

# People Scrutiny Commission

Extraordinary Meeting

3<sup>rd</sup> February 2020



**Report of: Executive Director of People**

**Title: Local Area Special Educational Needs and Disabilities (SEND) Inspection - Update**

**Ward: All**

**Officer Presenting Report:** Alison Hurley, Director for Education and Skills

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**Recommendation:**

For the People Scrutiny Commission to review and feedback on the outcome of the Local Area SEND Inspection.

**The significant issues in the report are:**

Summary of the purpose and outcome of the Local Area SEND Inspection;  
Next Steps to address the findings.



## 1. Summary

The joint Ofsted and the Care Quality Commission (CQC) carried out an inspection of local area Special Educational Needs and Disabilities (SEND) provision from 29<sup>th</sup> September to 4<sup>th</sup> October 2019. All local authorities are subject to this process, where inspectors evaluate how local areas meet their responsibilities to children and young people (from birth to age 25) who have special educational needs or disabilities (or both).

The outcome of the inspection was originally due in November, however, due to pre-election restrictions relating to the General Election, there was significant delay. The report was published by Ofsted and CQC on 23<sup>rd</sup> December 2019. Prior to the publication, the Council sought permission to publish it early, to ensure it was available to families and partners prior to Christmas. It was at this point that the embargo was lifted and the Council and Health partners could discuss the findings.

A number of strengths were identified, particularly in relation to Early Years, Children in Care, Post 16 and Speech and Language. Recent improvements, to some SEND services, were also recognised, along with the commitment to secure significant change within the SEND system.

However, the implementation of the 2014 SEND reforms in Bristol has been too slow and fragmented, along with significant turbulence in leadership and governance, which has led to widespread weaknesses in the local area's arrangements.

The report concludes that there are five specific areas for improvement across the local area:

- A lack of accountability of leaders at all levels, including school leaders
- Inconsistencies in the timeliness and effectiveness of the local area's arrangements for the identification and assessment of children and young people with SEND
- A dysfunctional Education, Health and Care (EHC) plan process, and inadequate quality of EHC plans
- Underachievement and lack of inclusion of children and young people with SEND
- Fractured relationships with parents and carers, lack of co-production and variable engagement and collaboration

As a result of the findings, the Local Authority (LA) and Bristol's Clinical Commissioning Group (CCG) are jointly responsible for producing a Written Statement of Action (WSOA).

### Next Steps

The LA and CCG have 3 months in which to develop and finalise the WSOA with a final submission date of 23<sup>rd</sup> March 2020. Once submitted, there is then a period of 10 days for Ofsted/CQC to review and confirm the plan is fit for purpose. It is only after Ofsted and CQC have ratified the plan, that it can be published.

The LA and CCG will then have 18 months to deliver the actions in the plan. During this time the Department for Education (DfE) and NHS England (NHSE) will monitor the progress against the actions in the WSoA to ensure key milestones are being met and improvements are on track. These will commence in July 2020.

This results in a re-inspection, undertaken by Ofsted/CQC, which is anticipated to take place in October or November 2021.

### **Co-production**

It is important that the WSoA is co-produced with families and partners to ensure stakeholders are engaged, actions are fit for purpose and improvements bring about long term, sustainable change. Therefore, a number of teams are actively working with both existing parent and carer groups as well as running new sessions, to focus on specific areas. Schools and settings are also contributing to the development of the actions in a similar way.

### **Governance**

There are a number of ways in which the progress against the actions will be monitored.

The SEND Partnership Board, which meets monthly, is an operational group and the team leading on the development of the WSoA. The performance of this group in delivering against the key milestones, along with evidence of improved outcomes, is formally monitored by the Children's Improvement Board, which is independently chaired by a member of the Local Government Association.

People Scrutiny will also take an active role in reviewing progress and performance on a regular basis and the Local Offer website will also be used to share progress and data with families to ensure there is a good level of transparency throughout the process.

## **2. Context**

Under the Children and Families Act 2014, the government placed new duties on the local health, social and education services that provide for these children and young people. The Special Educational Needs Code of Practice was updated to reflect these new duties.

In particular, the local area health, social and education services need to work together to:

- publish a 'local offer' setting out the support and provision in the area for children and young adults with special educational needs or disabilities (or both)
- provide accessible information to children and young people, as well as parents and carers, about the services and support available in the local area
- work with children and young people, their parents and carers, and service providers to make sure that any special needs or disabilities (or both) are identified as early as possible

- assess (in co-operation with children and young people and their parents and carers) the needs of children and young people with special educational needs or disabilities (or both) who may need an education, health and social care plan (EHCP)
- produce an EHCP for all children and young people who are assessed as needing one (all relevant agencies should cooperate to do this and involve the children and young people and their parents and carers)
- provide children and young people with the support agreed in their EHCP, and regularly review their plans

#### **4. Consultation**

##### **a) Internal**

Not applicable

##### **b) External**

Not applicable

#### **5. Public Sector Equality Duties**

- 5a) Before making a decision, section 149 Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following “protected characteristics”: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:
- i) Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.
  - ii) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to --
    - remove or minimise disadvantage suffered by persons who share a relevant protected characteristic;
    - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);
    - encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
  - iii) Foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to –
    - tackle prejudice; and
    - promote understanding.

#### **Appendices:**

1 – Ofsted and CQC letter