

# **CHILDREN AND YOUNG PEOPLE OVERVIEW AND SCRUTINY COMMITTEE**

**3 AUGUST 2023**

## **SEND INSPECTION PERFORMANCE UPDATE**

Report from: Dr Lee-Anne Farach, Director of People and Deputy Chief Executive

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### Summary

This paper sets out Medway's SEND Inspection Performance in line with the updated Area SEND Inspection Framework published by Ofsted in January 2023. The paper sets out the current desktop analysis on performance measures and is based on information and evidence collated in partnership with key agencies in education, health and social care.

### 1. Recommendations

1.1. The Children and Young People Overview and Scrutiny Committee is asked to consider and comment on Medway's SEND Inspection Performance.

### 2. Budget and policy framework

- 2.1. Ofsted published a new inspection framework in 2022, which considers:
- What it is like to be a child or young person with SEND in the local area.
  - What the local partnership is doing and what needs to be improved.
  - Recommendations for improvements that the local partnership should act on.
  - Whether any priority action areas have been identified.
- 2.2. There are eleven new inspection evaluation criteria:
- i. Children and young people's needs are identified accurately and assessed in a timely and effective way.
  - ii. Children, young people and their families participate in decision-making about their individual plans and support.
  - iii. Children and young people receive the right help at the right time.
  - iv. Children and young people are well prepared for their next steps and achieve strong outcomes.

- v. Children and young people are valued, visible and included in their communities.
  - vi. Leaders are ambitious for children and young people with SEND.
  - vii. Leaders actively engage and work with children, young people and families.
  - viii. Leaders have an accurate, shared understanding of the needs of children and young people in their local area.
  - ix. Leaders commission services and provision to meet the needs and aspirations of children and young people, including commissioning arrangements for children and young people in alternative provision.
  - x. Leaders evaluate services and make improvements.
  - xi. Leaders create an environment in which effective practice and multi-agency working can flourish.
- 2.3. There are 3 possible outcomes from an inspection:
- 1. The local area partnerships SEND arrangements typically lead to positive experiences and outcomes for children and young people with SEND. The local area partnership is taking action where improvements are needed.
  - 2. The local areas partnerships arrangements lead to inconsistent experiences and outcomes for children and young people with SEND. The local area partnership must work jointly to make improvements.
  - 3. There are widespread and/or systemic failings leading to significant concerns about the experiences and outcomes of children and young people with SEND which the local area partnership must address urgently.
- 2.4. The Council Plan, the People Strategy and the Child-Friendly Medway – and Children and Young People Plan all outline key objectives that link to the Area SEND inspection framework.
- 2.5. The Medway SEND Strategy and Action Plan and the Safety Valve Plan contain actions that are closely linked to new inspection evaluation criteria and will enable us to move towards strongly meeting criteria as outlined in the Area SEND Inspection Framework.

### 3. Background

- 3.1. In order to fully evaluate the effectiveness of Medway's Joint Area SEND provision, officers worked with partners to conduct a robust self-evaluation. This work focused on measuring the impact of current systems and included: desktop performance and data analysis; stakeholder voice; individual child tracking; local area partnership views; and completion of final report.
- 3.2. The self-evaluation provides a useful benchmark from which to measure future performance and impact whilst highlighting further areas for necessary improvement.
- 3.3. The self-evaluation cycle will consist of termly checks and will be fully reviewed over the course of each year.

## 4. Advice and Analysis

- 4.1. The self-evaluation process was completed as an assessment of the implementation and impact of the services provided by all local area partners.
- 4.2. Each inspection criterion contains sub-sections that were evaluated based on current information, evaluative discussions about processes, quality of evidence and impact. Ratings in the sub-sections were then considered in order to provide an overall summative RAG rating against the Ofsted inspection criteria.
- 4.3. The RAG rating key is as follows:
- Red – There are widespread and/or systemic failings leading to significant concerns about the experiences and outcomes of children and young people with SEND which the local area partnership must address urgently.
  - Amber – The local areas partnerships arrangements lead to inconsistent experiences and outcomes for children and young people with SEND. The local area partnership must work jointly to make improvements.
  - Green – The local area partnerships SEND arrangements typically lead to positive experiences and outcomes for children and young people with SEND. The local area partnership is taking action where improvements are needed. fully met.
- 4.4. The evaluative summary is as follows:

<b>Inspection Criteria</b>	<b>Inspection Criteria Description</b>	<b>RAG Rating</b>
i	Children and young people's needs are identified accurately and assessed in a timely and effective way.	Red
ii	Children, young people and their families participate in decision-making about their individual plans and support.	Amber
iii	Children and young people receive the right help at the right time.	Red
iv	Children and young people are well prepared for their next steps and achieve strong outcomes.	Red
v	Children and young people are valued, visible and included in their communities.	Amber
vi	Leaders are ambitious for children and young people with SEND.	Amber
vii	Leaders actively engage and work with children, young people and families.	Amber

Inspection Criteria	Inspection Criteria Description	RAG Rating
vii	Leaders have an accurate, shared understanding of the needs of children and young people in their local area.	Amber
ix	Leaders commission services and provision to meet the needs and aspirations of children and young people, including commissioning arrangements for children and young people in alternative provision.	Amber/Green
x	Leaders evaluate services and make improvements.	Red
xi	Leaders create an environment in which effective practice and multi-agency working can flourish	Amber

4.5. Key strengths that were consistent across the evaluation criteria are summarised as follows:

- Policies and processes consider the views of all stakeholders and there are opportunities for all partners to engage in quality assurance, action planning and strategic development.
- Partnership working has significantly improved. There are a significant number of multi- agency forums and groups, with regular representation for key partners. However, there is still much to do to embed this practice.
- Senior leaders are ambitious and have a clear vision for each service. However, this is inconsistent amongst wider leaders.
- There is an established joint commissioning team in place and commissioning frameworks are consistently reviewed and are now being used. This includes new more rigorous contracts, in service agreements, costs and SLAs.
- There is a developing emphasis on value for money and quality assurance, which is underpinned by a clear strategic vision and quality assurance process. There is a culture of accountability developing in which leaders actively hold providers to account, provide healthy challenge and expect high quality service provision.

4.6. Key areas for improvement that were consistent across the evaluation criteria are summarised as follows:

- There are inconsistent processes in place across some services and this leads to stark inconsistencies in terms of outcomes and the experience of service users.
- There is a lack of evaluative evidence to demonstrate impact consistently across all measures. Whilst there are lots of actions and projects in place, much of the developments are recent and, therefore, there is little evidence to show the impact of this work over time.
- Data collection and data systems often hinder effective evaluation of service delivery. There are some recently introduced dashboards that enable data analysis but the impact of this is limited and inconsistent.

There is much work to do to ensure that baseline data is accurate, gathered consistently, shared widely, and used to inform future practice and strategic work. There does need to be an investment in the use of data and programmes that enable and empower staff and partners to access real time information to inform practice. The current systems do not allow this.

- There are a number of inconsistencies across processes and operations.
- Persistent absence figures are highest for our most vulnerable learners. New processes have been introduced to capture data on attendance. However, this is not yet at a stage to produce meaningful data.
- Although we are above national on some measures, the data above shows that the outcomes for students with SEND are well below the levels of their peers, at every measure, and those with EHCPs perform significantly worse.

## 5. Risk Management

Risk	Description	Action to avoid or mitigate risk	Risk rating
Stakeholders have conflicting priorities and there is a lack of partnership working	Services are not aligned by the agreed priorities.	There are a number of partnerships and forums established.  Plans are already co-produced across many areas and there is capacity to develop this further.	CIII
Impact cannot be fully evaluated or demonstrated with a secure evidence base.	There is inconsistent approach to monitoring and evaluation, and evidence gathering, (in particular data).  Data sets do not enable teams to analyse and evaluate impact in a robust manner.	Data review required to ensure that data sets enable and empower all leaders to evaluate progress over time.	BII
Lack of improvement in areas linked to criteria 1	Delays in identification and assessment persist across a number of measures, and agencies.  New processes and staffing structure are not in place, and the ability to meet current	New SLAs are being drafted for traded services to ensure that there is capacity to deliver key statutory services.  There is a pending restructure of the team that will enable significant	BII

Risk	Description	Action to avoid or mitigate risk	Risk rating
	and emerging service demands persists.	inefficiencies to be addressed.  Processes are being reviewed and rewritten to ensure that they are tailored to meet the current and emerging trends in Medway.	

Likelihood:	Impact:
A Very likely	I Catastrophic
B Likely	II Major
C Unlikely	III Moderate
D Rare	IV Minor

## 6. Consultation

- 6.1. This report takes into account evidence and contributions from education, health and social care professionals.
- 6.2. Members of the SEND Operational Group from across health, social care and education were involved in evaluative discussions relating to the Area SEND Inspection Framework and contributed to the development of the SEF evaluation tool.

## 7. Financial implications

- 7.1. Funding for children with SEND comes to the Local Authority through a High Needs Block of the Dedicated Schools Grant (DSG) from the Department for Education.
- 7.2. The Councils allocation of its DSG is under significant pressure. Particularly in relation to the in year overspends on the high needs block of the grant. At the end of the 2022/23 financial year the total overall deficit on the DSG was £21.440million. The current statutory override which, ends in March 2026, allows the Council to transfer this deficit into a ring-fenced reserve.
- 7.3. Over the next three years, Medway Council will receive £17.7million investment as part of the Safety Valve Intervention Programme (SVIP), to

support the delivery of a substantial plan for reform to its high needs systems. The Council received the first tranche of this funding in March 2023 totalling £5.723million.

- 7.4. The SVIP funding is dependent on evidence of improvements being delivered. This investment along with the planned changes outlined in our safety valve programme will bring the Council DSG reserve back into surplus before the statutory override ends

## 8. Legal implications

- 8.1. The Council has statutory duties under the Children & Families Act 2014 and the Care Act 2014 to provide for children and young people with special educational needs and disabilities.
- 8.2. The Area SEND Framework was devised jointly by Ofsted and the Care Quality Commission (CQC) for use from 2023 and will be periodically reviewed and amended.

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## Appendices

None

## Background documents

None