

NB – THE GRID BELOW IS FOR INTERNAL PURPOSES ONLY – PLEASE DELETE PRIOR TO SUBMITTING THE FINAL REPORT TO DEMOCRATIC SERVICES

	Typed	Originator	Head of Service	Chief Officer	Cabinet Member	Legal	Finance	Media
Initials								
Date								



Appendix 3

Portfolio Holders Briefing – 30 October 2017

Report of the Strategic Director People

Local Area SEND Inspection

<u>Purpose</u>	
1.	To provide People Directorate Portfolio Holders with a briefing on the Ofsted and Care Quality Commission (CQC) Local Area Special Educational Needs and Disability (SEND) Inspection regime.
2.	To ensure People Directorate Portfolio Holders are aware of their own roles and responsibilities within that.
3.	To provide a stimulus for identifying any actions People Directorate Portfolio Holders may need to take to provide strong evidence of democratic leadership of the local authority’s arrangements for children and young people with SEND.
<u>Recommendations</u>	
4.	<p>It is recommended that:</p> <ul style="list-style-type: none"> • People Directorate Portfolio Holders note the report in the context of enabling them to have a good understanding of the inspection process, the SEND reforms and their leadership role in developing the SEND agenda • People Directorate Portfolio Holders read this report alongside the SEN Report presented to them on Monday 18th September prior to the information in it being presented at the Children’s Services Scrutiny Committee later that day • People Directorate Portfolio Holders use the content of this report as briefing for attending all inspection-related meetings • People Directorate Portfolio Holders identify any specific actions or any further information they will need to provide strong evidence of democratic leadership of the local authority’s arrangements in this regard.
<u>Background</u>	
5.	From May 2016, Ofsted and the Care Quality Commission (CQC) began

	inspecting how local areas are meeting their responsibilities to disabled children and young people, and those with special educational needs (SEND) under Part 3 of the Children and Families Act 2014.
6.	The inspections commenced in May 2016 and all areas will be inspected within five years.
7.	Notice of the inspection will be received 5 days in advance and the inspection team will spend 5 days gathering and considering their evidence.
8.	The team will be made up of no less than 3 inspectors.
9.	The inspection explores how the local area is implementing and fulfilling the new duties, outlined in Part 3 of the Act.
10.	The purpose of the inspection is to secure an independent evaluation of how well the local area carries out its statutory duties in relation to children and young people with SEND in order to improve their outcomes.
11.	Although the local area is the geographical area of the Local Authority, the inspection is not just evaluating the local authority.
12.	The starting point for the inspection is the expectation that the local area should have a good understanding of how effective it is. Leaders from the local area should be able to assess accurately how well the local area meets its responsibilities including its strengths and areas that require further development. Inspectors will test out the accuracy of this assessment during the inspection.
13.	Portfolio Holders were presented with a copy of the SEN Report on Monday 18 th September 2017 which outlined the Local Authority's progress on implementing the SEND reforms to date.
14.	The Act extends the age range of the group it covers to include all children and young people with SEND from age 0-25. This means that the Director of People and the Lead Members for both Children's and Adults' Services all have a key leadership role, both within the local authority and in their working with other local agencies to improve outcomes for children and young people with SEND. Senior managers and Elected Members across the Dudley Local Area must therefore ensure that they are meeting their responsibilities under this legislation.
	<u>What is the purpose of the inspection?</u>
15.	<p>The purpose is to secure an independent evaluation of how well a local area carries out its statutory duties in relation to children and young people with SEND in order to support their development.</p> <p>The inspection will ask three questions: <u>Question A:</u> How effectively does the local area identify children and young people who have special educational needs and/or disabilities? <u>Question B:</u> How effectively does the local area assess and meet the needs of children and young people who have special educational needs and/or disabilities? <u>Question C:</u> How effectively does the local area improve outcomes for children and young people who have special educational needs and/or</p>

	<p>disabilities?</p> <p>The inspection is not primarily intended to hold local areas to account for shortcomings (although the Inspectors do have certain powers to do so if necessary). The aim is to evaluate the effectiveness of the local area's processes and identify ways to improve and develop these to ensure that better outcomes for children and young people with SEND are delivered. It is also important to know that the purpose of the Inspection is not to evaluate the overall quality of the individual providers or services visited.</p>
	<p><u>What is the local area?</u></p>
<p>16.</p>	<p>The local area includes the local authority, clinical commissioning groups (CCGs), public health, NHS England for specialist services, early years settings, schools and further education providers. This is because one of the duties introduced by the Children and Families Act 2014 is for the local authority to ensure:</p> <p>“the integration of educational provision and training provision with health care provision and social care provision, where it thinks that this would—</p> <p>(a) promote the well-being of children or young people in its area who have special educational needs or a disability, or</p> <p>(b) improve the quality of special educational provision—</p> <p style="padding-left: 40px;">(i) made in its area for children or young people who have special educational needs, or</p> <p style="padding-left: 40px;">(ii) made outside its area for children or young people for whom it is responsible who have special educational needs.”</p> <p>(s.25(1) Children and Families Act 2014)</p> <p>To achieve this integration, the Children and Families Act 2014 requires cooperation between the local authority and its local partners and vice versa (s.28 Children and Families Act 2014).</p>
	<p><u>What is meant by “outcomes”?</u></p>
<p>17.</p>	<p>The Inspection guidance is very clear that “outcomes” are not limited to academic achievement.</p> <p>The Inspection will be evaluating how effectively the local area supports children and young people with SEND to achieve the best possible educational and other outcomes.</p> <p>This will include:</p> <ul style="list-style-type: none"> • a wide range of outcomes for both health and care, as well as academic achievement • how well the local area prepares young people for adulthood as detailed in the Code of Practice (such as preparedness for higher education/employment; preparedness for independent living; preparedness for participation in society; being as healthy as possible in adult life) • performance in meeting statutory deadlines (for EHC needs assessments and EHC Plans) • how efficiently needs are identified for children and young people aged 0-25 and, in particular, groups who need additional consideration

	<p>because of specific circumstances (e.g. looked after children/care leavers, those subject to youth justice, those missing from education, children with child in need or child protection plans etc.)</p> <ul style="list-style-type: none"> • how efficiently the identified needs are met
	<p><u>What evidence will the Inspection examine?</u></p>
18.	<p>A variety of information will be gathered. Some of the key evidence will be gathered from the local authority and their local partners because a crucial aspect of the Inspection will be the following:</p> <ul style="list-style-type: none"> • the leadership of provision for special educational needs and/or disabilities across the local area • the impact of joint commissioning • the local arrangements, including the local offer and how well leaders understand the local area • how the local area uses the intelligence gathered from evaluation of its effectiveness to plan for and lead future improvement. <p>However, the other key element will be gathering the views of children, young people, parents and carers and this will be a central feature of inspection activity. This will be done through meetings with parents, carers, children and young people. It will also be done through visits to nurseries, schools and colleges and through discussions with staff who work with parents, carers, young people and children across education, health and social care. Inspectors will also review records held by providers and services and by the local authority. This may inform further discussions with parents and carers.</p> <p>Discussions will also be held with local parent and carer groups, with the Parent Carer Forum and with local impartial information, advice and support services.</p> <p>The Inspection may also review local consultations and surveys, complaints made to both Ofsted and CQC and serious case reviews. They will also consider information from appeals to the First Tier Tribunal (Health and Social Care Chamber) (SEND).</p>
	<p><u>What happens after the Inspection?</u></p>
19.	<p>After the Inspection a report will be prepared and then published on the Ofsted and CQC websites.</p> <p>This will outline the evidence that inspectors reviewed and provide a summary of key findings including strengths and areas requiring further development. In addition, reports may also include areas of significant concern that may require a written statement of action to be submitted by the local authority and/or the CCG/health providers to identify how concerns will be remedied.</p> <p>In most circumstances, the final report will be published on Ofsted's and CQC's websites within 33 working days.</p>
	<p>What are the specific aspects of the inspection of which People Directorate Portfolio Holders need to have particular awareness?</p>

20.	The Director of People and the Lead Members are responsible for ensuring that the effectiveness of the steps taken and the capacity to improve outcomes for all children and young people with SEND is reflected across the full range of the Council's business.
21.	Key questions and suggested indicators of progress that Ofsted may seek include:
21.1	<p>Question: What evidence is there of democratic scrutiny of the local authority's (LA) arrangements for children and young people with SEND?</p> <p>Suggested indicators that this is happening:</p> <ul style="list-style-type: none"> • The Lead Members and the Director of People report regularly to elected members on SEND • SEND has been recently considered by an overview and scrutiny committee, or there are plans to do so • The Nominated Officer for SEND produces regular updates on implementing the SEND reforms for Lead Members • Reports are made to the LA Corporate Parenting Board and Children's Safeguarding Board on delivery of SEND strategy. <p>What has been achieved so far?</p> <ul style="list-style-type: none"> • An SEND report was presented by the Nominated Officer for SEND to the People Directorate Portfolio Holders on 18th September 2017. This was ahead of it being shared with Children's Services Scrutiny Committee on the same day. This was to ensure key elected members were aware of its content. The report constituted a briefing on Dudley Council's progress in implementing the new legal duties in Part 3 of the Children and Families Act 2014 which relate to children and young people with Special Educational Needs and/or Disabilities (SEND) - the SEND reforms. • The Nominated Officer for SEND reports regularly to the Director of People at an oversight meeting, that includes the Director and most members of People Directorate's Leadership Team, and to the SEND Reform Implementation Improvement Board. • The Nominated Officer for SEND also presented a progress update to the Children and Young People's Alliance Board on 29th September 2017. This Board is accountable to the Health and Wellbeing Board. <p>What else needs to happen?</p> <ul style="list-style-type: none"> • Regular reporting patterns need to be established going forward to ensure elected members: <ul style="list-style-type: none"> ▪ know their roles and responsibilities towards delivering the SEND reforms ▪ are kept abreast of the progress being made to their full implementation and of any barriers to that progress ▪ know what is being done well and what needs to be improved • Similar regular reporting mechanisms need to be established for all appropriate strategic boards
21.2	<p>Question: How has the LA responded to ensuring a joined up approach to support</p>

for the 0-25 age range across directorates within the LA (with particular focus on promoting effective transitions, including Preparation for Adulthood)?

Suggested indicators that this is happening:

- There are 0-25 strategies
- There are integrated 0-25 teams
- There is effective communication between teams focussed on supporting 0-25 year olds who are eligible for either SEN Support or an EHC plan

What has been achieved so far?

- The Nominated Officer for SEND is a member of the Whole Life Disability Service Project steering group and sits on two of the workstreams. The Senior Manager for Specialist Inclusion Services, the SEN Team operational lead and the Principal Educational Psychologist are also actively involved in the development of the new service. Their combined involvement will help to ensure that the new service is set up to reflect the principles defined in the Children and Families Act – personalised approaches, person-centred planning, preparation for adulthood from the earliest point, smooth transitions, a focus on outcomes and greater choice and control over what support is provided and how. The new service is aimed to be running from 2nd April 2018. Its creation will also support the development of much more effective communication between teams working on behalf of children and young people with SEND both within the new service and across other services.

What else needs to happen?

- There needs to be a further strategy developed around how other SEND services not covered by the Whole Life Disability Service Project move towards full coverage of the 0-25 age range. For example, Education Outcomes monitors and challenges in pre-school settings and educational establishments covering the compulsory participation age range. There is no challenge from them or any other service provided to the Further Education (FE) sector or beyond. This constitutes a gap at a key transition point at which many parents experience difficulty in securing continuity of a number of services. This will be considered as part of the move to post 16 outcomes based commissioning for SEND.

21.3

Question:

How has the LA worked with its strategic partners to develop and agree a multi-agency SEND strategy and implementation plan which clearly defines the strategic vision, objectives and outcomes that partners will work towards?

Suggested indicators that this is happening:

- There is a multiagency SEND strategy and implementation plan signed off by all partners
- There is a strategic partnership group which oversees the implementation and review of the plan
- There is a clear statement and commitment to promoting coproduction and personalisation within the strategy

	<ul style="list-style-type: none"> • There is a clear set of performance measures that demonstrate progress towards achieving key outcomes within the SEND strategy <p>What has been achieved so far?</p> <ul style="list-style-type: none"> • The need to produce a Integrated SEND strategy document that has senior level approval is acknowledged • There is a draft Integrated SEN strategy document • An SEN Scorecard is under development • Self evaluation work has already been undertaken • There is an SEND Reform Implementation Improvement Plan. Ownership of this is being widened to involve a greater range of partners. • An internal review of the within borough special school population is underway. The review will consider the current designations of the Dudley special schools and identify opportunities to bring any children and young people placed in out of borough special schools back in to borough schools, where this is appropriate. <p>What else needs to happen?</p> <ul style="list-style-type: none"> • Once developed, the draft Integrated SEND strategy document needs to be reviewed by partners.
21.4	<p>Question: How does the LA provide assurance that work undertaken around other national programmes (i.e. Transforming Care, Child and Adolescent Mental Health Service (CAMHS) transformation, Integrated Personal Commissioning) is aligned to the SEND strategy and implementation plan?</p> <p>Suggested indicators that this is happening:</p> <ul style="list-style-type: none"> • The SEND strategy and implementation plan clearly reference work in progress on other relevant national programmes <p>What has been achieved so far?</p> <ul style="list-style-type: none"> • Please see 19.3 <p>What else needs to happen?</p> <ul style="list-style-type: none"> • The final version of the Integrated SEND Strategy document needs to address the alignment issue. This needs to be achieved through working co-productively with all relevant partners.
21.5	<p>Question: Has the LA signed off the joint commissioning and clear joint governance arrangements with clinical commissioning group(s) and the outcomes they are intended to support around the 0-25 age group?</p> <p>Suggested indicators that this is happening:</p> <ul style="list-style-type: none"> • There is a document setting out the details of the joint commissioning arrangements which has received senior sign off • There are a set of agreed outcomes across education, health and social care • Joint governance arrangements are available that show which senior managers are accountable for commissioning across education, health

	<p>and social care and across the different age ranges</p> <p>What has been achieved so far?</p> <ul style="list-style-type: none"> • Joint commissioning is at an early stage. The facilitator of the Parent Carer Forum post is jointly funded by the CCG and the Council. There is also joint funding for the Tier 2 CAMHS project. • SEND commissioning is gradually being taken over by the Integrated Commissioning Hub <p>What else needs to happen?</p> <ul style="list-style-type: none"> • Joint commissioning arrangements and protocols need to be drawn up and agreed with the CCG. They need to cover the 0 – 25 age range. • A set of agreed outcomes across education, health and care need to be drawn up and published • Clear governance needs to be identified via the accountability mechanisms detailed in 19.1
21.6	<p>Question:</p> <p>Are there effective and robust assurance checks in place for progress towards implementation of the SEND reforms?</p> <p>Suggested indicators that this is happening:</p> <ul style="list-style-type: none"> • Assurance checks have been agreed by the Council, including a set of outcomes by which success will be measured • Regular reports are provided to the executive and political leadership on progress <p>What has been achieved so far?</p> <ul style="list-style-type: none"> • The SEND Reform Implementation Improvement Board meets on a monthly basis. The Chair holds all members to account for actions and the progress being made towards full implementation of the Reforms. • There is an SEND Reform Implementation Improvement Plan that is currently being revised to make it more accessible, to provide wider ownership of its priorities and to add more dimensions to its actions. • A more sophisticated SEN Scorecard is also under development. • The Chair of the SEND Reform Implementation Improvement Board reports up to the Children and Young People’s Alliance (CYPA) Board. The Nominated Officer for SEND has provided implementation progress update reports to the CYPA Board. • The Chair of the CYPA Board reports up to the Health and Wellbeing Board. • Reporting to elected members – please see 19.1. <p>What else needs to happen?</p> <ul style="list-style-type: none"> • The revised SEND Reform Implementation Improvement Plan needs to be RAG (Red, Amber, Green) rated and reported on by exception to the SEND Reform Implementation Improvement Board at each meeting. • A regular reporting cycle needs to be established for elected members to be kept informed of progress on the full implementation of the Reforms. • A regular reporting cycle to the Health and Wellbeing Board also needs to be established.

21.7	<p>Question: To what extent are leaders aware of their areas of strengths and areas for development?</p> <p>Suggested indicators that this is happening:</p> <ul style="list-style-type: none"> • Peer review internally and regionally. • Feedback from parents. • Process for sharing any audit tools in use and gaining triangulated feedback on self assessment. <p>What has been achieved so far?</p> <ul style="list-style-type: none"> • There is a self-evaluation document, the outcomes of which have been shared with a range of audiences including Wider Corporate Board. Its format is currently under revision and it will be updated into the new format. • The Local Government Association will be conducting a Peer Review of specific aspects of the progress being made in the week of 22nd January 2018. This will provide helpful external feedback on key parts of the self-assessment document. • Parents have been involved in providing feedback on the quality of Education, Health and Care Plans (EHCP) through a multi-agency quality audit session. They have also provided feedback on the quality of their experience of the system. This feedback will be used to inform bespoke training for the SEN Team and EHCP advice providers. • The Parent Carer Forum has been proactive in providing feedback on their experience of the Reforms e.g. through the use of the Hertfordshire pre-inspection survey that captures their opinion on the main purpose of the reforms. • The Nominated Officer for SEND was invited to join the CCG when they met to undertake their review of their self-assessment using the Council for Disabled Children's CCG Audit Toolkit. The Local Authority version of this has been used to generate all the questions and indicators in this section of the report. <p>What else needs to happen?</p> <ul style="list-style-type: none"> • There is a range of Portfolio Holder and Children's Scrutiny Committee service visits arranged that includes the SEN Team and the Specialist Inclusion Service
21.8	<p>Question: Is there a clear process for engagement with leaders of local settings including headteachers, principals of Further Education (FE) colleges and Early Years (EY) settings, around the development, implementation and review of the SEND reforms?</p> <p>Suggested indicators that this is happening:</p> <ul style="list-style-type: none"> • The LA engages with headteachers, principals etc within dedicated groups • Local leaders are involved in strategic partnerships and planning forums • There are clear policies in place to allow EY settings, schools and FE colleges to implement their commissioning functions in relation to

	<p style="text-align: center;">SEND provision</p> <p>What has been achieved so far?</p> <ul style="list-style-type: none"> • There is headteacher representation on the SEND Reform Implementation Improvement Board, covering primary, special and secondary schools, and FE representation. Early years settings are represented by the Early Years Adviser and the Senior Manager for the Specialist Inclusion Service. • There have been briefings on the Reforms and the Local Area SEND inspection at Primary, Secondary and Special School Forums. There have also been sessions for Chairs and Vice Chairs of Governors, Early Years Settings and SENCOs • Materials prepared for these sessions have been further cascaded by session attendees. For example one Secondary headteacher used the materials to facilitate a staff INSET day within a Multi Academy Trust (MAT). This MAT includes an FE provider. • School staff have been actively engaged in the Reform Implementation workstreams. • A monthly update on the progress towards full implementation of the Reforms will be provided for schools as of November 2017. • The Principals of the FE Colleges meet on a regular basis and this is attended by senior officers. SEND is a regular item on the agenda. <p>What else needs to happen?</p> <ul style="list-style-type: none"> • A review of partner policies with regard to commissioning services
22.	<p>The requirements of the Act relate to the Dudley Council Plan in the following ways:</p> <p>One Council: Develop and implement an asset strategy based on new ways of working and community hubs.</p> <p>Growing the economy and creating jobs: Improve education outcomes for children and young people by strengthening partnerships with schools and colleges. To provide targeted support to young people and adults most in need that will assist them in accessing education and training opportunities.</p> <p>A Community Council: To ensure continuous improvement in Children's Services To increase the number of people who control their own care and support whilst ensuring a sustainable usage of resources</p> <p>Stronger and safer communities: To ensure continuous improvement in Children's Services To develop and ensure a council wide commitment to corporate parenting to ensure better outcomes for Looked After Children and Care Leavers Increase the number of people who control their own care support whilst ensuring sustainable usage of resources Deliver a joined up partnership approach to improve the health and wellbeing outcomes for children and young people 0-25 across all settings – EY, the voluntary sector, schools and colleges</p> <p>The requirements of the Act also reflect the Dudley Values and behaviours framework:</p>

	<p>Accountability: By being accountable for excellence in everything we do</p> <p>Determination: By being determined to get it right for our residents</p> <p>Empowerment and respect: By listening to and empowering residents and staff and by acting with respect in everything we do</p> <p>Excellence: By striving for excellence in everything we do</p> <p>Simplicity: By communicating clearly and reducing bureaucracy</p> <p>Working together: By collaborating as one council and one borough</p>
<u>Finance</u>	
23.	<p>The work being undertaken to implement the Reforms is currently being funded mainly through the DfE SEN Burdens Fund Grant. There is no certainty of the continuation of this grant beyond March 2018. It has mainly been used to fund temporary additional staff to support the SEN Assessment Team and Educational Psychology Service with some of the extra work related to the transfer of children and young people from SEN statements to EHCPs.</p> <p>The budgetary requirement will be reassessed once the LA is advised of the DfE's intentions in respect of the SEN Burdens Fund Grant strategy after 2017/18.</p>
<u>Law</u>	
22.	<p>This report summarises for Portfolio Holders the contents of the guidance, published by Ofsted and the Care Quality Commission in April 2016, regarding the framework for the inspection of local areas' effectiveness in identifying and meeting the needs of children and young people who have special educational needs and/or disabilities.</p>
<u>Equality Impact</u>	
23.	<p>This paper is for information and is not for decision, therefore an Equality Impact Assessment has not been carried out, however, all the changes required by the new legislation are designed to bring improved experiences, outcomes and life chances to children and young people with SEND and their families and is complementary to the Equality Act 2010 and other related laws. The risk of it having a negative impact on any person with a protected characteristic is therefore extremely low. Whilst this report focuses on SEND, other protected characteristics, including gender, race and religion, are equally relevant in terms of children and young people with SEND and their families.</p>
24.	<p>There will not be an effect on children and young people directly but the Local Area SEND inspection outcome will potentially have a strategic impact on children and young people with SEND. The Local Area SEND inspection process and the LGA Peer Review will involve children and young people with SEND and their views will inform the outcome of both visits.</p>
<u>Human Resources/Transformation</u>	

12.	In line with the Council's Transformation Strategy (People, Process, Redesign), HR Services and the Transformation Team will provide appropriate support to help enable the delivery of the priorities identified above.
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List of Background Papers

Childrens Services Scrutiny Committee Report of the Strategic Director – People
Briefing Paper of the Strategic Director – People SEND Report 18th September 2017



FINAL SEN Scrutiny
Report August 2017 \

Dudley Council Plan