



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

**12<sup>TH</sup> OCTOBER 2022**

<b>REPORT TITLE:</b>	<b>PROGRESS REPORT 2: WIRRAL STATEMENT OF ACTION FOR SPECIAL EDUCATIONAL NEEDS AND DISABILITIES (SEND)</b>
<b>REPORT OF:</b>	<b>DIRECTOR FOR CHILDREN, FAMILIES AND EDUCATION</b>

### **REPORT SUMMARY**

The purpose of the report is to provide members of the Children, Young People and Education Committee with an update on progress on the Wirral Statement of Action (WSoA).

In September 2021, the local area's services for children and young people with Special Educational Needs and Disabilities (SEND) was inspected by Ofsted and the Care Quality Commission (CQC). As a result of the inspection, the local area was required to submit a Written Statement of Action to address the areas of improvement which had been identified. This was approved by Ofsted on behalf of the CQC on 28th March 2022.

The WSoA is being delivered via six workstreams, each with an improvement plan with leadership from the local authority (adults and children's services) and the NHS. Aligned with the reporting and monitoring arrangements outlined with the WSoA, this report is brought to the Children, Young People and Education Committee to provide the second formal monitoring report on progress.

Delivering the Wirral Statement of Action and the SEND transformation programme is aligned to the Wirral Plan 2021-2026 priority "Brighter Futures" and the Children's Services Business priority to 'create a culture of inclusion and aspiration'.

This is not a key decision.

### **RECOMMENDATIONS**

The Children, Young People and Education Committee is recommended to:

- a) Review and scrutinise the information contained within the report.

b) Subject to comments, approve the progress made to date on the actions in the Wirral Statement of Action; and,

c) Agree to receive a further monitoring report at a future date.

## **SUPPORTING INFORMATION**

### **1.0 REASON/S FOR RECOMMENDATIONS**

- 1.1 To ensure that elected Members have oversight of the Wirral Statement of Action, to be able to hold senior officers to be account and to be assured that progress is being made and outcomes improving.
- 1.2 To ensure there are clear lines of accountability, and that the reporting framework is adhered to, and governance and monitoring arrangements are robust.

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 Reporting to a single, separate accountable body: This report will sit alongside several update reports to Health and Wellbeing Board, Adults Social Care and Public Health Committee and other governance bodies across health. The option of reporting into one single governance body was discounted given the multiple responsibilities and cross-cutting themes relating to services for children and young people with SEND.
- 2.2 Do nothing: good governance and accountability will help to ensure strong oversight and monitoring of the Wirral Statement of Action. It is important, as part of any improvement programme, to effectively report on progress, highlight risks and provide assurance to elected Members and wider stakeholders.

### **3.0 BACKGROUND INFORMATION**

- 3.1 Since reporting to the Children, Young People and Education Committee in June 2022, the SEND Transformation Board has met twice, on 27 June 2022 and 05 September 2022. During the same period there has been one Monitoring Meeting with Department for Education and NHS England on 13 July 2022. Workstreams have continued to meet on a regular basis.
- 3.2 During the period there have been some changes to the SEND Transformation arrangements including, the Interim Deputy Director assuming operational responsibility for the Council's SEND Services, a change of lead for Workstream 5 following ICB changes, and all Project Co-ordinators in place to support the workstreams.
- 3.3 Progress of the WSoA is fully documented in Appendix 1, showing that of the 102 actions, 31 have been completed, 42 are on track, 7 are at risk of delay, and 22 have missed their deadline. The following workstream summaries further describe progress and exceptions.

- 3.4 Workstream 1 is making good progress with all action relating to data analysis having been completed and a first iteration of the Joint Strategic Needs Assessment (JSNA) published. An initial deep dive into the emerging findings, which took place in August 2022, has prompted further investigation of areas of interest, highlighting where strategic leaders want to better understand what the data is telling us and how that can be used to inform commissioning and provision requirements. With the SEND data dashboard established, a deep dive into the performance data is scheduled for 29 September 2022.
- 3.5 Some delay in achieving project milestones for the Joint Commissioning Forum, its governance and terms of reference, were experienced due to the Joint Commissioner for Children and Young People only coming into post in May 2022. It is anticipated that the Joint Commissioning Forum will become operational in the new academic term.
- 3.6 By November 2022, the DfE Advisor expects the dashboard to be fully operational, with demonstrable evidence of performance improvement as a result.
- 3.7 At the point of the Monitoring Meeting in June 2022, Workstream 2 was reporting 10 actions for which the deadline had been pushed back to allow meaningful collaboration with stakeholders to take place. Senior Leadership supported the delay, accepting that the Education, Health and Care (EHC) Needs Assessment to Annual Review process is critical to get right. These actions have since been completed and a refreshed EHC Needs Assessment to Annual review process has been implemented as of 05 September 2022.
- 3.8 Changes to the EHC Needs Assessment to Annual Review process are both procedural and cultural. In addition to publishing a new process, pathway and operational arrangements, the delivery of service has been refreshed to promote relationship-based practice. The service has adopted an Every Child, Every Time Mission, EHC Co-ordinators and Annual Review Officers will be case holders having significantly more direct contact with families, and all paperwork, marketing materials and forms have been reviewed to remove, where appropriate, legal terminology and professional jargon. The Local Offer website has been updated to include a new tile capturing all information and documentation young people and families need to better understand the process.
- 3.9 The Monitoring Meeting scheduled for November 2022 expects evidence to show that the new process and approach is providing a better experience for families as well as increased compliance with timeliness and the Code of Practice.
- 3.10 As part of their offer, the DfE provide access to support programmes. In April 2022, support for co-production was identified as a priority for Wirral. This support will be provided by Rise and the Children with Disabilities Council. There has been delay in accessing this support due to commissioning arrangements at DfE. This has now been resolved and the package of support signed off. Co-production events and workshops are scheduled for September to November 2022, with a Co-production Charter expected to be published in October.
- 3.11 Activity to improve communication, relationships and opportunities for more face-to-face engagement has been consistent throughout the Transformation Programme.

Open Sessions for parent carers have been held regularly in school settings, with promotion and published notes on the Local Offer website. Coffee mornings, weekend sessions, and drop-ins have been popular with parents. Several parents volunteered to share their experiences with senior leaders and these have been extremely valuable in informing the new arrangements, communications policy, and improving communication channels.

- 3.12 The Interim Deputy Director and steering group for the parent carer forum, Parent Carer Participation Wirral (PCPW), have met on a weekly basis throughout term time, working to achieve improved communication and collaboration. This has led to focused sessions to explore attendance for children and young people with SEND and post-16 education, employment and training options. The parent carer forum noted in the Monitoring Meeting that this work is an early indicator of improving collaboration.
- 3.13 Workstream 4 has a significant task to undertake in agreeing a borough-wide Graduated Response that can be consistently applied across all education settings. The Graduated Response has 3 elements: universal offer, early support, and statutory provision (EHCP). Good progress has been made in outlining the universal offer and the achievements of Workstream 2 in refreshing the EHC Needs Assessment to Annual Review process determine the statutory element. The remaining work focuses on the early support aspect, which will involve the greatest number of stakeholders. Preparatory work has been undertaken within Children's Services with the establishment of the Extended SEND Management Team and recruitment of the Inclusion Team. Throughout September and October significant stakeholder engagement will take place to ensure that whilst maximising the full resource for early support, there are clear pathways which ensure that children, young people and families receive the right support from the right person at the right time. It is essential that meaningful co-production takes place to enable this which have led to the timescales for completion being extended.
- 3.14 The parent carer forum supported Workstream 4 to develop a training survey and analysis tool for staff in educational settings, with a particular focus on Special Educational Needs Co-ordinators. The survey results will be used to inform the workforce development plans, which are being supported with work by the University of Chester. With the SENCo network being re-established in September 2022, and the Local Offer functionality extending to online forums, it is anticipated that increased pace will be achieved in this workstream in the new academic term.
- 3.15 The health subgroup attached to Workstream 5 has made progress understanding what is working well for families and what could be improved. This learning is reported back to providers and is informing pathway developments. Initial work to understand the neurodevelopmental pathway has revealed how complex the system is and the initial focus is on how this can be improved for young people and families. Metrics are being included in the dashboard to monitor this, which will be available in November 2022.
- 3.16 Provision for mental health in primary schools is secure but there are gaps in provision for young people in secondary and further education. This need is aligned with the work being undertaken by the Mental Health and Wellbeing Project, which seeks to create a single point of access for young people.

- 3.17 Mapping of specialist and resource base provision has been undertaken to provide commissioners, senior leaders, parent carers and education colleagues with a comprehensive overview of current provision. With 5 new resource bases being commissioned for September 2022, work has continued over the summer period to ensure that children starting at base provision in the new term have the information and support they need to be confident in their placement. The parent carer forum were integral to recognising the need for this additional support, making representation to the SEND Transformation Board members on behalf of families who felt underinformed and underprepared for the start of the academic year.
- 3.18 Workstream 6 has faced a delayed start in initiating regular meetings leading to slippage in meeting deadlines. In response meeting frequency has been increased to fortnightly allowing for increased pace of activity. The service specification for the Local Offer website has been outlined by the group and a range of exemplar sites considered and evaluated. In addition to this, work to improve the existing Local Offer website has been undertaken, with the addition of 3 new tiles: (i) SEND Transformation Programme to provide parent carers with up-to-date information on the improvements; (ii) Wirral SEND Service to provide information on organisational structure, roles and responsibilities, what the service does, how they do it, and why; and (iii) EHCP process providing all the documentation and information to guide young people and families. Further improvements to the existing site are scheduled and include refreshing the early years section, information on education settings, and the early support offer.
- 3.19 Recruitment to the Local Offer Lead post is underway and additional capacity for participation and engagement in place, increasing the establishment from 2.0 FTE to 4.0 FTE.
- 3.19 Whilst many of the actions have been completed across the Workstreams, evidence of impact, particularly for the experiences of children, young people and families may take several months to be consistently demonstrable. Gathering evidence is a priority in advance of the next Monitoring Meeting, with new systems to collect user experience, compliance checklists, quality assurance processes and online surveys, expected to provide this evidence.
- 3.20 Improvement in key areas is evident in performance indicators, with EHCP timeliness increasing from 24% compliance in 2020/21 to a current figure of 40%, and the percentage of requests which resulted in tribunal decreasing from 8.12% in 2020/21 to 4.09%.
- 3.21 Over the period September to November 2022, there is a significant amount to be achieved with an expectation that 89 of the 102 actions will be completed. The SEND Transformation Board is grateful to members, stakeholder, partners and the parent carer forum for their continuing support and contribution to the Transformation Programme.

## **4.0 FINANCIAL IMPLICATIONS**

- 4.1 There has been agreement for a reserve to be established from the 21/22 underspend specifically for this purpose which currently stands at £1.051m. The use

of the reserve will be monitored regularly, and a more detailed position statement provided in the next reporting period. The Department of Education and CQC advisors have encouraged investment of this nature to support the improvement plan and change programme.

## **5.0 LEGAL IMPLICATIONS**

- 5.1 The Children and Families Act 2014 sets out the statutory requirements and responsibilities for the local authority and partners in providing support and services for children, young people and families with SEND. This legislation is underpinned by statutory guidance: the SEND Code of Practice. The Council has a legal duty to fulfil the requirements and expectations as set out.
- 5.2 Delivering on the Wirral Statement of Action will ensure that the local authority and health and education partners will meet their legal duties.
- 5.3 It should be noted that a recent government review of SEND has resulted in the development of a green paper before Government. It is expected that there will be legislative changes on the horizon in the wake of the review and green paper. In this regard, the local authority will be required to adhere to the new legal framework as set out.

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

- 6.1 Delivering the WSoA requires resources from staff, ICT and Assets. Since the local area inspection, senior managers, officers and operational staff have been required to take on additional responsibilities to support the transformation programme. Additional staff have been required at both strategic and operational levels and this may be needed further to ensure the transformation programme can be delivered.
- 6.2 There may be a requirement to develop new ICT infrastructure, for example, to capture and share data better across health, education and local authority partners. There have been requirements for Assets to assist in the establishment of inclusion bases or infrastructure projects which relate to securing improved provision across the local area.

## **7.0 RELEVANT RISKS**

- 7.1 The pace required to accelerate change is significant. Progress will be monitored regularly by the Department for Education and escalated if swift action is not taken, and tangible outcomes identified. Ofsted will return for a re-inspection within 18 months' time, meaning that timescales are challenging for the scale and pace required. Partners across the local area are working quickly to prioritise, resource and drive change to provide both assurance of progress and be able to evidence improvement within the timescale.
- 7.2 Failure to invest in the improvement programme carries a risk that the relevant improvements will not be made. The £1 million improvement funding (as referenced in section 4 of the report) will assist in supporting the change programme and mitigating the risk.

## 8.0 ENGAGEMENT/CONSULTATION

8.1 There is parent carer and young person's representation for the SEND Transformation Board and its workstreams. Regular engagement with the parent carer forum's Steering Group and the SEND Youth Voice Group is taking place. Improved use of the Local Offer website over coming months will enable a greater reach for engagement activity.

## 9.0 EQUALITY IMPLICATIONS

9.1 An Equality Impact Assessment has been carried out and is available here.

## 10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 The content and recommendations contained within this report are expected to have no impact on emissions of Greenhouse Gases.

## 11.0 COMMUNITY WEALTH IMPLICATIONS

11.1 There are no community wealth implications arising from the report.

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## APPENDICES

Appendix 1- WSoA BRAG Rated Update September 2022

## BACKGROUND PAPERS

SEND Joint local area inspection report <https://files.ofsted.gov.uk/v1/file/50173702>

SEND Code of Practice <https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

## SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Children, Young People and Education Committee	21 <sup>st</sup> June 2022
Children, Young People and Education Committee	31st January 2022
Children, Young People and Education Committee	4th June 2021
Children, Young People and Education Committee	28th January 2021
Children, Young People and Education Committee	1st December 2020
Children and Families Overview and Scrutiny Committee	28th January 2020