

Slough Borough Council

REPORT TO: Cabinet

DATE: 16 January 2023

SUBJECT: Special Educational Needs and Disability (SEND) Update on Improvement Plans

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: NO

APPENDICES: Appendix A – WSOA Update to DfE October 6th
Appendix B – LGA SEND Review
Appendix C – LGA Review Response Update
Appendix D – Extract of LA risk register, SEND

1. Summary and Recommendations

- 1.1 This report requests that Cabinet note the progress on the Written Statement of Action (WSOA), since it was presented to Cabinet on 21st February 2022 in response to the Special Educational Needs and Disabilities (SEND) local area inspection.
- 1.2 An update was also presented to Cabinet in September 2022 which included reference to the work being done on the safety valve programme with the DfE.

Recommendations:

Cabinet is recommended to consider the paper which provides:

- 1. Updates the progress and the next steps planned on the Written Statement of Action (WSOA).
- 2. Shares the findings of the LGA review and the planned next steps in response to this.
- 3. Confirms Cabinet’s request that there will be regular bi-monthly reporting on progress against the WSOA. The incoming Director of Children Services/Chief Executive of SCF will be commencing in mid-January and will continue to work with this recommendation by providing updates on progress as well as risks and mitigations.

Reason:

- To ensure that elected members are kept updated and have an opportunity to influence and debate progress and that there is public reporting on progress on this key area of improvement.

Commissioner Review

“It is good to see the recognition that all the service failures are to be reported in a common format and considered on a regular basis by Cabinet. Public performance reporting and review is a fundamental component of a good council's activity.”

2. Summary

- 2.1. Slough was subject to a local area inspection between 27 September and 1 October 2021. 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 on 9 November 2021 and were published on Ofsted's website on the same date. The LA and CCG produced a WSOA to address key areas of weakness identified by Ofsted /CQC.

The WSOA is a joint responsibility between the council and the CCG, now known as Frimley Integrated Care Board (ICB). Ofsted and the CQC are likely to re-inspect the local area in the next 12-18 months since the publication of the local area Ofsted inspection. Progress will be measured solely against the WSOA priority areas, as opposed to considering the wider improvements required to improve the system overall.

- 2.2. Progress on the WSOA is overseen by the SEND and Inclusion Strategic Board. This is jointly chaired by the Director of Children's Services and the Place Locality Director for Slough from the ICB. It includes other senior officers from across the council, other external stakeholders such as schools and health care providers, parent voice representation and the lead member for children, lifelong learning, and skills. The DfE adviser to Slough is also invited to the board meetings as well as the DfE Commissioner for SEND. It is recognised that to date there has been insufficient reporting to elected members or CLT and this project has not been aligned with the Council's wider improvement plans. This will change as a matter of urgency and in future there will be a regular update to CLT every 6 weeks and quarterly reporting to Cabinet. Whilst progress against the WSOA is a joint responsibility between Education, Health, and Social Care, the Council must ensure that it is improving its own services for children with SEND and that this is seen as a corporate priority.
- 2.3. Each of the seven priority areas identified in the WSOA has a responsible officer and a team of named people to carry out the actions within each of those areas. The SEND and Inclusion Strategic Board meets monthly and receives updates from each lead on progress towards milestones and outcomes.
- 2.4. The local area is required to meet with the DfE on a quarterly basis to provide an update and progress against the WSOA. The last meeting took place on October 6th, 2022. The next scheduled meeting is January 26th, 2023 (see section 4) and our response to be prepared by January 12th, 2023. In future, we aim to seek approval

from Cabinet prior to sending an update to the DfE and where timing does not permit this to update Cabinet following the outcome of the DfE monitoring meetings.

2.5. The DfE have expressed concern at the overall lack of rapid progress in addressing the key areas of the WSOA and also a lack of focus on reporting on impact of measures that have been actioned. The council faces various challenges in addressing the areas of concerns due in part to the financial difficulties it faces. The SEND service has suffered from high turnover of staff and capacity issues. The council has put in place some mitigations to address these concerns going forward. (See section 3).

2.6. The WSOA has links with other strategies and initiatives across the council that are SEND related such as:

- Dedicated School Grant (DSG) Management Plan
- The Safety Valve Programme
- School Effectiveness Strategy
- School Place Planning Strategy
- SEND and Inclusion Strategy (currently being redrafted)

The Council needs to manage these areas as part of one project instead of seeing these as separate projects and work activity, as there has been a lack of focus on policy and strategic level decision-making to date. See Section 5 for further information.

3. Progress against the WSOA

Whilst the SEND service is one element of the local area services, it is nonetheless a vital component and major service for young people and families. The SEND service in the LA has had some difficulties in meeting targets for Education, Health Care and Needs Assessment (EHCNA) within 20 weeks and has suffered from having high staff turnover.

Below are actions being taken to support the SEND service and some of its targets.

3.1. The council has successfully recruited 6FTE into the SEND service including new roles. See table below.

Table 3.1

Role	Start date	Notes
SEND Compliance and Partnerships Manager	Initial round of interviews unsuccessful.). Will go back out advert in January.	This newly created role will support with tribunals, complaints, and oversee/support EHCP/EHCNA timeliness compliance.
SEND Officer	November 2022	This is an additional post to expand the SEND officers from 7 to 8 and will reduce caseloads per person
Assistant SEND Officer x 4	All officers have been appointed and the full team will be in place by January 2023	These are newly created posts that will support SEND officers in the processing of EHCPs and deputise where necessary.

3.2. Other key area targets for the SEND service and work towards action and implementation can be seen in the table below:

Table 3.2

Action	Comment	Date
1. Conversion of EHCNAs with 20-week statutory time periods	<p>Currently the conversion rate sits at 30% for November 2022. The highest rate for 18 months. The national average is around 59%</p> <p>EHCPs have been identified and prioritised in order to continue an upward trend and reach national averages early in the new year.</p> <p>The SEND team has been working through a backlog of cases and the number was 130 in November 2021. It has fallen to 65 in November 2022.</p> <p>This shows the team working hard to clear backlog as well as complete EHCNAs within the 20-week period. Resulting in children and young people's needs are met in a timelier way.</p> <p>Focussing solely on the 20-week period would inevitably increase the backlog so a careful balanced approach has been taken.</p>	March 2023 aim to reach at least 59% for EHCNA conversion within 20 weeks.
2. Improved communication with stakeholders	<p>All SEND Officers have mobile phones and are directly contactable by parents/guardians and schools.</p> <p>All schools have a named officer that has improved communication between the LA and schools.</p> <p>Senior SEND officers attend the parent group Special Voices regularly on a rota basis.</p>	<p>Ongoing.</p> <p>A parent survey in September 2022 highlighted 89% of parents were happy with communication with the SEND service.</p>
3. Redesign SEND service to ensure it is more fit for purpose	<p>The additional staffing has allowed for a redesign of the service to better suit the needs of our stakeholders.</p> <p>The SEND service is now being redesigned to include a pre-14 team and post-14 team as well as an annual review team. This will have a significant impact in terms of focus and capacity to provide a more effective service.</p>	In place by January 2023 when majority of new staff are in post
4. Engage in series of co-production events	On 25.11.22 a large-scale event took place for parents/carers and young people with SEND at Saba Singh Sports Centre, with stakeholders across the LA attending.	Target date February/March 2023 for new SEND and

	This was an opportunity to engage with stakeholders around the crafting of a SEND and Inclusion Strategy. The results of this will form part of the new strategy.	Inclusion Strategy
5. Use of Capita Data System for EHCNA process in order be more efficient and able to engage stakeholders	<p>Training events have taken place throughout October/November 2022 on use of Capita to complete EHCNAs and maintain Education Health and Care Plans (EHCPs).</p> <p>The system has the ability to allow stakeholders to contribute to the process online and reduce the need for word documents and eliminate issues around version control.</p>	February/March 2023 full use of Capita for EHCNA/EHCP process.

3.3. The SEND service is making slow but steady progress. The impact of additional staffing should start to be felt by March/April 2023. However, there will be new staff and a new team in place that need to be fully trained. There are a number of workforce developments that need to be put in place including clear induction, training etc. before making a full impact.

3.4. Additional support/progress

- The council has appointed a full time Programme Manager to provide support for the WSOA (December 2022). This will support the co-ordination of the WSOA and ensure more effective use of data dashboards to measure progress and focus on impact of actions.
- Frimley ICB is recruiting to a SEND participation officer role to strengthen parent, children, and young people's voice. Progress on this is currently being sought.
- Frimley ICB is recruiting additional staff to build additional capacity for integrated therapies.

3.5. Progress against the WSOA 7 Areas of Priority

On 6th October 2022, the council and Frimley ICB provide an update to the DfE on progress, areas of action and impact against the key priorities within the WSOA. Attached as appendix A is the presentation and update given to the DfE. It provides the basis of the update for this report. Below summarises the progress (as of December 2022) of the actions since the report to the DfE on October 6th, 2022 (Appendix A). Below will be updated again nearer the time of the next meeting with the DfE on January 26th, 2023:

Priority 1

There are 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)

1. Strategic Board in place since April with terms of reference.
2. SEND & Inclusion Strategy is now a critical document that we are co-producing to be presented to Cabinet in March 2023.

3. Performance management framework being developed to track data on a monthly, quarterly, and annual basis; this is to see the progress we are making.
4. Staff have received Capita training.
5. Autumn term visit reviews with a focus on SEND have been completed and there will be feedback to Strategic Board in the new year

Priority 2

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

1. We are redesigning our Local Offer for ease of signposting to the services and opportunities we provide. This will be developed with children and young people and families in the first quarter of 2023.
2. We continue to have ways of giving feedback using our surveys and face to face events.
3. We have produced a job description for a Participation Officer to be recruited in the new year who will be the lynchpin for working with children and young people and ensuring they are informed of opportunities available to them

Priority 3

There is a lack of effective use of meaningful performance information to inform the area's strategy and planning, as well as to evaluate its effectiveness

1. **Self-Evaluation Form (SEF)** – this is looking to be completed in January.
2. **Waiting times** – process is in place, but data is not available yet for Slough only. Should be in January.
3. **Complaints system** – the council has a complaints system that captures SEND-related complaints, so this could be deemed complete
4. **School attendance system** – the council has procured StudyBugs, which should go live in schools in January.
5. **Performance dashboard** – we now have one and it is improved as business as usual, so could be deemed complete.
6. **Workforce Development Plan** being produced to be completed in first quarter of the new year.

Priority 4

There are limited opportunities for parents, carers and children and young people with SEND to be involved in planning and reviewing area services

1. Links back to redesign of Local Offer – Priority 2 above.
2. Links back to recruitment of Participation Officer – Priority 2 above.

Priority 5

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

1. Tracker in place and being used by staff to ensure timely completion of EHCNAs within 20 weeks.
2. LGA review has been finalised and needs to be reviewed for dependencies against Priorities 1-7.
3. SEND team review of recruitment and retention to feed into Workforce Development Plan – link to Priority 1.
4. Multi-agency Quality Assurance Board in place with terms of reference.

Priority 6

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

1. A Review Panel across the partnership of health, education and social care was formed and was lead through the Chair from Slough Children First. Each child had a focussed session looking at their outcomes from a multi-agency perspective.
2. A multi-agency audit tool was adopted from another Local Authority and used to guide the discussions held at the panel about the child or young person's needs, and how these were being met at the residential setting following the guidance in Appendix A.
3. The individual audits of all the children, have been appended to the children's files, and submitted to all the partners to review.
4. Sixty-nine families have access to package of care.
5. Respite unit for children with additional needs.
6. Good feedback from families on 'Break Away.'
7. Good joint working with Health.
8. Short-Breaks identified link with Commissioning team on what families want. Increased package of care.

Priority 7

There is 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

1. Integrated Therapies Project/ Attain Project meeting held and workshops to start in January

3.6. Next steps and priorities

1. To understand our critical path for the next quarter.
2. To recognise that Strategic Board needs to focus on strategic key deliverables.
3. To recognise our risk level is critical and hold an urgent meeting to discuss mitigations;
4. To put forward a resource plan that will enable the Leads to manage this critical actions and still be able to provide a quality services.
5. To prepare the DfE quarterly report accepting that we have not made the progress we should have made due to capacity and funding issues.

4. SEND LGA Review

On September 20-23rd 2022 the LGA were invited to the LA to conduct a SEND review. There were 5 key themes they were asked to focus on which were:

- Leadership and governance of SEND across the local area
- Capacity and resources (including finance)
- Working with Key Partners
- Systems and Processes
- Local Offer

The full report is provided in Appendix B

4.1. Response to the LGA Review

The report was finalised on 22nd November 2022. The recommended action points have close links with the WSOA and are summarised below:

1. Significantly strengthen corporate and political commitment so that every Slough child matters and senior leaders at all levels 'own' their children.
2. Improving outcomes for children and young people with SEND needs to be prioritised by all partners so they can hold each other to account for progress made.
3. All partners must be fully invested in the action plans to improve and measure progress in relation to outcomes for children and young people with SEND.
4. The SEND Strategic Board should provide robust challenge to partners to ensure that improvements for children and young people with SEND progress at pace.
5. Consideration of risk should be an integral part of the Board's work.
6. Ensure the right resources are in the right place to maximise the capacity across the system and provide children and young people with SEND, and their families, with the support to which they are entitled.
7. The voices of children, young people and their families need to be heard and fully acted upon to deliver impactful change, including improving and relaunching the Local Offer, with a strong focus on promoting independence and preparation for adulthood.

A broader response and actions to date because of the LGA review can be seen in Appendix C.

5. Links with other Areas and Strategies

- 5.1. In order for the Council to improve its SEND service, the following strategies and priorities need to be addressed.

Table 5.1

Strategies with links to WSOA	Comments
Joint Commissioning	Work has begun on joint commissioning for therapies for young people with the Integrated Care Board (ICB) and the other East Berkshire authorities, RBWM and Bracknell Forest. This could have huge benefits in terms of cost reduction, efficiencies, and an integrated support system for young people. This proposed contract will require cabinet approval.

<p>DSG Management Plan/The Safety Valve Programme</p>	<p>All local authorities with DSG deficits are required to prepare and implement a deficit management plan, although the DfE recognises that in some cases it may take several years for the situation to improve.</p> <p>The Council has been invited to take part in the ‘safety valve’ intervention programme with the DfE with the aim of agreeing a package of reform to our high needs system that will bring the DSG deficit under control. This was reported in the September 2022 cabinet report.</p> <p>Final submission for entry to the programme is on 3rd February 2023. Council offers are working with DfE advisers on preparation for this.</p> <p>This plan is a collaborative effort between the finance team and the education team. It has direct links with the WSOA</p>
<p>School Effectiveness Strategy</p>	<p>This strategy lays out the relationship between the council and its schools. It is being refreshed and will continue explicit reference to children with SEND. The new Strategy is due to be presented to Cabinet in January 2023.</p>
<p>School Place Planning Strategy</p>	<p>The School Place Planning strategy is being refreshed and will, for the first time, include specific reference to provision of children with SEND. This is due to come to Cabinet in February 2023.</p>
<p>SEND and Inclusion Strategy</p>	<p>The current SEND and Inclusion Strategy 2021-2024 is an interim strategy updated in 2021 from the SEND strategy in 2019. It was updated to make it fit for purpose and relevant to the challenges the local area faces. A new strategy with input from all stakeholders is required, especially considering the outcome of the local area inspection since then. The aim is to bring this strategy to Cabinet in early 2023.</p> <p>The SEND and Inclusion Strategy will come to cabinet for approval in spring 2023.</p>

6. Conclusion and Next Steps

- 6.1. The local area is making some progress towards improving its SEND services. With a programme manager and improved corporate ownership, the pace of progress should improve.
- 6.2. In September 2022, the Council were supported through an LGA peer review of the SEND service and partners and provided a series of recommendations, which need to be addressed within the overall improvements required to meet the needs of these children, young people, parents, and carers.
- 6.3. There needs to be a whole system approach to addressing the Council’s corporate Priority 3 - A borough for children and young people to thrive. This will be a key focus for the new Executive Director of People – Children and the new Associate Director for Education.
- 6.4. It is vital that the whole Council, both Members and officers, are aware of and supporting and challenging the progress in meeting the priority below. This

includes key partners, health, schools, voluntary and community sector, parents, carers, children, and young people, such that the statement below is fully realised.

- 6.5. Children and young people with SEND should have the same opportunities as non-disabled children and young people. To create a town for children and families to thrive, we must ensure that this is inclusive for children and young people with special educational needs and disabilities (SEND). Slough SEND approach must improve and will seek to ensure that children and young people with SEND can grow up happy and healthy, with a voice that is heard and the same opportunities to play, socialise and reach their full potential as other children and young people.

7. Implications of the Recommendation

7.1. Financial implications

- 7.1.1. 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. The funding for any additional recommended resources will need to be identified as part of this work.

7.2. Legal implications

- 7.2.1. 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.
- 7.2.2. The SEND Code of Practice: 0 to 25 years provides 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.
- 7.2.3. The Code also provides a framework for SEND commissioning activities, including:

- considering the views of children, young people, and families.
- enabling children, young people, and parents to participate in decision making.
- collaboration with partners and stakeholders in education, health, and social care to provide support.
- early identification of children and young people's needs.
- inclusive practice and removing barriers to learning.
- helping children and young people prepare for adulthood

7.3. Risk management implications

7.3.1. For the WSOA there are several risks arising in relation to this report. Firstly, the significant concerns have led to a conclusion that the Council and ICB, alongside partners, are not effectively meeting their duties under the Children and Families Act 2014. Secondly, the WSOA identifies a number of areas where additional resources are likely to be required in a climate where the Council has significant financial challenges. Recruitment has taken place for additional SEND service staffing and the success of the WSOA and DSG management plan are contingent on a strong service.

7.3.2. A detailed risk assessment is completed and incorporated into the Council's directorate and corporate risk registers. See attached appendix D for extract of risk assessment for SEND.

7.4. Environmental implications

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

7.5. Equality implications

7.5.1. 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.

7.5.2. 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.

7.5.3. An equality impact assessment has been completed and published from the last cabinet report on the WSOA on 21st February 2022. 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.

7.6. Procurement implications

- 7.6.1. Officers are exploring the procurement implications for the DSG Management Plan and delivery of the WSOA and will be subject to Cabinet reports if necessary to ensure alignment to the councils contractual procedural rules and the Public Contract Regulations 2015 (amended). Joint commissioning is being explored as explained in 5.1 table 5.1.
- 7.6.2. Several options will be considered to ensure best value and where appropriate, competition. In accordance with the SEND code of Practice, service provision will be offered in a wide and flexible manner to meet the needs of children and young people with special education needs and disabilities, this may be direct payments to increase personal choice.

7.7. Workforce implications

- 7.7.1. This will be reviewed as part of the delivery of the WSOA and the DSG Management Plan.
- 7.7.2. A potential education team restructure will have an impact on the workforce, but this will be presented in full detail should it go ahead.

7.8. Property implications

- 7.8.1. 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.

8. Background Papers

SEND Ofsted report
WSOA
LGA SEND review report