

Children and Families Overview and Scrutiny Committee

Date of Meeting: 27 January 2020

Report Title: SEND Written Statement of Action Progress Update

Portfolio Holder: Cllr Kathryn Flavell, Portfolio Holder for Children and Families

Senior Officer: Mark Palethorpe, Acting Executive Director of People and Director of Children's Services

1. Report Summary

- 1.1. Following the Ofsted and Care Quality Commission (CQC) Special Educational Needs and Disability (SEND) Local Area Inspection in March 2018, Cheshire East was asked to produce a Written Statement of Action (WSOA) which described the actions the area would take to improve identified weaknesses relating to Education, Health and Care (EHC) Plans and Autism pathways. The local authority and both of the area's clinical commissioning groups (CCGs) were jointly responsible for submitting the WSOA to Ofsted, and our WSOA was deemed fit for purpose by Ofsted in October 2018. This report contains information about the upcoming Ofsted and CQC SEND re-visit, and the accompanying progress report provides an update on the improvement actions carried out by the 0-25 SEND Partnership in line with the WSOA and the impact to date.

2. Recommendation/s

- 2.1. Members of the Children and Families Overview and Scrutiny Committee are asked to:
 - a. Note the progress to date against the SEND Written Statement of Action as described in the accompanying SEND Progress Overview Report.
 - b. Recognise ongoing areas for development in relation to SEND and next steps (as highlighted in the accompanying progress report).
 - c. Note and endorse the planned preparations for the Ofsted and Care Quality Commission (CQC) re-visit.

3. Reasons for Recommendation/s

- 3.1. This report (and its recommendations) ensures that the members of the Children and Families Overview and Scrutiny Committee are updated on SEND improvement work and have the opportunity to provide relevant support and challenge to the 0-25 SEND Partnership in relation to SEND, in line with the SEND Written Statement of Action.
- 3.2. The report also ensures that members are informed about the requirements of the upcoming Ofsted and CQC SEND-revisit.

4. Other Options Considered

- 4.1. Not applicable – delivery of our SEND Written Statement of Action was a requirement of the local area following the previous Ofsted and CQC SEND Local Area Inspection in March 2018.

5. Background

5.1. Introduction and background

- 5.1.1. In March 2018, Ofsted and the Care Quality Commission (CQC) carried out a joint local area inspection of Special Educational Needs and Disabilities (SEND) in Cheshire East. This inspection looked at how effectively partners in Cheshire East work together to identify, assess and meet the needs of children and young people aged 0-25 with SEND to improve their outcomes.
- 5.1.2. The inspection highlighted strengths and areas for development in the local area's arrangements in relation to children and young people with SEND in Cheshire East.
- 5.1.3. Highlighted strengths included well-established and strong relationships between leaders that facilitate joint working, and a shared vision to improve outcomes for children and young people in Cheshire East. The Cheshire East Toolkit for SEND and a number of local services, such as the Early Years Complex Care Team, the Children with Disabilities Team and the Cheshire East Autism Team, were also identified as strengths.
- 5.1.4. However, the inspection outcome letter stated that while there are significant strengths in Cheshire East, there were also two areas of weakness. As a result, the area of Cheshire East was required to produce and submit a Written Statement of Action (WSOA) to Ofsted that explains

what the local area is doing to address the following areas of significant weakness:

- Area 1 - the timeliness, process and quality of education, health and care (EHC) plans
- Area 2 - the lack of an effective autism spectrum disorder (ASD) pathway and unreasonable waiting times.

5.1.5. The Written Statement of Action was considered by the Health and Wellbeing Board in July 2018 and was subsequently deemed fit for purpose by Ofsted in October 2018. Members of the 0-25 SEND Partnership have since focused on delivery of the WSOA Action Plan through a number of focused workstreams.

5.1.6. Progress against the Written Statement of Action has been monitored by the Department for Education (DfE) and NHS England and Improvement (NHSE/I) on a quarterly basis since September 2018.

5.1.7. Updates on SEND developments arising from the 0-25 SEND Partnership are regularly provided through our 'SENDing you the news' webpage www.cheshireeast.gov.uk/sendingyouthenews

5.2. Update on progress

5.2.1. The Progress Report which accompanies this paper describes the actions that have been taken to address each area of weakness, in line with the action plan from our Written Statement of Action, and the resulting impact on these areas.

5.2.2. The Progress Report also describes actions that have been taken in other SEND areas that were not included within the WSOA.

5.3. Preparation for Ofsted/CQC re-visit

5.3.1. Ofsted and the CQC will carry out a re-visit to each local area where a Written Statement of Action was deemed to be required following a SEND Inspection. The sole purpose of the re-visit is to determine whether the local area has made sufficient progress in addressing the areas of weakness detailed by the WSOA (including an evaluation of the impact of the actions taken). The focus of each re-visit will be the areas identified in the WSOA. However, if any other serious weaknesses are identified during the re-visit, these will be referenced in the re-visit letter.

- 5.3.2. Once the need for a WSOA has been determined, advisers from the Department for Education (DfE) and NHS England and Improvement (NHSE/I) carry out a minimum of four support and challenge visits to the local area. Following an initial SEND inspection follow-up meeting with DfE and NHSE/I in May 2018, the Cheshire East local area has had five further monitoring visits in September 2018, December 2018, March 2019, June 2019 and October 2019. One further monitoring visit is currently scheduled to take place on 21st January 2020. The attached document gives an overview of progress against the WSOA.
- 5.3.3. Ofsted and the CQC will usually re-visit a local area within 18 months of the WSOA being declared fit for purpose.
- 5.3.4. The re-visit inspection team will always be led by an Ofsted Inspector who will be accompanied by a CQC inspector. If possible, these will be the same inspectors who carried out the initial inspection.
- 5.3.5. The Inspectorate of Ofsted will notify the director of children's services, as the representative of the local area partners, 10 working days before the re-visit team arrives on site. The CQC will then notify leaders at the CCGs. The local area is responsible for informing all stakeholders of the dates of the re-visit.
- 5.3.6. Inspectors will ask to speak to a group of children and young people as part of the re-visit. Inspectors will also hold a meeting with parents on day 1 of the on-site activities of the re-visit, and will ask parents a number of questions through an online webinar prior to arriving on site.
- 5.3.7. The on-site activities will last two to four days depending on the extent of the serious weaknesses identified. The length of the re-visit will be communicated to the local area at the time of notification.
- 5.3.8. Following the re-visit, Ofsted and CQC will produce a letter that will include:
- the decision as to whether the local area has made sufficient progress in improving each of the serious weaknesses identified at the initial inspection
 - a clear and brief summary of the effectiveness of leaders' actions against each serious weakness identified in the WSOA
 - reference to any other serious concerns, with the underpinning evidence, identified during the re-visit, and clarification that these will be communicated to the DfE and NHSE/I and will be used to determine the timing of the next inspection (under any future LA SEND framework).

- 5.3.9. If a local area is considered to have made sufficient progress, the formal quarterly support and challenge visits from the DfE and NHSE/I will cease.
- 5.3.10. If a local area is making insufficient progress in any of the serious weaknesses identified, it is for the DfE and NHSE/I to determine the next steps. This may include the Secretary of State for Education using his powers of intervention. Ofsted and the CQC will not carry out any further re-visits unless directed to do so by the Secretary of State.
- 5.3.11. An action plan is being developed to ensure that the necessary arrangements are in place for the re-visit, incorporating learning from other areas. It is proposed that existing governance arrangements will be used to monitor and scrutinise this action plan. This includes the SEND improvement group, which currently coordinates information for the monitoring meetings, and the Inspection Logistics Group, which includes senior managers from the LA and health. Arrangements will be overseen by the 0-25 SEND Partnership Executive Management Group and informed by the 0-25 SEND Partnership Board. It is essential that individual agencies establish oversight of their own readiness, and ensure the commitment of necessary resources to contribute to the multi-agency planning arrangements.

6. Implications of the Recommendations

6.1. Legal Implications

- 6.1.1. Delivery of our SEND Written Statement of Action was a requirement of the local area following the previous Ofsted and CQC SEND Local Area Inspection in March 2018.
- 6.1.2. There are no further legal implications at this stage.

6.2. Finance Implications

- 6.2.1. Details of resources that have been previously been committed to support the delivery of actions within our WSoA for SEND are outlined within the accompanying progress report. If we have not made sufficient progress at the re-visit, there could be financial implications implementing any further action required.
- 6.2.2. Providing increased budget around the provision of sufficient school places for SEND and SEND transport are included in the Council budget proposals for change for the period 2020/21 to 2023/24.

6.3. Policy Implications

- 6.3.1. There are no policy implications at this stage.

6.4. Equality Implications

- 6.4.1. The actions outlined within our WSOA for SEND are focused on improving experiences and outcomes for Cheshire East children and young people with SEND, and their families.

6.5. Human Resources Implications

- 6.5.1. A full consultation was carried out in relation to the re-structure of the SEND service. As of January, the majority of posts within the new structure are filled.
- 6.5.2. The current Head of Service for SEND is leaving Cheshire East in January 2020. Two temporary Head of Service posts have been created for the next 12 months in order to ensure that we can move the improvement of the service forward with greater pace. A new Head of Service with responsibility for the SEND Locality teams has been appointed and is in post. The other temporary Head of Service post is currently being recruited to. Officers are also now in post for the three Locality Manager roles within the SEND service.
- 6.5.3. We will continue to advertise to recruit more Educational Psychologists in our continued drive to increase capacity within this service.

6.6. Risk Management Implications

- 6.6.1. Risks and issues arising from work within any workstream of the 0-25 SEND Partnership are highlighted to the SEND Partnership Board through highlight reports.
- 6.6.2. Risks and issues are also monitored through the SEND Improvement Group, and any major risks relating to SEND are added to the Council's corporate risk register where appropriate.

6.7. Rural Communities Implications

- 6.7.1. There are no direct implications for rural communities.

6.8. Implications for Children & Young People/Cared for Children

- 6.8.1. The actions outlined within our WSOA for SEND are focused on improving experiences and outcomes for Cheshire East children and young people with SEND.

6.9. Public Health Implications

- 6.9.1. There are no direct implications for public health.

7. Ward Members Affected

- 7.1. The improvement actions described in our WSOA for SEND apply equally to all children and young people with SEND in Cheshire East, and their families, and therefore any impact is borough-wide.

8. Consultation & Engagement

- 8.1. Feedback from a wide range of professionals across education, health and care and members of the public (including parent carers) contributed to the development of the SEND Written Statement of Action and the Action Plan within it.
- 8.2. We are continuing to use both data and feedback as a measure of the impact of our improvement actions.
- 8.3. There are numerous consultation and engagement activities with parent carers, young people and professionals throughout the year in relation to SEND improvements, and the SEND Partnership's Communication and Engagement Working Group manages a calendar of all ongoing consultation and engagement events and activities.
- 8.4. A full consultation was carried out in relation to the re-structure of the SEND service.

9. Access to Information

- 9.1. One supporting document, which provides an overview of progress against the SEND WSOA and other SEND improvements, has been included alongside this report.
- 9.2. The Local Area Inspection Report from March 2018, along with the WSOA, is published on the Council's website at:

<https://www.cheshireeast.gov.uk/livewell/local-offer-for-children-with-sen-and-disabilities/send-developments/cheshire-east-local-area-send-inspection.aspx>

10. Contact Information

10.1. Any questions relating to this report should be directed to the following officer:

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