

Report to: Corporate Parenting Panel

Date of meeting: 22 April 2016

By: Director of Children's Services

Title: Update on Preparations for SEND Inspection

Purpose: To provide an overview of the proposals for a Local Area SEND inspection and the implications for Looked After Children in this.

RECOMMENDATIONS: The Corporate Parenting Panel is recommended:

1) to note the details of the upcoming inspection programme for SEND; and

2) to note the preparation work that is underway to ensure that the County Council is best prepared for inspection and that the outcomes for children and young people are realised.

1 Background

1.1 The implementation of the Children and Families Act from September 2014 was intended to deliver what has been described as "a generational change" in the way that children and young people with Special Educational Needs and Disabilities (SEND) are supported and provided for across health, education and social care. The ambitions of the reforms include:

- A person-centred approach to assessment and planning, putting children at the centre of decision-making and involving them and their families at every stage of the process.
- Responsibility for children and young people within the statutory framework to go from 0 to 25 years old, including educational provision where appropriate.
- Streamlining of statutory assessment processes, reducing the time taking from 26 to 20 weeks and the development of holistic Education Health and Care Plans (EHCPs) which replace Statements for Special Educational Needs.
- All children with a statement would be moved onto an EHCP by 1st April 2018
- That effective joint commissioning arrangements are in place across education, health and social care to ensure that a good range of provision is in place for all children and that this is set out within a comprehensive Local Offer.

1.2 In 2015, the DfE announced that they would be monitoring the steps that Local Authorities and partners have been taking in implementing the reforms and the impact of these on improving the outcomes for children and young people with SEND, both those with an EHCP and those without. This monitoring will be undertaken by Ofsted and the Care Quality Commission, jointly, across all Local Authorities.

1.3 In total 22% of Looked After Children across East Sussex have a Statement/EHCP which is much higher than the East Sussex population as a whole, which currently stands at 3.8%. Over one-third of East Sussex LAC aged between 11 and 15 and almost a quarter of 16 to 18 year-olds have a statement/EHCP. Due to this over-representation, the implications for the Children and Families Act are, therefore, even more pertinent for LAC. Furthermore, as LAC have, nationally, not achieved consistently good outcomes where they have identified additional or special educational needs and disabilities, it is especially important that the reforms achieve accelerated improvements for this group of children and young people.

2 Supporting information

2.1 In the autumn, the DfE published a consultation on proposals for a Local Area Inspection of SEND that will begin from May 2016; the consultation closed on 4 January 2016. This followed pilot inspections in 4 Local Authorities and, although a comprehensive inspection framework has yet to be published, the inference from the consultation documents is that there will be five broad areas of focus:

- 1) How effective local areas are in securing engagement and participation of children, young people and families so that they have greater choice, feel they are in control and are listened to and their concerns are resolved swiftly
- 2) How effective local areas are in having a person-centred and joined up approach to identifying and meeting the needs of children and young people and their families
- 3) How clear local areas are in understanding of what support, services and provision are available and how to raise concerns or seek redress where there are concerns
- 4) How good local areas use of effective practice, data and wider intelligence and independent assessment are to drive improvement
- 5) How well local areas have clearly defined and understood roles, responsibilities and accountability

2.2 Learning from our experiences in the School Improvement inspection, ESCC has established an Inspection Working Group to prepare for the review, and we have started the process of drawing up a comprehensive self-assessment of council responsibilities in advance of final guidance being published by the DfE. Through this process we have identified where our key risks are in relation to our services and are drafting an action plan to address these. The priority areas for East Sussex are:

- **Participation and engagement activity with parents/carers and children and young people** – we need to ensure that children and young people are fully engaged in the development of their own plans and that we can evidence how we involve young people in the strategic development of our service offers. We also need to ensure that we have feedback from parents/carers of children with a full range of SEND, not just those with the most severe and complex needs. Our engagement with children with disabilities, including those who are looked after, is a particular strength of our practice in this area and we need to see how we can broaden our practice in this area to others.
- **The Local Offer** – This is how all we articulate the full range of support that is available for all children and young people who have SEND across all partners (the LA, schools, Health, Social Care etc.) we need to ensure that this is more than just a directory of services, but provides a meaningful resource for families so they can understand both what is available to support them and what their entitlements are. We also need to ensure that there is clarity within the Local Offer of how children from vulnerable groups, like LAC, access services and how we are actively minimising barriers for them to do this.
- **Meeting Statutory Timelines** – we need to ensure that we are consistently meeting the 20-week deadline for issuing EHCPs. For LAC, this means ensuring that statutory SEN processes are well-aligned with social care responsibilities and that there is good synergy between EHCPs and Personal Education Plans (PEPs). Additionally, it means that staff working within the SEN Assessment and Planning team have good links with social care teams around shared priorities. This is an area where additional training and staff development is being undertaken.
- **Securing good educational outcomes** - we need to ensure that children with additional and SEND make accelerated progress in school and that they are not consistently over-represented within the population of children who are excluded. Good partnerships between the Virtual School and Support Services to drive improved educational outcomes for LAC are already in place; we need to ensure that these are well-evidenced.
- **Engagement with Health** – we need to ensure that our health partners are consistently well engaged in the process and that we can evidence partnership working to achieve best outcomes. The fact that LAC have input from a number of agencies, for this group of children it is especially important that we are able to evidence how services are joined up.

2.3 Whereas other inspections from Ofsted have focused on Local Authority performance, in recognition of the breadth of the Children and Families Act the new inspections will be badged as Local Area Inspections. This means that they will form a judgement on the performance of not just ESCC services, but those of Clinical Commissioning Groups (CCGs), NHS England, early years' providers, schools and Further Education providers. This does pose some risks for us as a Local Authority as our relationship with Health providers and commissioners is not as seamless as it could be.

2.4 The narrative within the inspection consultation, and indeed feedback from pilot authorities, infers that the views of parents/carers and children/young people will strongly influence the overall judgement. This means that, whereas performance data is still important, our greatest focus over the next few months does need to be on how we evidence our work with parents/carers within the overall theme of co-production and ensure that this is reflected in responses from parent/carer groups.

2.5 As the landscape for East Sussex is demanding, with 3.8% of the school population having a Statement or EHCP compared to 2.8% nationally, we know that any inspection will pose additional challenges for us. Depending on when our inspection happens, there will be an expectation that we are able to demonstrate the journey that we have come on in implementing reforms, including a good understanding of where our gaps are; these will all be presented in our self-assessment.

2.6 In order to ensure that we have a strong strategic direction that goes beyond Ofsted, the CSD has developed a Joint Commissioning Strategy and, more recently, an Inclusion and SEND Strategy which articulate the aspirations of the Local Authority and set out how we will work with our key partners to realise these. The five key aspirations within the strategy are:

- Provide high quality education, services and wider support to meet the needs of children with SEND
- Build capacity and improve inclusive practice in education settings
- Improve the engagement and influence of young people and the voice of the child
- Support families to be able to make decisions and have greater choice or influence in how services are delivered
- Ensure young people have a successful transition to adulthood

2.7 An associated governance structure involving all strategic partners, which will include education, health and social care, has been set up to monitor performance in delivering our responsibilities with a clear function of providing high level challenge and setting the priorities for East Sussex on an ongoing basis. For Looked After Children, this will mean ensuring that we:

- Ensure that children/young people and carers are involved in the shaping of their education provision and that there is excellent communication between professionals in drawing up and reviewing EHCPs.
- Ensure that schools and education providers have a good understanding of the additional challenges faced by LAC with SEN and that they take appropriate steps to accelerate improvements so that they can achieve good outcomes.
- Ensure that there are robust systems in place to ensure a good transition into adulthood, independence and ongoing training/education opportunities which are aimed at realising the ambitions of all LAC.

3. Conclusion and reasons for recommendations

3.1 Significant strides have been made within East Sussex to embed the national reforms at a local level. We do have ongoing areas of pressure and risk and we are working up robust plans to address these where we have direct control over performance.

3.2 The County Council is on track with preparations for inspection, but it is essential that all partners ensure that there is good compliance across the board with the tenets of the Children and Families Act, especially for children and young people who are looked after. This includes

good engagement with children/young people and their carers in ensuring that plans are co-produced and there is shared ownership of outcomes.

STUART GALLIMORE
Director of Children's Services

Contact Officer:

Nathan Caine, Head of ISEND Provider Services
01273 482401

Local Members: All

Background Documents: None