

## **SLOUGH BOROUGH COUNCIL**

**REPORT TO:** People Scrutiny Panel

**DATE:** 31<sup>st</sup> March 2022

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**WARD(S):** All

### **PART I**

#### **FOR COMMENT & CONSIDERATION**

#### **SEND WRITTEN STATEMENT OF ACTION**

1. **Purpose of Report**

This report presents to the people scrutiny committee the completed and approved Written Statement of Action (WSOA), which the LA and CCG filed with Ofsted and the CQC on 18th February 2022 (Appendix A) in response to the Special Educational Needs and Disabilities (SEND) local area inspection.

2. **Recommendation(s)/Proposed Action**

- The committee is requested to comment and consider next steps to ensure effective scrutiny and decision-making in relation to addressing the concerns raised in the SEND inspection report (Appendix C).
- The committee is requested to comment and consider the action contained in the completed WSOA and the recommendations provided by Ofsted upon review (Appendix B)
- The committee is requested to comment and consider the risks associated with non-delivery of the WSOA.

3. **The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

The People Scrutiny Panel, along with the Overview & Scrutiny Committee and other Scrutiny Panels combine to meet the local authority's statutory requirement to provide public transparency and accountability, ensuring the best outcomes for the residents of Slough.

3a. **Slough Wellbeing Strategy Priorities**

The effective scrutiny of the council's decision making and work in the area of people - children underpins the delivery of two out of four of the Joint Slough Wellbeing Strategy priorities:

Priorities:

1. Starting Well
2. Integration

The JSNA data shows the number of children in schools with an Education, Health and Care Plan.

**Table 3a**

	Slough		South East		England	
	Count	%	Count	%	Count	%
Primary school pupils with a statement of Special Educational Needs or Education, Health or Care Plan	484	2.8	16,318	2.2	95,601	2.1
Secondary school pupils with a statement of Special Educational Needs or Education, Health or Care Plan	265	1.8	10,964	2	68,370	2
Special school pupils with a statement of Special Educational Needs or Education, Health or Care Plan	354	99.4	22,159	98.5	132,306	98.6

At primary school level Slough is above the South East and England average. At secondary school level Slough is below the South East and England average. At special school level Slough is above the South East and England average.

3b. **Five Year Plan Outcomes** (Compulsory Section)

The work of the People Scrutiny Panel reflects the following priority of the Five Year Plan:

- Outcome 1: Slough children will grow up to be happy, healthy, and successful

4. **Other Implications**

(a) **Financial**

4.1.1 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

4.1.2 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 management plan were presented to the people scrutiny committee on the 8<sup>th</sup> March 2022, and to cabinet on 9<sup>th</sup> March 2022. The DSG management plan was approved at full council on the 10<sup>th</sup> March 2022.

**(b) Risk Management**

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.

**The Table below must be completed fully for each recommendation from Section 2**

Recommendation from section 2 above	Risks/Threats/ Opportunities	Current Controls	Using the Risk Management Matrix Score the risk	Future Controls
The council does not make sufficient progress as laid out by the submitted WSOA	<p><b><u>Risk</u></b> Ofsted/CQC will return in 12-18 months and deem that sufficient progress has not been made, further damaging the reputation of the council, in addition to not fulfilling statutory duties to children with SEND.</p> <p><b><u>Threats</u></b> The council will need to consider the resources at</p>	<p>There is a number of internal scrutiny and governance processes for the WSOA that have been set up. These include:</p> <p>The SEND and Inclusion Strategic Board</p> <p>The DSG Management Plan Board</p> <p>Oversight from the people scrutiny committee</p>	<p>15 (Political risk – high probability)</p> <p>20 (Legal/Regulatory risk – high probability)</p> <p>20 (Financial risk – high probability)</p>	The council will need to consider the resources at its disposal, including staffing, capacity and input of partners such as social care and health colleagues.

	<p>its disposal, including staffing, in light of its current financial situation.</p> <p><b><u>Opportunities</u></b>          Good progress on the WSOA will lead to better outcomes for children with SEND. The LA will be fulfilling statutory obligations and the reputation of the council will be enhanced.</p>	<p>Reports to Cabinet</p>		
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(c) Legal Implications

4.1.3 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.

4.1.4 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.

4.1.5 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.

4.1.6 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.

4.1.7 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.

*(d) Equalities Impact Assessment*

4.1.8 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.

4.1.9 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.

4.1.10 An equality impact assessment is appended at Appendix D. 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.

*(e) Workforce*

4.1.11 This will be reviewed as part of the delivery of the WSOA

**5. Supporting Information**

5.1 The WSOA was first presented to Cabinet on 21<sup>st</sup> February 2022. Due to time constraints the full and complete WSOA was not able to be presented before submission by the LA/CCG on the 18<sup>th</sup> February 2022.

5.2 In summary Ofsted identified that the LA/CCG were required to address the following main 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.

5.4 In addition to the main areas of weakness the LA/CCG were required to address weaknesses in each of the other areas identified in the inspection report.

5.5 At the time of presentation to cabinet on the 21st February the LA/CCG were awaiting feedback from Ofsted and the CQC as to whether the WSOA was deemed fit for purpose.

5.6 On 10<sup>th</sup> March 2022, Ofsted/CQC wrote confirming that the submitted WSOA was deemed fit for purpose. However the letter also identified some points for improvement as follows:

“The statement of action does not address strongly enough how the area will tackle the legacy of parental frustration and struggles to have their children's needs identified and supported. The proposals in the statement of action focuses on how the area will review its communication systems rather than how it will bring about cultural change in terms of listening to families and learning about the lived experiences of children and young people. In addition, the statement of action does not specifically identify exactly how the area will survey parents – including those who may be harder to reach – to gather their feedback on the improved service. The area's response to the second, fourth and seventh priorities identified in the inspection are not sufficiently coherent in terms of timeliness, focus and how success will be achieved and measured. Plans to improve resemble a menu of ideas about engagement and co-production and some of the impact measures outlined in the statement are not sufficiently quantifiable. Proposed actions to reduce waiting times and waiting lists for assessments and provision of therapies do not include measurable targets, percentages or benchmarks. Given the scale of what needs to be improved in this aspect of the area SEND provision, a more staged and systematic approach to ensuring that children's and families' voices are heard would be likely to be more successful.”

5.7 Scrutiny members are specifically asked to consider and comment on how the Council could address this feedback.

6. **Comments of Other Committees**

Comment from Cabinet meeting on 21<sup>st</sup> February 2022 was as follows:

That the Joint Written Statement of Action attached at Appendix A to the report be noted. That the following next steps be approved:

- That a detailed action plan is prepared and incorporated into the Council's wider Recovery and Improvement Plan.
- That the SEND action plan be presented to the People Scrutiny Panel in Quarter 1 of 2022/23.
- That a report be brought back to Cabinet in the next 6 months giving an update on progress against the action plan.

7. **Conclusion**

The people scrutiny committee is requested to comment and consider this report as stated in section 2, above.

8. **Appendices Attached**

A - Witten Statement of Action

B - Ofsted/CQC Fit for Purpose Response

C - Local Area Inspection Report can be found here [50172328 \(ofsted.gov.uk\)](https://www.ofsted.gov.uk/inspections/50172328)

D - Equalities Impact Assessment

9. **Background Papers**

None