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**Meeting of the Children and Young People Scrutiny Committee – 20<sup>th</sup> January 2022**

**Report of the Director of Children's Services**

**Special Educational Needs and Disabilities (SEND) Improvement Programme Update**

**Purpose**

1. The purpose of this report is to update the Scrutiny Committee on some key areas of operational performance progress and elements of the wider improvements and transformation we are implementing across the Dudley SEND Partnership.

The report includes October deep dive feedback in relation to the SEND Written Statement of Action (WSOA) that Dudley Metropolitan Borough Council (DMBC) and the area's Clinical Commissioning Group (CCG) are jointly responsible for delivering.

This follows a joint inspection of the local area in May 2019 to inspect the provision for children and young people (CYP) with special educational needs and disabilities

This will give Members the opportunity to raise any questions and be reassured that DMBC and wider partnership are making significant progress with the improvements we have committed to deliver.

**Recommendations**

2. It is recommended that the Committee:

Note and comment on the current operational progress with regard to our strategies and approaches.

Note and comment on the WSoA improvements within DMBC and partner organisations that are designed to embed the cultural and operational changes required to achieve sustainable improved outcomes for our Children and Young People.

Note and comment on the feedback received from the DfE and the impacts and improvements that are beginning to be seen on the ground.

## **Background**

3. Members will be aware from previous updates of the results of the 2019 Joint Area Inspection and the resulting Written Statement of Action (WSOA) and wider SEND Improvement Programme that has been instigated as a result of the inspection findings.

## **SEND Deep Dives**

4. As part of the on-going support provided by the DfE the Dudley Local Area have been invited to participate in a pilot approach to preparing for SEND Re-Visits. This is delivered via a series of 'SEND Deep Dives' where the areas of weakness in the WSoA identified at the original inspection are divided into four sessions in our case and the DfE team meet with the relevant Local Area Teams involved to understand the following:
  1. What has changed?
  2. What progress has been made?
  3. What has been done?
  4. What is the evidence of impact on the ground of your improvements?
  5. What are the next steps?

The second of four sessions were held in October 2021 and covered the following areas of weakness:

Area 2.- The needs of children and young people (CYP) with SEND have not been accurately identified or moderated over time.

Area 3. - A strategic approach to assessment and provision management in Dudley is lacking.

Area 4. - Joint Commissioning is underdeveloped and not always informed by accurate analysis of data.

Area 10 – Education Health Care (EHC) plans are often of a poor quality, they do not all contain Health and Social Care needs and are not outcome-focused.

The sessions were hosted by a Lead Officer and supported by a range of colleagues from across the Local Area in Health, Parent Carer Forum (PCF), Black Country Partnership, Public Health, Social Care and Schools.

General feedback from the DfE on the first Deep Dive session was:

- The Local Area overview power point presentation provided an extremely positive introduction to the background and context for the WSoA. Having presenters from DMBC, Clinical Commissioning Group (CCG) and PCF not only gave different



perspectives but also powerfully demonstrated the strategic partnerships joined up approach.

- Presentations for Area 2 and Area 3 were excellent. It shone through that more leaders across the system, alongside parent/carer leaders from the PCF, understood the intended outcomes and progress made in priorities 2 and 3. In the following Area 4 and Area 10 sessions, both were of a good standard of presentation.
- The presentation would be even better if the final two presentations (priorities 4 and 10) indicated who was present in their first slide (as priorities 2 and 3 had done), referencing the impact of covid and the refinement of the road map to reflect the progress at regular time intervals.

In conclusion, the whole team had clearly reflected on previous feedback, acted upon it and produced a coherent and detailed account of where the area has made progress against every priority focused upon in this session. There was a clear collegiate vision, purpose and clarity of what was required at the next stage to ensure high impact and change.

Further work is still needed on a covid position statement for Dudley.

With regard to feedback on the focus areas covered on the day:

Priority 2- The needs of children and young people with SEND have not been accurately identified or moderated over time.

- There was clear evidence provided of progress over time and the current status of intended outcomes and planning for change
- There is now a single SEND dataset established since 2020 - trends and forecasting are now permissible.
- Data slides indicate that the borough has a developed dataset which is enabling analysis of need and prediction of provision and sufficiency

Even better if:

- The focus upon Bases in the presentation was very positive, a slide on wider Education and Health Care Plans (EHCP) appropriateness of placement/match to EHCP with data/numbers would be useful in addition.
- Data and information is much more coherent and enabling improved planning. We now await evidence of impact on outcomes for children and young people.

Priority 3 - A strategic approach to assessment and provision mapping in Dudley is lacking.

- There is now a single data set across partner agencies used for cohort planning
- SEND needs analysis showed in the increase trend in Social, emotional and mental health (SEMH) and Speech, language and communication needs (SLCN) Autism spectrum disorder (ASD) population.



- There is progress in terms of using the data to plan and inform their base planning and development.

Even better if:

- The lag in impact is evident - much entirely necessary foundations are now in place, with special places including bases now reflecting place designation at an appropriate level. This now needs to develop across mainstream to ensure more consistent assessment and identification of need, and meeting of needs.
- Engagement of mainstream school leaders is more evident within Deep Dives with the LA and CCG/ICS, through presence or 'testimony.'
- Local area is in the initial review of school health services, exploring different models of care delivery; they now need to demonstrate they have a clear understanding of needs and clear/ consistent models of care.

Priority 4 - Joint commissioning is underdeveloped and not always informed by accurate analysis of data.

- Of the planned actions in the WSoA 13 out of 13 have been completed. Formalised joint commissioning arrangements are in place and working well. A written commissioning policy is in place.
- Joint commissioning one of the key components of the SEND Strategy
- A detailed spend profile across DMBC and CCG is in place, being used to assess current effectiveness and plan new provision

Even better if:

- The area recognises "An outcomes led framework and performance metrics are not yet agreed and in place". Needs to now move at pace. CDC is supporting this process.
- Commissioning decisions informed by outcomes/spend/value for money are a work in progress. Such decisions need to link to the outcomes framework above.
- Halesbury example would benefit from clarity on the role that the voice of young people has had in developing provision. It also raised the question of decommissioning Year 14. This did not seem to have been considered, so while good evidence of working with Dudley providers, are DMBC/CCG also looking beyond Dudley for innovative provision and benchmarking?
- Course development mentioned above, again where is the voice of young people? It was less evident to reviewers. Issue raised of provision required for young people with medical needs largely psychological who have struggled in mainstream and may not cope with Further Education.
- Need to produce the data to support provision development that reduces health inequalities.



Priority 10 - EHC plans are often of a poor quality. They are not outcome-focused and often lack information about health and social care. Completed EHC plans are often not shared with early years settings.

- All actions are completed – guidance document; audit system etc but requiring more work/maintenance.
- A re-structured team is in place, increase in team size, SEND handbook produced, CPD and Induction programme established, online case management in place, multi-agency panel decision making introduced (most in time of virtual covid world).
- Tribunals and Complaints Officer; Local Offer officer and other new posts in place and making an impact.

Even better if:

- Revisit representation of focus group and identify those getting key message across. Give succinct explanation of any restructure, why? and impact?
- Further collection of evidence of impact both quantitative and qualitative. Feedback from parents, SENCOs, and other professionals.
- Dudley is aware that culture and practice needs to develop even further. They know that their Plans are not of a good enough quality. Include a regular cycle of process check. Use complaints and Tribunals as an opportunity to search for organisational learning.

Other Deep Dives scheduled for 13<sup>th</sup> December 2021 and 3<sup>rd</sup> March 2022.

Please see attached in Appendix 2 the SEND Deep Dive Schedule.

### **SEND Operational Performance/Data Update and Progress**

As part of our wider improvements, we are continually working to improve our SEND Operational performance measures including those laid out in the SEND Code of Practice.

What is working well:

- Process improvement and efficiencies
- Better use of business intelligence to support:
- Capacity planning for Case Officers
- Timeliness reporting and progress to support improvement activity
- Forecasting of SEND need over the next 3 to 5 years
- Data backed provision planning down to Primary Need, Age and Township
- Working as a system with partners, parents, carers, and children and young people to change how day to day works.

What is not working well:



- An increased number of requests for statutory assessments from Early Years for the Autumn term. This will have an impact on the timeliness of dealing with requests and the capacity of advice givers in the Spring term.
- Demand continues to increase from Parents and Schools for specialist settings.

## Compliments and Complaints

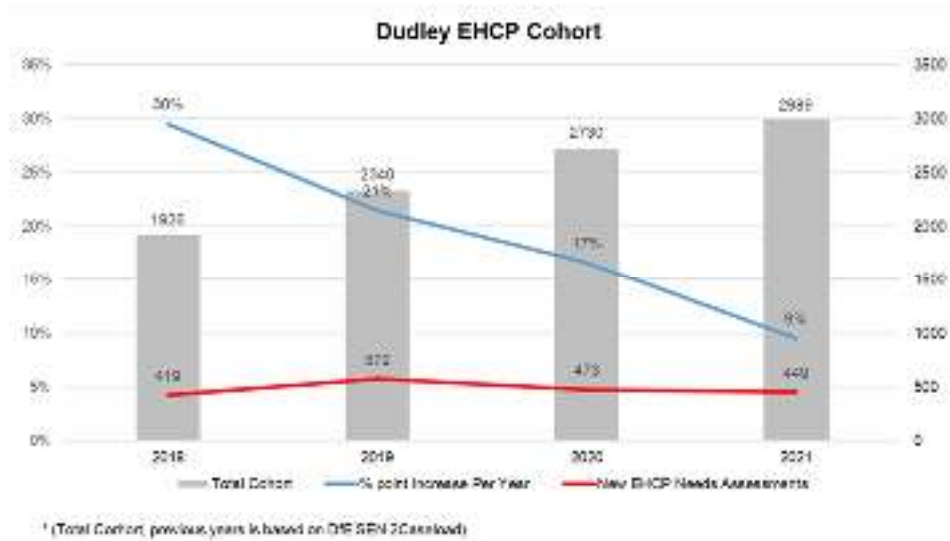
In the period 1<sup>st</sup> April 2019 to 31<sup>st</sup> March 2020, **54** complaints were received. This reduced to **38** between April 2020 to March 2021.

The current number of complaints for this year stands at **15** from April 2021 to Dec 2021.

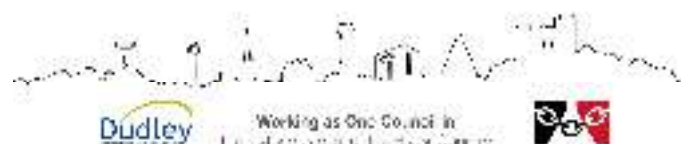
In the last 18 months we have begun to receive compliments, totalling **85** since April 2020.

## Dudley EHCP Cohort

The borough is continuing to see an increase in the cohort of children and young people that have an EHCP. However, the rate of increase for this year to date is the lowest in the last seven years and the annual % increase of 10.5% is in line with the current national average. The number of EHCP's being issued is down from 473 in 2020 to 449 year to date (November) in 2021. In addition, we have also ceased more plans this year to date than any other year. This has been driven by more robust processes around annual reviews and increased effective monitoring of children and young people's progress.



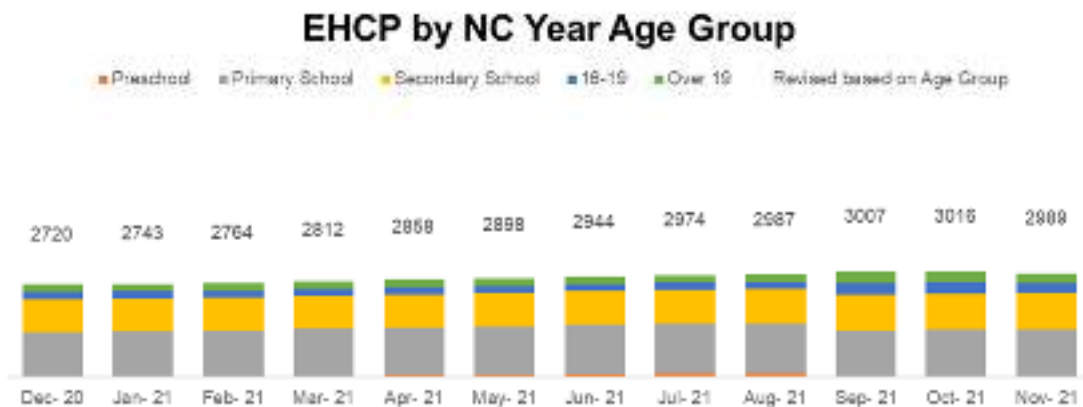
## EHCP by NC Year Age Group



The total number of EHCPs fell by 27 from October to November, the majority of which were in the post 16 group as they have met their outcomes and/or have made successful transition into employment/training.

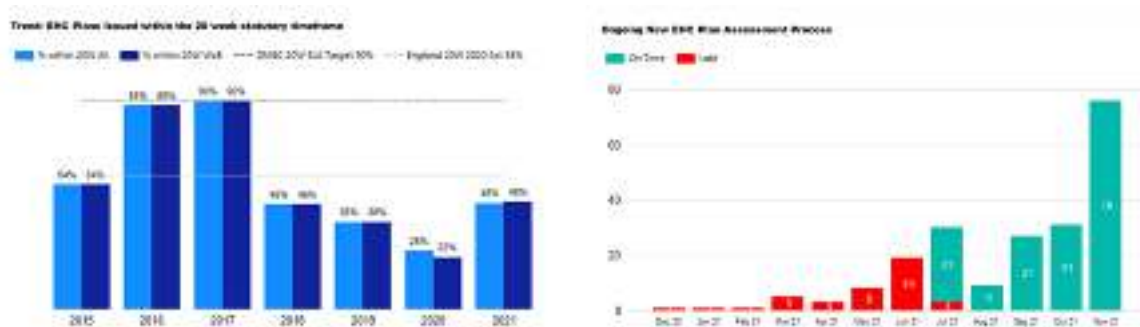
Work is ongoing across several areas to improve the quality and effectiveness of the EHC Assessment process to ensure that the support is right and in the right place where it is needed. To achieve this, we are focusing on:

- Providing increased SEND Support in schools through access to appropriate support at the appropriate time.
- Launching a SEND Toolkit to increase Schools' knowledge and confidence.
- Delivering training via the whole school SEND project.
- Enabling stronger decision making and ensuring support is provided where is required, making best use of resources in the right places.
- Improving the Request to Assess process.
- The appropriate ending of plans where relevant.



### EHC New Requests Completed within the 20 Week Statutory Timeframe (including Exceptions)

The current level of completion within the 20 week timescale is 46% year to date (November), unchanged from October 2021. This is a 20 percentage point improvement since December 2020 year to date.



There are a range of drivers for the current achievement rate:-





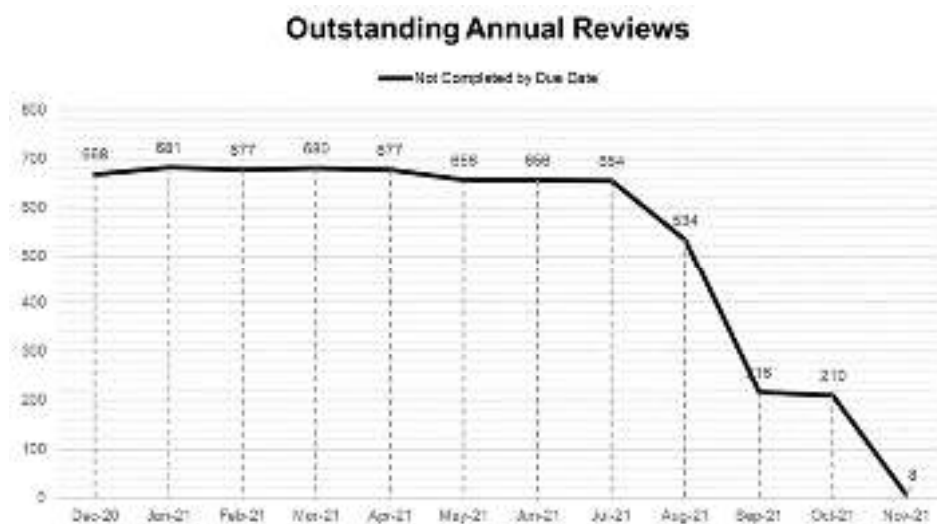
- Lack of identified needs at SEND support level which causes a delay in the assessment process as it is more complex.
- Capacity of advice givers and professionals to provide input to reports.
- A continuing high number of assessment requests that impacts capacity.

Mitigation measures are being introduced to address these issues such as the SEND Toolkit, Early Years transformation and further development work with School Educational colleagues.

## Annual Reviews

The current number of outstanding reviews is 8 which is down from the previous months total of 210. This has come about through a data cleanse and an increased focus on completing annual reviews. There has been an overall decrease of 660 outstanding reviews since the beginning of this year.

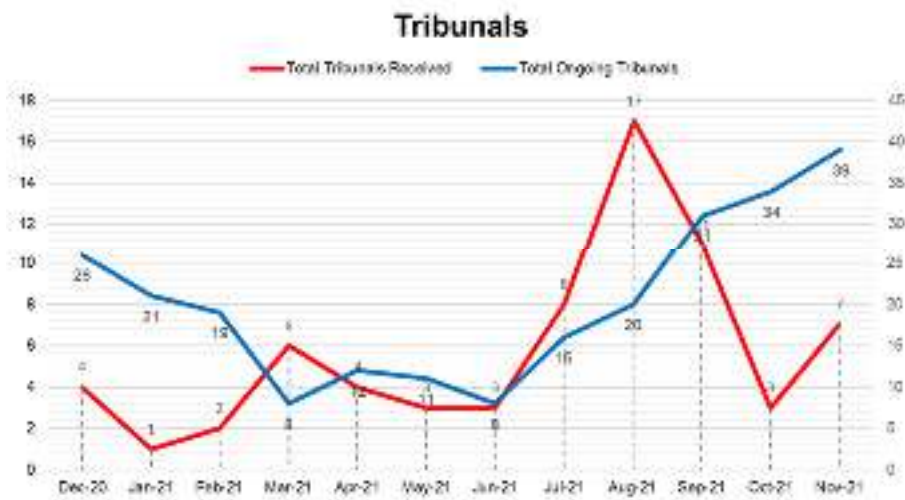
A comprehensive review around the Annual Review process is still on-going with clarified process mapping and timings in the current system updated to better reflect the needs across the years and flow of information with schools.



## Appeals (Tribunals)

The number of new tribunals has increased in the last month by a further 7 resulting in a total of 39 on-going tribunals. The increase is due to continuing challenge around named provision (Section I) which is the main reason for appeals. These challenges are where the Local Authority has named mainstream but parental preference is for specialist provision.





Some of the key lessons we have learned from the Tribunals are around being proactive, specifically:

- Early resolution through mediation
- Use of Consent orders ensuring ongoing work to resolve disputes continues even once a tribunal is lodged.
- We are also continuing to work on a number of areas of improvement around appeals.
- Stronger links with commissioning of required provision.
- Working with mainstream schools to improve inclusion across the borough.
- Working with mainstream schools to improve the access to resource or knowledge.
- Raise the aspirations that the professionals have for children of Dudley.
- Whole School SEND project will address the low aspirations for children across some parts of Health education and social care, particularly for SEMH children.

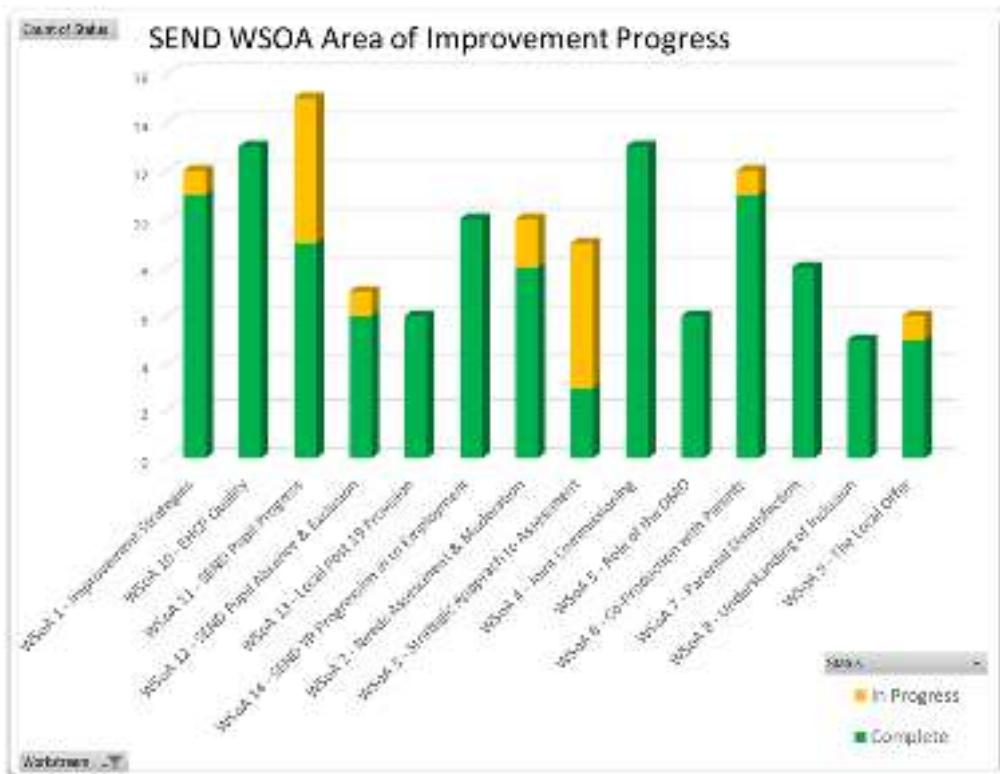
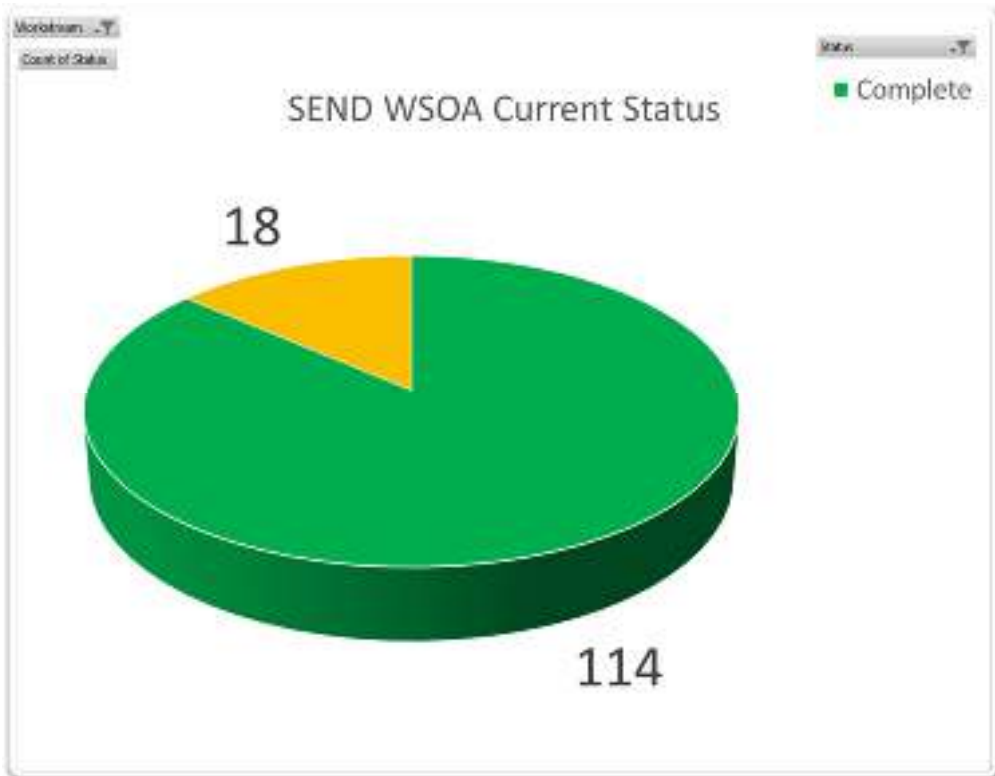
### Update on SEND WSoA Progress

With regard to our specific progress in delivering the actions in our SEND Written Statement of Action (WSoA), across the 132 actions our progress as of 11<sup>th</sup> November 2021 is:

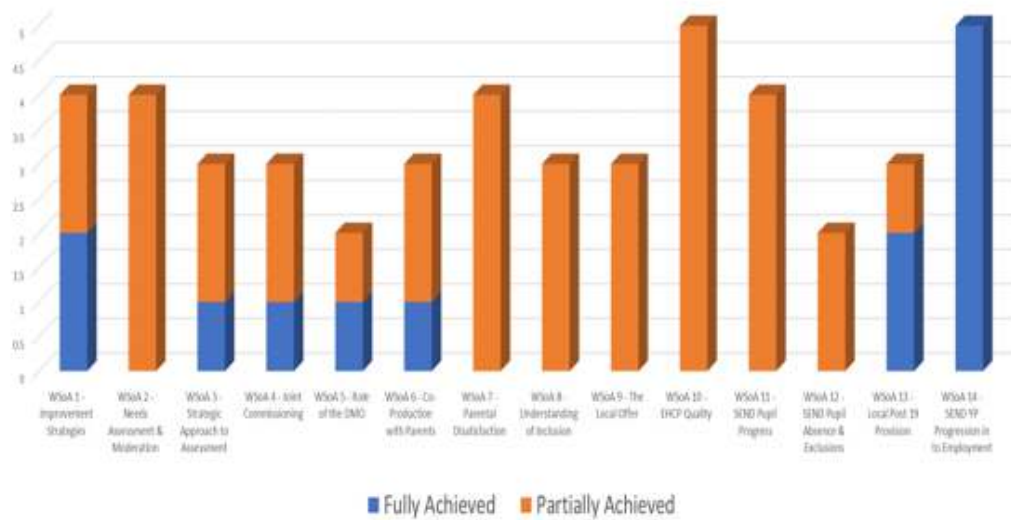
- 114 actions now completed.
- 18 actions in progress.
- 0 actions yet to start.

We have completed all actions in seven of the fourteen areas as illustrated below and all remaining actions are currently forecasted for completion by the end of June 2022.





## Dudley SEND WSoA Outcomes/Impacts Progress Status by Priority Area



Please see attached in Appendix 1 the current WSoA delivery status.

### Finance

5. The funding of Children and Young People with High Needs is provided by the Dedicated Schools Grant (DSG) which is a ring-fenced revenue grant allocated to local authorities.

In Dudley the funding from the High Needs Block is directed to fund:

- a. SEN pupils who meet a given threshold determined by Education, Health and Care Plan.
- b. Non-SEN pupils, such as those placed in Alternative Provision (pupil referral units or education otherwise).

For 2021/22 the High Needs block allocation is £39.849m, the latest forecast assumptions for 2021/22 reflect an overall deficit of £18.813m for the Dedicated Schools Grant, this includes a brought forward deficit from 2020/21 of £11.151m and assumes that savings of £2.835m are achieved in year. A breakdown reflecting the latest financial position is reflected below.

	Latest Budget 2021/22	B/Fwd Deficit Position	Nov 21 Cumulative Forecast 2021/22 (+ over / - under)
	£m	£m	£m
Schools Block	226.535	-	-
High Needs Block	39.849	13.609	21.657
Early Years Block	19.327	-1.965	-2.420
Central School Services Block	2.005	-0.493	-0.424
<b>Dedicated Schools Grant</b>	<b>287.716</b>	<b>11.151</b>	<b>18.813</b>

A detailed recovery plan includes a number of efficiencies that coincide with the SEND Improvement Programme.

Funding allocations for 2022/23 Dedicated Schools Grant are published and include additional funding following the announcement as part of the Comprehensive Spending Review. The High Needs block funding includes an additional allocation of £1.758m, grant conditions and associated plans are currently under review.

The SEND Team are funded by a Local Authority General Fund revenue budget. The 2021/22 latest budget is £1.321m, in addition, a reserve of £0.587m was approved in 2020/21 and this funding was rolled forward and is available to be spent in 2021/22. A business case was approved to request additional permanent funding for the SEND team as part of the 2022/23 budget process and the Medium-Term Financial Strategy.

## Law

- The law governing the education of children and young people with special educational needs and disabilities (SEND) is primarily supplied Part 3 of the Children and Families Act 2014 and its associated Regulations and Guidance, in particular the SEND Code of Practice: 0 to 25 years. They state that local authorities' education and social care teams, with local health authorities, must work together to enable and facilitate access to a suitable education for children and young people with SEND aged 25 years and below.

As the law also gives those young people and the parents of the children concerned the right to challenge the manner in which decisions are reached about their education and the substance of those decisions, it is essential that:



- The officers within Dudley Metropolitan Borough Council's (the Local Authority) SEND Team, and the policies and procedures that support their work, comply with the law; and
- The Local Authority's SEND services receive regular and detailed scrutiny to ensure that:
  - (a) they comply with the law;
  - (b) they meet the needs of the children, young people and parents that they serve; and
  - (c) they can be corrected and adjusted to achieve (a) and (b), where necessary.

Consequently, because this report provides the Committee with evidence of how the Local Authority is developing, implementing and monitoring of these services with the assistance of public bodies, both local and national, it demonstrates that the Local Authority is endeavouring to comply with its legal duties and improve the outcomes of children and young people with SEND.

## **Risk Management**

### **7. Key Risks & Mitigation**

Capacity to deliver change at pace across partners impacts progress of the Programme.

Programme has been reviewed and aligned to maximise efficiency across all areas of the Improvement Programme and WSoA. The enhanced SEND Team capacity supports the delivery of change at an operational level.

Detailed plans are in place and mapped to ensure that focus is on delivery of key tasks when they are required with strong tracking, management and support for all task owners from the programme team.

Wider alignment and engagement with partners is key to delivering the impact for the children of Dudley – Key to delivery of the improvements across all areas of 0-25 SEND requiring strong leadership and support from all areas of DMBC.

### **Covid-19**

Contingency plans have been in place with virtual meetings taking place to ensure that the programme has continued at pace. There has been an impact with staff being diverted to Covid activities but the impact has been minimised.

## **Equality Impact**

8. There are no equality implications resulting from this update.

## **Human Resources/Organisational Development**

9. The service is in regular discussion with the HR Business Partner in relation to recruitment and workforce planning to support the SEND improvement programme.

## **Commercial/Procurement**

10. There are no direct commercial or procurement implications associated with this report, however improved relationships with Dudley schools does create opportunity for increased trading.

## **Council Priorities**

11. The SEND Improvement Programme and its related activities aligns with the Council's core priority of Supporting Stronger and Safer Communities by ensuring that SEND CYP feel valued and have the opportunity to contribute towards strengthening the Community.

It also relates to the Council's aspirations in terms of Dudley being a place where everybody has the education and skills they need, and where outstanding local schools, colleges and universities secure excellent results for their learners.

We have high ambitions for our SEND CYP in terms of their aspirations and achievements and believe passionately that they should be given the same opportunities to achieve them.



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## Appendices

### List of Background Documents

Appendix 1 - Written Statement of Action Current progress

Appendix 2 – DfE SEND Deep Dive Schedule

