

## **Local Area Special Educational Needs and Disabilities (SEND) Inspection Update**

### **Report of the Head of Education & Learning**

*Please note that the following recommendations are subject to consideration and determination by the Cabinet (and confirmation under the provisions of the Council's Constitution) before taking effect.*

### **Recommendation(s)**

That the committee;

- a) Note the findings of Devon's Local Area SEND Inspection and the requirement for the local area to produce a Written Statement of Action within 70 days
- b) Note that the Inspection is of the area not the Local Authority
- c) Note the actions already taken or in progress by the local area
- d) Consider how the work of the Scrutiny Task and Finish informs and dovetails with the work in response to the findings of the Inspection

### **1. Background**

- 1.1. The Children and Families Act 2014 sets out legal duties to reform the way support is provided for children and young people with special educational needs and disabilities (SEND), which are being implemented by local authorities, CCGs and partners nationwide. The Act requires a culture change in the ways that professionals work with families and with each other, this is set out in the SEND Code of Practice 2015.
- 1.2. From May 2016, the Minister of State for Children and Families tasked Ofsted and the Care Quality Commission (CQC) with inspecting the effectiveness of local areas in fulfilling their duties.
- 1.3. The focus of the Local Area SEND Inspection is concentrated on three key 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. Devon Local Area SEND Inspection**

- 2.1. Between 10 and 14 December 2018, Ofsted and CQC conducted a joint inspection of the local area of Devon. Inspectors produced a letter summarising their findings:

<https://files.api.ofsted.gov.uk/v1/file/50054047>

- 2.2. The inspection identified strengths in relation to positive academic outcomes, support for children with the most complex needs and the strong commitment and dedication from staff across the local area. Inspectors also recognised that the strategies and plans that are in place are the right ones, but they are not yet sufficiently impacting on the lived experience of children and families in Devon. The Inspection findings validated Devon's self-assessment which was recognised as robust and accurate.
- 2.3. Her Majesty's Chief Inspector (HMCI) has determined that a Written Statement of Action (WSOA) is required to address four areas of weakness identified by Ofsted and CQC;
- i) Strategic plans and the local area's SEND arrangements are not embedded or widely understood by stakeholders, including schools, settings, staff and parents and carers.
  - ii) The significant concerns that were reported about communication with key stakeholders, particularly with parents and families.
  - iii) The time it takes to issue Education Health and Care Plans (EHCP) and the variable quality of these plans.
  - iv) Weaknesses in the identification, assessment, diagnosis and support of those children and young people with autism spectrum disorder.
- 2.4. The local authority and the clinical commissioning group are jointly responsible for submitting the written statement to Ofsted within 70 working days of receipt of the report. In Devon's case, the written statement needs to be submitted no later than Friday 10 May 2019.
- 2.5. Senior leaders in the local authority and clinical commissioning group are developing the detailed priority actions that will form the WSOA. The local area is supported in the development of the WSOA by advisors from the Department for Education and NHS England. The advisors reported their confidence in the actions being taken and the progress made since the inspection. The open and active approach has given advisors assurance of the capacity to further drive improvement.
- 2.6. The multi-agency SEND Improvement Board is responsible for the SEND Improvement Programme. The Board reports to the executive of the Devon Children and Families partnership. The WSOA needs to be understood in the context of the wider SEND Improvement Programme which has incorporated all of the findings from the Inspection in its work programme and action plans.
- 2.7. The required outcome is that lived experience for children and families involved with SEND will be good and will match the good educational outcomes achieved by children and young people with SEND in Devon.

### **3. Actions taken or in progress**

- 3.1. The WSOA is in development. It will set out the detailed outcomes and actions that the local area will deliver to address the four areas of concern. The draft will be sent to parents, schools and other stakeholders before the Easter break so that their contributions can inform the final draft. Work has already begun to drive forward improvements.

- 3.2. As recognised in the inspection report, the local area has begun to implement plans to improve **the timeliness and quality of EHCPs**;
- Increased senior leadership oversight and ownership of performance across education, health and care.
  - Streamlined EHC assessment processes to increase efficiency and more granular performance monitoring of assessments (process and quality)
  - Additional staffing to meet increased demand
  - Contract escalation processes applied appropriately with commissioned services.
  - Agreed multi-agency standards (based on standards by Council for Disabled Children)
  - Training, which is in development, providing clear expectations about quality and specificity that will ensure content of EHCPs is appropriate to needs.
  - Multi-agency quality audits to support workforce development
- 3.3. The rate of EHCPs being issued is now higher than the rate of requests. Whilst there is still a backlog of EHCPs to complete, productivity has increased. The balance of on time/late will improve as the number of overdue plans reduces week on week. The local area is developing clear performance targets, these are included in the SEND annual report.
- 3.4. Radical **change in relationships with partners and parents** is required which builds on the good progress and outstanding services that are in place in some parts of the system;
- The Chair of the Devon Children and Families Partnership wrote to parents of children and young people with an EHCP to reinforce the local area's complete commitment to delivering the improvements identified through the inspection. A commitment to write again in has been made to keep parents up to date with progress.
  - The Head of Communication & Media is advising on **communicating with all stakeholders about the local area's vision and strategic plans**
  - A revised EHCP format agreed with parents is in place, making the child and parent/carer views and aspirations more prominent and central to the Plan.
  - Pro-active written communication to parents and young people, who are experiencing delays in the EHC assessment process, is now common practice
  - Refresh of case management arrangements in the SEN 0-25 team so parents and young people have a single named contact to support improved communication and relationship building from the point of request for an EHCP
- 3.5. The inspection identified weaknesses in **the identification, assessment, diagnosis and support for children and young people with ASD**. This is not just about waiting times but how our whole system responds to the support and planning for these children and young people, to meet their needs effectively, while undergoing and following assessment. Adult services are similarly experiencing delays in diagnosis and post diagnosis support for people with autism.
- 3.6. We are working across the system and age range to improve how people with autism are supported across Devon. To enhance provision and practice across all educational settings, schools in Devon have completed the Devon Enhanced Autism Programme of training.

## **4 Conclusion**

- 4.1 Members have received regular updates about SEND and put in place a task and finish in order to penetrate more deeply. The Council has responded positively and with determination and commitment to the findings of the Inspection, which essentially

validated the area self-assessment. This has been recognised and endorsed by the DfE advisors supporting us in the development of our WSoA. The draft WSoA will be shared with parents, schools and other stakeholders at the end of March. The actions that will lead to the improvements are already underway. Inspectors will return within 18 months to assess the progress and impact of the Improvement Programme.

- 4.2 Members will also want to assess progress and impact. We would suggest an update report in Autumn 2019

**Electoral Divisions: All**

Cabinet Member for Children Services and Schools: Councillor James McInnes

Chief Officer for Childrens Services: Jo Olsson

LOCAL GOVERNMENT ACT 1972: LIST OF BACKGROUND PAPERS

None

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