 The judgement from the inspection was contained in a letter addressed to the Director of Children and Adult Services and published on the Ofsted website on 8 February 2018.

3.2 The inspectors concluded that the inspection raised significant concerns about the effectiveness of the local area and required the local authority and Clinical Commissioning Group (CCG) to jointly produce and submit a written statement of action to Ofsted by 19th April 2018 that explains how the local area will tackle the following areas of significant weakness:

- the lack of joint strategic leadership across the area between the Council, the CCG and education providers;
- the lack of a clearly communicated strategy that is understood and shared by leaders across the area;
- the extent to which providers in the area take suitable responsibility for ensuring the effective implementation of the reforms;
- the lack of clearly understood and effective lines of accountability;
- the quality and rigour of self-evaluation and monitoring and its effectiveness in driving improvement;
- the sufficiency of information to inform accurate evaluation;
- the quality of education health and care plans; and
- the lack of effective co-production at all levels.

3.3 A SEND Improvement Board was set up with the remit to monitor and scrutinise the progress towards the actions set out on the Written Statement of Action.

3.4 The Written Statement of Action focuses on:

- Strategic leadership providing effective oversight of the SEND agenda.
- Improvement to the co-production model across all services.
- Improving the quality of Education, Health and Care Plans.

- Development of a shared Local Area SEND Strategy.
- Identification and analysis of data to inform accurate evaluation.

4. **Update on Progress towards the Improvement Actions**

4.1 Area One and Two

The lack of strategic leadership across the area between the council, the CCG and education providers

The lack of clearly understood and effective lines of accountability

- The SEND Improvement Board continues to meet monthly. It has recently considered updates about the progress of new health contracts, exclusions, out of area placements, alternative provision review and communication plans.
- The SEND Improvement Board remains well attended with parents and young people taking an active role.
- A further update on the progress towards the SEND improvements is to be presented to the Overview and Scrutiny Committee on 4 December 2018.
- Regular updates of the work of the SEND Operational Group are presented to the monthly SEND Improvement Board providing detail of the actions being taken and an opportunity to ask for assistance when actions have become “stuck”.
- Future agendas for SEND Improvement Board have been agreed in line with the timescales for actions identified in the written statement of action.
- Regional Schools Commissioner Representative continues to attend the SEND Improvement Board providing a valuable link to Academy Trusts
- Primary, Secondary and Special School reps and Further Education Rep attend SEND Improvement Board
- A joint communications plan has been agreed.

Evidence of Impact

- Board members are asking challenging questions and setting timescales for actions to be achieved. This is a reflection of the increased focus on the SEND Reforms and improvements required at a leadership/strategic level.
- Primary and Secondary Schools are engaged at a strategic level.
- Parents and young people are engaged at a strategic level and actively involved in strategic decision-making.
- Parents’ voices are being gathered by parent reps and fed into the meeting.

- Parent Reps report that:-
 - Medway Parents and Carers Forum and young people attend every improvement board meeting, where they are able to contribute equally with other professionals.
 - Accountability is openly discussed and ownership is taken thereof at board meeting.
 - Communication between some members of the board between meetings can be weak.
- Young Peoples reps are feeding back to the Young Peoples Disability Groups and they are starting to put forward work streams that they would like to prioritise i.e. travel training and reshaping of Preparing for Adulthood Reviews.

4.2 Area 3

The lack of a clearly communicated SEND strategy that is understood and shared by leaders across the area.

Key actions

- Draft Visions and Aims for the SEND Strategy have been identified, based on written statement of action and themes emerging from joint work with parents and young people.
- Communications plan was agreed at SEND Improvement Board on 3 October.
- First update “newsletter” being developed and regular newsletters will ensure that parents, cares and young people are aware of the new strategy when it is finalised.
- We have completed an analysis of future demand for profound and multiple learning difficulties (PMLD) SEN places and are progressing well in the analysis for other primary need groups.
- We have recruited a SEND Consultant to assist with SEND Strategy.
- A special free school bid has been submitted.

Evidence of Impact

- There has been a reduction in the number of children educated out of Medway Area in 2017/18
- Two new provisions have opened, Thomas Averling Hearing Impairment Unit and 3 “R”s, to ensure children can remain in Medway for their education.

4.3 Area 4

The extent to which providers in the area take responsibility for ensuring the effective implementation of the reforms.

Key actions

- Review of Alternative Provision in Medway, led by a reference group of education leads and key officers, for children who have been excluded or who are at risk of exclusion has been completed.
- Key recommendations from this review are being actioned, including discussions with the Education and Skills Funding Agency (ESFA) and Department for Education (DfE) regarding the development of an outreach inclusion service attached to a free school.
- Exclusion data has been scrutinised at SEND Improvement Board.
- The Strategic Schools Improvement Funded Inclusion Programme with Primary Schools, launched in April 2018, continues to be delivered with good levels of engagement.
- School census data from all schools has been accessed, gathered and analysed.
- Schools are being challenged if their identification of SEN Support pupils is not within expected levels.
- Year 1 of Royal Opera House funded pilot underway for support to vulnerable pupils during transfer to secondary school. Its two-year pilot but there has been mixed engagement from targeted schools. External monitoring is identified.
- Top-up funding for schools to support SEN Support students continues to be used well and we continue to see numbers of schools accessing this.
- Training delivered on 25 September 2018 to SEN Co-ordinators (SENCOs) that are new in role and/or new to Medway or who missed the training in June 2018. Positive evaluations received. This covered Statutory Assessment process, funding and the role of the SENCO.
- In School Review (ISRs) meetings with named Education Plan for the school offered to all schools and academies in Medway three times a year. These meetings aim to increase the schools ability to meet the needs of children and be more inclusive. Only one special school and two secondary schools choose not to engage with this.
- SEND Improvement Board has been presented with feedback from the performance monitoring meetings with health providers, North East London NHS Foundation Trust (NELFT) and Medway Community Healthcare (MCH).
- Funding for positive behavioral support training has been secured from Transforming Care and Health Education England, a training provider has been procured and the dates for the training sessions have been set.

- NELFT emotional health services are fully mobilised.
- MCH children's community health services are currently mobilising the new service model. Some issues relating to capacity have been identified, and are being managed by NHS Medway CCG through formal contracting routes. A contractual meeting took place on 2nd October 2018, to identify and agree remedial actions in relation to areas of concern within the contract.
- NELFT and MCH have jointly met with commissioners and are working alongside one another to implement joint pathways of care. NELFT practitioners will be delivering joint clinics alongside MCH staff at the Medway Child Development Centre in the future.
- The Joint Commissioning Team is working with new contract providers to ensure that children requiring assessment and intervention from more than one health professional are routinely offered a joint assessment. This is now in place via the MCH contract, and future joint clinics with NELFT will be provided.
- Commissioners are awaiting formal patient satisfaction feedback relating to these new arrangements, to help determine their impact.

Parent reps report:-

- The Board has been updated on Alternative Provision Review.
- Exclusions data has been presented to both the SEND Improvement Board and Overview and Scrutiny Committee.
- Parents who have experienced joint health assessment meetings have indicated that they find them daunting and would like more information about the meetings to allow them to prepare.

Evidence of Impact

- Data is showing that fixed term exclusions from Medway Schools have dropped slightly from 3 times national average in Sept 2017 to 2.5 times national average in May 2018. (3.65 FTE to 3.012 FTE).
- Highest excluding secondary schools have been identified.
- At this early stage, it should be noted that there have been many positive developments under the new MCH contract, which commenced on 1st June 2018. These include the development of an Autistic Spectrum Disorder (ASD) NICE-compliant pathway, new service provision for children with Attention Deficit Hyper-activity Disorder (ADHD), single point of access to services, and greater multi disciplinary review of children and young people.
- From the in-school reviews, Educational Psychology (EP) time is bought in by schools to do preventative work, training, individual and group work, assessments etc. Last year 70 schools in Medway purchased the EP service.

- Data shows that, despite work to encourage schools to support children appropriately at SEN Support level, the number of requests for EHCP assessments continues to rise.

4.4 Areas 5 and 6

The quality and rigour of self-evaluation and monitoring and its effectiveness in driving improvement.

The sufficiency of information to inform accurate evaluation.

Key actions

- SEND data dashboard has been developed and is to be presented to SEND Board on the 31st October. Updates will be presented monthly to allow for trends and changes in data to be identified and scrutinised.
- Parent Carer Survey has been co-produced with the parent carer forum and is being sent out in October 2018
- Young people Group have reviewed Mind Of My Own Application and concluded that it would be helpful to young people who have SEND. This will be available to young people by December 2018.
- Agreement given to recruit a permanent SEND Engagement Officer who will predominantly be responsible for updating and reviewing the Local Offer.
- A work plan for the new Local Offer Officer has been developed.

Evidence of Impact

- Data is being used to give clear understanding of start points and impact of actions being taken.
- Feedback from parents has informed the way we will manage the SEN Transport Application processes in future.
- Feedback from parents gathered by Medway Parent and Carers Forum (MPCF) has been used to assist with monitoring the new health contracts.

4.5 Area 7

1. The Quality of Education, Health and Care Plans.

Key actions

- GPs are now directly asked for information relating to Education Health and Care Plans, following joint work between partnership commissioning and SEN.
- Training re advice and outcomes for social workers and health staff has been designed and is ready to roll out.
- We are finalising an audit tool for EHCP's to assess quality.

- The Educational Psychology reports have been adapted to ensure that they are structured around the four Preparing for Adulthood Outcomes.
- A Supported Internship Network Group has been established.
- 12 young people with EHCPs engaged on BEMIX¹ Supported Internships for 2018/19
- 15 Supported Internships being offered at Mid Kent College
- Supported Internships are planned for 2019/20 at Bradfield's Academy
- Very good engagement with the Preparation for Adulthood group that meets 3 times a year – first meeting of this academic year on 18 Oct. Also very good engagement with the Young People's Disability group some of whom are willing to have their stories on the Local Offer website.
- SEN Case Officers have commended the national qualification for SEND Case Officers
- Parent reps report that:-
 - Health service professionals sometime still cause delays in EHCP paperwork; this may be due to a lack of understanding of the timelines set for EHCP's.
 - More employers need to be identified who are able to offer the support and employment placements to young people. This is always needed to give young people the variety and choice they deserve.

Evidence of Impact

- It's too early to see evidence of increased focus on quality of EHCP's
- Eight Supported Internships with BEMIX last year very successful with 5 going on to paid employment and others all having a progression route. All eight Supported Interns completed the year and evaluated it positively as did their families. Very successful celebration meeting with the young people and the Director and Deputy Director of Children and Adult Services and Cllr Mackness in September.

4.6 Area 8

The Lack of Effective Co-Production at all Levels.

Key Actions

- Medway Parent Carers Forum liaison meetings continue
- We are developing plans to introduce a Draft Plan Meeting with all parents/carers and young people who are being assessed for an EHCP.

¹ **Bemix** (formerly Skillnet Group) is a Social Enterprise supporting people with learning difficulties and/or autism to achieve equality.

- Parents and young people are an active part of the SEND Improvement Board.
- Parents are part of the SEND Operational Group
- NHS Medway CCG has incentivised Medway Community Healthcare within the new children's community health contract to lead on some areas of coproduction with children and families.
- Medway Parent Carers Forum have identified the following areas for co-production:-
 - SEN Transport
 - Transition to secondary school
 - EHCP Quality
 - Procurement of Voluntary Sector Services
 - Preparing for Adulthood Pathways

Parent reps report that:-

- MPCF are now involved in co-producing five key areas with Medway Council.
- We are working with MCH to help improve the new Paediatric service and are working with the CCG on a number of other issues.
- We worked throughout the summer with the Council on the implementation of the new transport policy to help smooth this transition (to ease this for parents).
- Young people meet at their own meetings and contribute to the Board meetings, MPCF are now going to meet with them to work on set pieces of mutually agreed work.

Evidence of Impact

- MPCF have agreed to identify five key projects that they will be involved in on a co-production level and that they would like us to consult only on all other actions/projects.
- Parent Carer Survey has been designed with parents/carers.
- Young People have reviewed the usefulness of MoMo.

5. DfE and NHS England Support, Monitoring and Scrutiny

- 5.1 The Local Area's progress towards the improvement actions in the Written Statement of Action is monitored for one year by representatives from NHS England and the DfE.

- 5.2 There have been two monitoring visits to date, July 2018 and October 2018. A final monitoring visit is scheduled for January 2019.
- 5.3 The progress to date has been acknowledged as generally on track.
- 5.4 After a period, usually around 12 months after the publication of the inspection outcome letter, the DfE will advise the Minister of Education on the progress of the Local Area on delivering the improvements. This may result in the Written Statement of Action and monitoring being lifted, a further period of monitoring or, in exceptional circumstances, further inspection by Ofsted and CQC.

6. Risk management

Risk	Description	Action to avoid or mitigate risk	Impact	Risk rating
The Minister does not agree that significant progress has been made to improve within one year and orders further action such as further scrutiny and monitoring, a direction to improve or further inspection.	After 12 months, the DfE and NHS England are required to submit a report to the Minister who will assess whether or not the actions in the written statement of action have been achieved.	To work closely and regularly with the DfE and NHS England advisors to monitor progress.	Marginal	Low
The high needs DSG reserve deficit will need to be recovered within three years.	The ESFA are consulting on changes to the DSG regulations which will require LA's to balance their DSG within three years.	The service are currently working on a financial recovery plan to mitigate this overspend.	Marginal	Low

7. Consultation

- 7.1 There is a requirement on the local area to publish the approved written statement of action on the CCG and Local Authority websites and the Local Offer website.
- 7.2 Parents and young people co-produced the written statement of action and are involved at every stage of its implementation.

8. Implications for Looked After Children

- 8.1 Nationally 67% of looked after children have some level of special educational needs.

8.2 All looked after children in Medway are known to the Virtual School whose role is to provide additional support to children and schools and ensure that looked after children are making good academic progress.

8.3 National benchmarking data shows that Medway looked after children who have special educational needs, do as well or better than their peers.

9. Financial implications

9.1 Where possible the action plan is to deliver improvements in consultation with the Leader Member for Children's Services within existing resources. If any additional resources are required to further implement the action plan, a report will be referred to Cabinet and Council as appropriate.

9.2 The round 2 monitoring forecast shows an anticipated overspend on SEN and Educational Psychology and this would result in an overall deficit on the high needs DSG reserve. The service are currently working on a financial recovery plan to mitigate this overspend.

10. Legal implications

10.1 The local authority has a responsibility to ensure young people with additional needs have access to an appropriate education. In doing so, the Local Authority must consider the application of the relevant legislation, including but not limited to, the Children and Families Act 2014 and the Equality Act 2010, and other relevant publications such as the Special Education Needs and Disability Code of Practice 0-25 years (2014).

10.2 Health and schools also have responsibilities to provide services to meet the needs of young people in the area. The inspection judgement is a shared responsibility with the Clinical Commissioning Group.

11. Recommendation

11.1 The Committee is asked to note the progress towards meeting the improvements detailed in the SEND Written Statement of Action.

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Appendices

Appendix A – Medway Local Area SEND Written Statement of Action

Background papers

None