

## **SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Cabinet

**DATE:** 21 February 2022

**SUBJECT:** SEND Written Statement of Action

**CHIEF OFFICER:** Andrew Fraser - Executive Director of People (Children)

**CONTACT OFFICER:** Johnny Kyriacou – Associate Director, Education & Inclusion

**WARD(S):** All

**PORTFOLIO:** Councillor Hulme – Lead Member Children’s Services

**KEY DECISION:** NO

**EXEMPT:** NO

**DECISION SUBJECT TO CALL IN:** YES

**APPENDICES:**  
Appendix A SEND Local Area Inspection Report  
Appendix B SEND Joint Written Statement of Action  
Appendix C Initial Equalities Impact Assessment

### **1 Summary and Recommendations**

1.1 This report requests that Cabinet note the Written Statement of Action (WSOA), which was filed with Ofsted and the CQC on 18th February 2022 in response to the Special Educational Needs and Disabilities (SEND) local area inspection and approve the next steps to ensure effective scrutiny and decision-making in relation to addressing the concerns raised in the SEND inspection report (Appendix A).

#### **Recommendations:**

Cabinet is recommended to:

Note the Joint Written Statement of Action attached at Appendix A

Approve the following next steps:

- That a detailed action plan is prepared and incorporated into the Council’s wider Recovery and Improvement Plan

- That the SEND action plan is presented to the People Scrutiny Panel in Quarter 1 of 2022/23.

**Reason:**

To ensure that the Council properly and promptly addresses the issues raised in the SEND inspection report and that the action plan is considered as part of a holistic improvement plan and subject to effective scrutiny and decision-making at a member level.

**Comments of the Commissioners:**

*“This report is coming late to Cabinet, for reasons mentioned at paragraph 2.2. It sets out the Ofsted Inspection Report of the SEND service (attached as an appendix) along with the action plan to address the very serious weaknesses highlighted.*

*It is unfortunate that the inspection report itself was not brought to the attention of Cabinet sooner given the severity of the weaknesses identified and the vulnerability of the children supported by the SEND service. The actions now set out, which must be submitted to Ofsted by 18 February, will be included in the Recovery and Improvement Plan for SBC and progress appropriately monitored.”*

## **2 Report**

2.1 Slough was subject to a local area inspection between 27 September and 1 October. This is a joint inspection by Ofsted and the Care Quality Commission for the area of Slough and considered the effectiveness of the area in implementing the SEND reforms as set out in the Children and Families Act 2014. The results of the inspection were sent to the Council and Frimley CCG (CCG) on 9 November 2021 and were published on Ofsted’s website on the same date.

2.2 Officers would like to formally apologise to elected members for the delay in bringing an update on this matter and for not seeking approval for the WSOA prior to submission to Ofsted. This has been caused by a combination of change in Director of Children’s Services and unplanned officer absence. This has meant a delay in agreeing the formal WSOA, which had to be agreed with the CCG and the Council and submitted to Ofsted and the CQC on 18 February 2022. The LA and CCG had to prioritise ensuring the deadline for submission of the WSOA was met.

The Written Statement of Action is the first part in a series of steps that will be required to address the significant areas of weakness identified in the inspection report. This will also need to link with the Council’s wider Recovery and Improvement Plan and will require changes at a strategic, partnership, commissioning, and operational level.

Ofsted and the CQC are likely to re-inspect the local area within the next 18 months. Progress will be measured against the WSOA.

## **2.3 Options Considered**

2.4 *The following options were considered:*

<b>Option</b>	<b>Pros</b>	<b>Cons</b>	<b>Recommended</b>
<b><i>Option 1: Call an extraordinary meeting of Cabinet to allow for approval of the Written Statement of Action</i></b>	<ul style="list-style-type: none"> <li>• Ensures effective oversight and approval by Cabinet</li> </ul>	<ul style="list-style-type: none"> <li>• The Written Statement of Action was not agreed with the CCG in time to allow an extraordinary cabinet meeting to be convened and to comply with statutory publication deadlines.</li> </ul>	<b>Not recommended</b>
<b><i>Option 2: Report to Cabinet seeking formal noting of the Written Statement of Action, with agreement on the next steps.</i></b>	<ul style="list-style-type: none"> <li>• Enabled the Council to meet the deadline for submission of the Written Statement of Action to</li> <li>• Ensures Cabinet have oversight of the next steps and that the action plan for improving SEND services is aligned with the wider improvement work.</li> <li>• Sets out a clear timeframe for effective scrutiny of the action plan to take place.</li> <li>• The Written Statement of Action provides an opportunity for both Cabinet and the Scrutiny Panel to have effective oversight of the next steps.</li> </ul>	<ul style="list-style-type: none"> <li>• The Written Statement of Action has not been formally approved by Cabinet.</li> </ul>	<b>Recommended</b>

## **2.5 Background**

2.7 Her Majesty's Chief Inspector (HMCI) has determined that a Written Statement of Action (WSOA) is required following a local area inspection of SEND services within Slough as a result of identified significant weaknesses in the area's practice. This WSOA is to be jointly owned and submitted by the Council and the CCG.

2.8 The concerns raised in the inspection are wide ranging and demonstrate a failure at strategic, partnership and operational levels and include the following areas:

- That leaders have not effectively implemented the reforms in the Children and Families Act 2014 and the Council, Slough Children First and the CCG have failed to work together to develop and effective strategy for doing so.

- Too little focus on the reality faced by children and young people with SEND and their families, with the majority of parents not feeling understood, welcomed, or helped.
- Information about support is not readily available or understood, although when parents receive support, it has been praised and welcomed.
- Leaders' self-evaluation did not draw well enough on reliable performance information or the lived experience of children and young people with SEND and their families.
- Collaborative work, known as co-production, has been weak, with no strategic arrangement in place for consulting and co-producing services with children and young people who have SEND.
- Joint commissioning is not well developed, with habitual spot purchasing in response to crisis, individual needs, or petitions, which has compromised the effective use of funding, including high needs funding.
- The social care needs of children and young people with SEND are rarely considered unless known to children's social care, meaning limited opportunities to participate in activities on an equal footing with peers.
- Waiting times for assessment of occupational therapy and neurodevelopmental needs are unacceptably long.
- There is no dysphagia (people who experience difficulties swallowing, eating and/or drinking) service for children over five, meaning treatment is only accessed via emergency departments.
- The area fails to deliver services in accordance with many EHC plans, including a significant number of children not receiving speech and language therapy.
- Staff turnover is high, with no coherent workforce strategy and completion of EHC plans within the statutory timeframe has fallen.
- Not all schools are welcoming of children and young people with SEND and arrangements for partnership working between schools have been informal and ad hoc.
- Despite a desire to improve at all levels, the improvement work is in its infancy, and it is too early to be confident that the cycle of cuts of services, regular changes in leadership, interim appointments and vacancies, and the pattern of disjointed communication and initiatives not being seen through has been broken.

2.9 The report also highlights areas of good practice, including:

- Early years work and support.
- The SENCo networks particularly in primary schools.
- The 'whole-school' SEND initiative, which is making impact particularly in primary schools
- Support for looked after children and care leavers is carefully considered and needs identified, with good evidence of co-production.
- Child protection plans and EHC plans are harmonised.
- Educational psychology work in training school staff has been well received.
- The voice of the parents, carers, children, and young people can be evidenced in EHC plans.
- The Youth Offence Service team demonstrated deep understanding of needs and barriers faced by children and young people.

2.10 Due to the significant concerns about the effectiveness of the area raised by the inspection, the area was required to produce and submit a WSOA to Ofsted explaining how it will tackle the following areas of weakness:

- Weak arrangements for ensuring effective joint leadership and accountability, self-evaluation, and improvement planning at a strategic level across education, health, and care services (including considering the high turnover of staff and an area-wide commitment to inclusion).
- The overlooked voice of the children and young people with SEND and their families and consequent lack of understanding of their lived experiences and the lack of readily available, helpful, and accurate information in this regard.
- The lack of effective use of meaningful performance information to inform the area's strategy and planning, as well as to evaluate its effectiveness.
- The limited opportunities for parents, carers and children and young people with SEND to be involved in planning and reviewing area services.
- The timeliness with which EHC plans are produced and updated, particularly nearing transition points and the absence of systematic processes for the quality assurance of EHC plans.
- The absence of social care considerations in EHC plans, for children and young people not known to children's social care, and in services in the area, including the lack of age-appropriate social opportunities for children and young people and limited offer of short break or respite services for parents and carers.
- The inequitable access to SALT and OT services, excessive waiting lists and waiting times and the absence of a dysphagia service for those aged five and over.

### **3. Implications of the Recommendation**

#### **3.1 Financial implications**

3.1.1 As part of developing a detailed action plan the resource implications will be identified, considered, evidenced and a fully resourced plan created which will be built on a robust and deliverable programme of improvement to ensure that the Council is meeting its SEND duties in accordance with its best value duties. Until that stage any resource implications will remain within existing budgets.

3.1.2 The Council has in previous years very significantly overspent on the high needs block of the Dedicated Schools Grant (DSG) and has taken little action to address this. This grant is provided for schools-based education services and the majority of it is passported directly to schools. However, a proportion is maintained to fund SEND education in schools and to fund SEND provision as set out in Education, Health and Care Plans. Work to begin to address this growing problem began in the summer of 2021 and as part of this the Council submitted a deficit management plan to start to bring down the deficit over a number of years. It is critical that the DSG is managed tightly each year to avoid the deficit increasing year on year and to resolve the in-year position. Further details on the DSG will be published in the budget reports to be presented to Cabinet on 28 February 2022. The detail of the work being undertaken on the DSG will be brought to Cabinet at the same meeting as a separate report.

#### **3.2 Legal implications**

3.2.1 The Children Act 2004 (Joint Area Reviews) Regulations 2015 state that the Chief Inspector of Schools must make a written report where a review has been completed. The Chief Inspection of Schools must determine whether it is appropriate for a written statement of proposed action to be made in light of the report and if so, determine the person or body who must make that statement.

3.2.2 Where a determination has been made that a written statement of proposed action should be made, the principal authority must make this statement within 70 working days of receiving the report. The written statement must (a) state who it is proposed should take action; and (b) include a statement of the period within which action is to be taken.

3.2.3 The written statement must be sent to the Chief Inspector of Schools, any other person who conducted the review and the Secretary of State. The statement must also be published on its website and supplied to the public on demand on payment of a reasonable charge.

3.2.4 The local area inspection relates to the delivery of services under the Children and Families Act 2014. Part 3 of this Act contain provisions which were a major reform of the previous statutory framework for identifying children and young people with SEN, assessing their needs, and making provision for them. The Act requires local authorities to keep local provision under review, to co-operate with statutory partners to plan and commission provision and to publish clear information on services that are available locally. Provision for those children and young people with SEN who require support beyond that which is normally available should have their needs set out in an education, health, and care plan, which will bring together the three strands of support in place for these children.

3.2.5 The SEND Code of Practice: 0 to 25 years provided statutory guidance for organisations which work with and support children and young people who have special educational needs or disabilities. This is a substantial code setting out guidance on the principles of the new legislation, the requirements around information, advice and support, the need for joint working to deliver outcomes, the requirements for a Local Offer (being a list of services available to children and young people with SEND and their families). The Code also provides guidance to early years providers, schools, and further education providers, as well as providing guidance on preparing for adulthood. Detailed guidance is given on the processes for assessing, identifying, and meeting needs in education, health and care plans and the needs of children and young people in specific circumstances, including looked after children, care leavers, children educated at home and children in youth custody.

### 3.3 Risk management implications

3.3.1 There are several risks arising in relation to this report. Firstly, the significant concerns have led to a conclusion that the Council and CCG, alongside partners, are not effectively meeting their duties under the Children and Families Act 2014. Secondly, the proposed WSOA identifies a number of areas where additional resources are likely to be required in a climate where the Council has significant financial challenges.

3.3.2 A detailed risk assessment is to be completed as part of the detailed action plan and this will be kept up to date and will be incorporated into the Council's directorate and corporate risk registers.

### 3.4 Environmental implications

3.4.1 There are no direct environmental implications arising from this report.

### **3.5 Equality implications**

3.5.1 The Council has a duty contained in section 149 of the Equality Act to have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation, and other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

3.5.2 The broad purpose of this duty is to integrate considerations of equality into day-to-day business and to keep them under review in decision making, the design of policies and the delivery of services.

3.5.3 An equality impact assessment is appended at Appendix C. The impact of the WSOA will have a disproportionate impact on children and young people with disabilities, working age adults who are caring for children and young people with disabilities. The purpose behind the Children and Families Act 2014 provisions is to promote inclusion and to ensure equality of opportunity for children and young people with SEND. The EIA will be kept under review and updated during the lifetime of the action plan to improve SEND services. It is also critical to ensure that data is captured and monitored to identify the impact of changes and service provision in general.

### **3.6 Procurement implications**

3.6.4 There are no procurement implications from this proposal. However, commissioning is a key area of weakness and therefore the Council will need to work with the CCG and other stakeholders to ensure it has a strategic approach to commissioning services in the future.

### **3.7 Workforce implications**

3.7.1 This will be reviewed as part of the delivery of the WSOA.

### **3.8 Property implications**

3.8.1 There are no immediate property implications from this report. However, the Council should consider its school assets and any opportunities for securing funding to increase the provision for SEND education within mainstream schools.

## **4. Background Papers**

Draft Written Statement of Action (WSOA)  
Ofsted CQC SEND inspection report