



## **CHILDREN, YOUNG PEOPLE & EDUCATION COMMITTEE**

**Wednesday, 16 October 2024**

<b>REPORT TITLE:</b>	<b>SEND IMPROVEMENT</b>
<b>REPORT OF:</b>	<b>DIRECTOR FOR CHILDREN, FAMILIES AND EDUCATION</b>

### **REPORT SUMMARY**

This report provides members of the Children, Young People and Education Committee with an update on the improvement programme for Special Educational Needs and Disabilities (SEND) for the Local Area in Wirral.

In addition to an update on the September 2024 Local Area SEND Partnership Board progress and reporting this report provides members with clarity on how Wirral Council's additional £1.1m investment is being used to support Wirral's improvement journey.

### **RECOMMENDATION/S**

The Children, Young People and Education Committee is requested to note the progress of the Local Area SEND Partnership Board in progressing system improvement as required by the Improvement Notice.

## SUPPORTING INFORMATION

### 1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 It has been agreed with DfE and NHS England through the revised Terms of Reference for the Local Area SEND Partnership Board that the Health and Wellbeing Board is the appropriate forum to provide oversight of SEND improvement activity in Wirral, ensuring that the Written Statement of Action (WSoA) is fully delivered by October 2025. This report is presented to the Children, Young People and Education Committee to provide assurance of improvement and enable alignment with the business of the committee.

### 2.0 OTHER OPTIONS CONSIDERED

- 2.1 No other options have been considered. The Local Area SEND Partnership Board (LASPB) will provide updates for information to Wirral Health and Wellbeing Board, the Children, Young People and Education Committee, the Adult Social Care and Public Health Committee, and Wirral Safeguarding Children Partnership.

### 3.0 BACKGROUND INFORMATION

- 3.1 The LASPB received a range of reports on areas of progress over the reporting period to September 2024 in its last meeting held on the 24<sup>th</sup> September. These are covered individually below.
- 3.2 **Early Identification:** a briefing note on how Wirral will ensure that information is passed from health services to the local authority was provided. In line with the SEND Code of Practice, where health services anticipate a child under school age has or is likely to have SEND when they start school, they are required to have a discussion with the parents and then make a notification to the local authority. This duty is Section 23 of the Children and Family Act 2014. The purpose of the SEND Early Notification is to ensure that the Local Authority is aware of children with SEND and is able to ensure that the child has access to the right support arrangements at the right time. A local process has been defined which includes an Early Notification referral form which is utilised across other Places within C&M. The Local Authority chair a bimonthly Early Years panel which includes multi-agency members. It was felt that this was the most appropriate and effective forum to discuss and agree plans and provision for identified children.
- 3.3 **Continuing Care:** a draft continuing care protocol was presented to the LASPB as part of an ongoing piece of work to develop a Wirral specific protocol that will support more effective joint commissioning of packages of support across education, health and social care for some of Wirral's most vulnerable children and young people.
- 3.4 **Speech and Language Therapy Services and Neurodevelopmental Pathway developments:** demand for the Paediatric SLT service has far exceeded capacity for a long period, exacerbated during the Covid-19 pandemic, and has resulted in extended waiting times for the service. However, in the past 12-month period the Paediatric SLT waiting list have reduced from 2106 to 1332 (Sept 23 – Aug 24) and waiting list size for Paediatric Speech and Language Service have seen maximum

waits between Sept 2023 – Aug 2024 reduced from 120 weeks to 108 weeks, with the average wait being 31 weeks currently.

- 3.5 **Progress against Wirral's Written Statement of Action (WSOA).** The WSoA Impact Group monitors progress of the SEND Improvement Plan through monthly meetings with those responsible for delivery actions. An impact tracker is provided to the Local Area SEND Partnership Board (LASPB) highlighting performance, on progress and making any recommendations. This information can be located on Wirral's Local Offer website [www.SENDLOWirral.co.uk](http://www.SENDLOWirral.co.uk)
- 3.6 At the LASPB of 27th August 2024, it was reported that the target for Children's Services staff being trained in Co-production had not been met due to a delay in launching the FLO training module. Performance of 16.5% was achieved against a target of 20%. Following the Board meeting, the Organisational Development Team prioritised the training, which has now reached 22% of employees.
- 3.7 Publication of the SEND chapter of the Joint Strategic Needs Assessment missed the July 2024 deadline. In liaison with Children's Services, leaders in Public Health took steps to address this, and the JSNA chapter has now been published on Wirral Intelligence Service.
- 3.8 The SEND Strategic Performance Group continues to routinely deliver and refine its monitoring of key indicators. Stakeholders from across the Local Area are providing supporting narrative, identifying focus areas and involving staff in performance discussions across levels of hierarchy within their organisations. Fortnightly stuck case reviews in the statutory SEND assessment team are helping to ensure that the length of time taken for plans to be finalised is reducing. In July 2024, data from the Dynamic Support Register was added to the scorecards, broadening the range of information available for target groups. This is a positive development, giving leaders a more comprehensive view of performance in the local area.
- 3.9 On 19th September 2024, the Director for Children, Families and Education, presented an update report to the Health and Wellbeing Board on behalf of the LASPB. Members of the Health and Wellbeing Board were assured that the LASPB is appropriately monitoring the progress of the Written Statement of Action and meeting the requirements of the Improvement Notice. Members of the Health and Wellbeing Board requested access to the SEND Dashboard in addition to the WSoA Tracker, which will be arranged.
- 3.10 **EHCP Recovery Plan and utilisation of additional Local Authority funding:** In April 2024 an EHCP recovery plan was presented to the LASPB. Progress against the recovery plan has been positive in relation to achieving the intended outputs. Of the fourteen milestones due to be underway or achieved by the end of August 2024, nine are completed or on track with five delayed but not at risk. The five milestones that are delayed due to slippage relate to the delay in relation to the restructure and additional staffing capacity for the SEND Referral and Assessment Team and Educational Psychology Service. This was addressed with the approval of additional funding on the 11<sup>th</sup> September 2024. Despite the achievement of many of the

milestones in the recovery plan, Education, Health and Care Plan (EHCP) 20-week completion rates remain stubbornly low at below 20%.

3.11 Fig. 1.1 shows the key actions that were scheduled to be delivered in the first period of the recovery.

Action	Apr	May	Jun	Jul	Aug	RAG rating
Update and revise the SENDSTART Handbook so that it reflects our aspirations						Green
Agree and publicise/communicate “our Journey” setting out where we think we are and how we will reach our aspirations						Yellow
Develop and devise a process to monitor and reduce average plan completion times with a priority focus on “stuck” plans over 30 weeks.						Green
Develop timelines for phase transfers with early communication so that schools and families understand our process more clearly						Green
Implementation of the EHCP QA Framework						Green
Review of EHCP Decision Making Group to ensure accountability and QA of decision making across the partnership						Green
Restructure referral and assessment team to ensure sufficient staffing to meet capacity and delivery stability.						Yellow
Provide SENDSTART team colleagues with a toolkit to support with person centred planning						Yellow
NASEN L3/4 qualifications for all SENDSTART staff started- CPD						Yellow
Data cleanse for Migration to Liquid Logic EYES						Yellow
Migration to Liquid Logic EYES and Team Training						Green
MI reporting suite developed in LL EYES						Green
Invision360 QA Feedback process in place and impacting work						Green
Review of High Needs Funding Policy to ensure that top up funding for pupils with EHCPs is understood, transparent and equitable.						Green

3.12 **Annual Reviews and Phase Transfer Reviews:** A number of colleagues from across the partnership have worked together to develop a revised process and timeline for annual reviews, including phase transfer reviews, in Wirral. The process will provide for a clearer understanding of the roles and responsibilities of each partner and is transparent for parents and carers. There remains work to do across settings, schools and colleges to provide training on the revised process and how it is supported by the new Liquid Logic case management system. Wirral Council has, ahead of the restructure of the Referral and Assessment Team, ensured that the annual review staff are in place to meet the intended commitment to review all plans over this academic year. The revised flowchart is available to be circulated ahead of publication on SENDLO

3.13 **Review of the EHCP Decision Making Group (DMG):** In August SEND Managers supported by the DfE’s SEND Advisor reviewed and revised a number of processes and protocols in relation to EHCPs in Wirral. Central to the process was the role of DMG. As a result of this review and after

consultation with partners who attended DMG some significant changes to how we work across the partnership to moderate decision making have been made.

- 3.14 From September 2024 DMG has been fully reconstituted as Wirral's EHC Partnership. The purpose of the EHC Partnership is to:
- support Wirral Council's decision making in relation to decisions whether to undertake an EHCNA following an application for a needs assessment
  - support Wirral Council's decision making in relation to whether assessments demonstrate a need that meets the threshold for an EHCP
  - Support quality assurance of advice provided during the EHCNA
  - Where requested support funding and placement decisions that fall out of usual policy and are deemed impact across partner agencies.
- 3.15 This is a significant shift in the way in which needs assessments are overseen and moderated in Wirral. As such the operation of the EHC Partnership will be held under review over its first term of operations. A copy of the terms of reference for the EHC Partnership will be published on SENDLO.
- 3.16 **The EHCP Quality Assurance (QA) Framework** has been revised and redrafted to accommodate the changes to DMG. The framework is underpinned by Wirral's use of Invision 360 as a tool to support EHCP QA audits. It is recognised that there has been a lack of oversight of EHCPs and understanding of training needs. Therefore, the new QA Framework includes a number of touch points to ensure that all plans are read and approved prior to being sent out as final EHCPs. Additionally monthly multiagency QA workshops are scheduled across this academic year and will remain in place.
- 3.17 **Focussing on "stuck" cases:** at the start of the Summer a Deep Dive into EHCPs was conducted with Board members. During this workshop it was shared that Wirral had over 150 draft EHCPs that were "stuck" at draft due, for the most part to a lack of positive consultation responses. Starting over the Summer months and continuing over the 2024/25 academic year the AD for SEND and Inclusion and the manager of the SEND Referral and Assessment Team meet fortnightly to review cases that are at draft and over 20 weeks in order to move them forwards. With the transfer to Liquid Logic completed over the Summer the impact of these meetings will form part of reporting to the performance group as a focus on open EHCPs over 25 weeks, 30 weeks and 35 weeks.
- 3.18 **Review and Restructure of SEND Services:** Following the presentation of the EHCP and Annual Review Recovery plan in April of this year to the LASPB there was a full review of the capacity requirements and resourcing of the Referral and Assessment Team and Educational Psychology Service. Restructure proposals have been shared with staff and where required formal consultation processes undertaken ahead of revisions to roles and structures.
- 3.19 Due to the extent of the resourcing required and the urgency of action it was necessary for the additional in-year funding requests to be approval by Wirral Council's Policy and Resources Committee. This welcome approval was

granted on the 11th September. The additional resources will provide for a significant increase in the Referral and Assessment Team's capacity and ability to improve both EHCP quality and timeliness and also the experience of families and schools in terms of communication.

- 3.20 The delay in securing the additional funding has had an impact on the timescales originally proposed for the recovery plan. While it is intended that the impact on the delivery of the milestones not directly relating to the recruitment and training of staff will remain minimal, improvements in the quality and timeliness of plans and reductions in stage 1 complaints in relation to EHCPs will be impacted. The delay will likely push back improvements in performance by at least three months. However, the additional resources received will put services on a strong footing to achieve the goals set out originally. Board may wish to consider a range of mitigations and options in relation to accelerating performance measures in the near future.
- 3.21 The restructuring of the referral and Assessment Team is being undertaken at pace during this half term with the new structure in place for November. However, due to the number of new posts it will not be fully staffed ahead of January 2025 at the earliest. Despite challenges in recruitment and retention of agency staff there will remain a reliance on the additional capacity they bring until early 2025.
- 3.22 Timely provision of advice from educational psychologists is central to Wirral's ability to improve its EHCP performance measures. Over the Summer Wirral were successful in recruiting additional EPs into the core team so that the team were brought up to their establishment. Following the approval of additional funding on 11th September a further round of recruitment is scheduled to be undertaken with adverts going out from across the SEND Service in September for all the newly available posts.

#### **4.0 FINANCIAL IMPLICATIONS**

- 4.1 There are no direct resource implications arising from this report. The LASPB have considered those arising from improvement work on an individual basis and have agreed the necessary arrangements, as is documented in the board's minutes and action log.

#### **5.0 LEGAL IMPLICATIONS**

- 5.1 The Council, working with the Integrated Care Board (ICB) and its other partner agencies must comply with the Improvement Notice and the actions it contains, as set out in Section 28 (2) of the Children and Families Act 2014. Failure to comply would lead to further intervention from the Minister for Children, Families and Wellbeing.
- 5.2 Provision of Education, Health and Care Needs assessments and plans are statutory responsibilities under the Children and Families Act 2014

## **6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS**

6.1 There are no direct resource implications arising from this report. The LASPB have considered those arising from improvement work on an individual basis and have agreed the necessary arrangements, as is documented in the board's minutes and action log.

## **7.0 RELEVANT RISKS**

7.1 A risk and issues log is maintained and reviewed by the LASPB at each meeting. The LASPB Executive Group meets twice monthly to add additional oversight to risk management.

7.2 Should the Local Area SEND Partnership Board not deliver the improvement required as set out in the notice and Written Statement of Action further intervention under Section 497A of the Education Act 1996 would be invoked, thereby directing the Council to take further action to improve SEND services

## **8.0 ENGAGEMENT/CONSULTATION**

8.1 The Department for Education funds, via third sector organisation Contact, a parent carer forum for the local area. In Wirral, Parent Carer Participation Wirral (PCPW) are the designated group to represent the voice and experience of local families. PCPW are represented at the LASPB and its subgroups. The Participation & Engagement subgroup of the LASPB is Chaired by the Chair of PCPW.

8.2 On 19th July 2024, the Deputy Leader of the Council and Chair of the Health and Wellbeing Board, Lead Member for Children's Services and Director for Children, Families and Education met with the PCPW Steering Group to discuss parent experience, the LASPB and SEND improvement.

## **9.0 EQUALITY IMPLICATIONS**

9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. An Equality Impact Assessment is a tool to help council services identify steps they can take to ensure equality for anyone who might be affected by a particular policy, decision or activity.

## **10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS**

10.1 Wirral Council and NHS Cheshire and Merseyside and partners are committed to carrying out their work in an environmentally responsible manner.

## **11.0 COMMUNITY WEALTH IMPLICATIONS**

11.1 Community Wealth Building in Wirral focusses on partnerships and collaboration. These partnerships are led by Wirral Council with external partners and stakeholders, including residents. NHS Cheshire and Merseyside will support the Council in community wealth building by ensuring health and care organisations in the borough have a focus on reducing health inequalities and contribute to the development of a resilient and inclusive economy for Wirral.

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## **APPENDICES**

There are no appendices to this report.

## **BACKGROUND PAPERS**

While there are no background papers in relation to this report the full agenda and papers pack for the Local Area SEND Partnership are available on Wirral's Local Offer website, [www.SENDLOWirral.co.uk](http://www.SENDLOWirral.co.uk)

## **TERMS OF REFERENCE**

This report is being considered by the Children, Young People and Education Committee in accordance with Section (a) of its Terms of Reference:

The Committee is charged by full Council to undertake responsibility for:-

(a) exercising management, oversight and delivery of services to children and young people in relation to their care, wellbeing, education or health, with the exception of any powers reserved to full Council;

## **SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>