
Meeting of the Cabinet – 11th September 2019

Report of the Strategic Director People

Local Area SEND Inspection – Written Statement of Action Update

Purpose

1. This is a progress report on the preparation of a Written Statement of Action that the local authority [DMBC] and the area's Clinical Commissioning Group [CCG] are jointly responsible for submitting to Ofsted by 15th October 2019. This follows a joint inspection of the local area to judge the effectiveness of the provision for children and young people [CYP] with special educational needs and/or disabilities [SEND] which found a number of strengths but also some significant weaknesses in local area practice.
2. This report also contains a list of actions in Appendix 1 that have been identified for the Post Ofsted Action Plan [POAP] which will be a more comprehensive document than the Statement of Action covering more than the Ofsted issues raised in the inspection and with a longer timescale.
3. A Department for Education [DFE] monitoring visit has been arranged for the 30th July to look at an early draft of the Statement of Action. This is an opportunity for the DFE to offer support but also to ensure that DMBC and the CCG are acting swiftly to address the concerns raised.
4. Together with the CCG, the People Leadership Team [PLT] provide a governance role for children and young people [CYP] with special educational needs and/or disabilities [SEND] in Dudley. Therefore the role of the PLT is to provide oversight and direction and to agree the timetable of key actions.
5. The purpose of this paper is to inform the Cabinet about the actions being taken to draw up a draft Statement of Action in response to the Ofsted inspection findings. This will give Members the opportunity to help shape the key actions but, more importantly, be reassured that the local authority is acting quickly to address the issues identified.
6. The final Statement of Action will be shared with Ofsted by 15th October but there is a DFE Support Visit on 30th July and it is important that PLT see the draft actions before this meeting. The next stage of the process will be to work closely with other Local Authority officers in the Dudley Disability Service (DDS), commissioning, Human Resources, finance and health and wellbeing together with the CCG and other partners to refine and amend these actions. Sessions are being planned with the Parent Carer Forum and CYP groups. Therefore any wider corporate issues will be addressed before the final Statement of Action is agreed.

Recommendations

7. It is recommended that Cabinet :
- Note the key areas of strength and weakness from the Ofsted inspection together with the requirement to submit a Written Statement of Action.
 - Agree the timetable of actions suggested for developing the Written Statement of Action.
 - Agree that the Head of Education Outcomes will lead on the Written Statement of Action for the local authority [LA] within the agreed timetable. This will involve collaborative working with Head of Whole Life Disability, LA operational lead for SEND), Head of Integrated Commissioning, Performance and Partnerships (LA commissioning lead for SEND), officers from Health and Wellbeing, the SEND Implementation Group, the Parent Carer Forum and the Dudley CCG.
 - Note the list of actions identified so far for the Post Ofsted Action Plan [POAP] for the Local Area SEND Inspection and take the opportunity to shape some of the key actions before the first draft of the POAP is completed. The POAP will be a more comprehensive document than the Statement of Action because it will cover more than the Ofsted recommendations.

Background

8. Between 20 May and 24 May 2019, Ofsted and the Care Quality Commission (CQC) conducted a joint inspection of the local area of Dudley to judge the effectiveness of the area in implementing the disability and special educational needs reforms as set out in the Children and Families Act 2014. The inspection team was led by Simon Mosley (HMI) and comprised another HMI, an Ofsted Inspector and a children's services inspector from the CQC.
9. Inspectors spoke with children and young people with special educational needs and/or disabilities (SEND), parents and carers, local authority officers, National Health Service (NHS) officers. They also visited a range of providers and looked at a range of information about the performance of the local area.
10. The inspectors found areas of strength but also a number of significant weaknesses. Therefore, in accordance with the Children Act 2004 (Joint Area Reviews) Regulations 2015, Her Majesty's Chief Inspector (HMCI) has determined that a Written Statement of Action is required and that the local authority and the CCG are jointly responsible for submitting it to Ofsted.

Areas of Strength Identified By The Ofsted/CQC Inspection

11. As stated above, the inspection team identified a number of areas of strength. Overall they felt that:
1. *“leaders now have a clear understanding of the local area’s strengths and weaknesses. Their self-evaluation is accurate, and leaders have identified the correct priorities that require immediate and urgent improvement”.*
 2. They agreed that support for CYP with SEND is improving which is helping to raise their educational attainment for some pupils in every key stage as well as reducing exclusions.
 3. As well as these positives, the inspectors recognised that all of our specialist schools are currently judged by Ofsted as being ‘good’ or ‘outstanding’ and there was positive feedback from education settings regarding the support and training they receive from a range of services.
 4. Some of the specific areas of strength in the provision identified were:
 - once accessed and the education psychology service;
 - the ‘Think Family’ approach;
 - universal, targeted and specialist emotional mental health support for CYP;
 - early support that families of deaf children receive; autism outreach; visual impairment services; speech and language therapy and the early years team;
 - aspects of child and adolescent mental health services (CAMHS);
 - the SENDIASS team, (SEND Information Advice Support Service);
 - sensory support services;
 - emotional health of Children Looked After (Lighthouse links);
 - school nurses are highly regarded by education settings and;
 - Family Nurse Partnership tailored support to young pregnant women.

Areas of Significant Concern Identified By The Ofsted/CQC Inspection

12. However, overall the report reflects a disappointing picture with a number of areas for improvement and significant concerns about the effectiveness of the local area. Dudley Council fully accept their findings, which are very closely aligned to our own self-evaluation that was shared with the team before the inspection. The areas of significant weakness are:
1. Improvement strategies are not embedded, and they have not had a marked impact on improving outcomes for children and young people with SEND.
 2. The needs of children and young people with SEND have not been accurately identified or moderated over time.

3. A strategic approach to assessment and provision mapping in Dudley is lacking. There is poor co-ordination of assessment information between agencies resulting in fragmented information systems.
4. Joint commissioning is underdeveloped. It is not always informed by accurate analysis of performance data, which is required to understand areas of need and gaps in current service provision.
5. The DMO has insufficient capacity to promote SEND agenda across health providers.
6. Co-production with parents is weak. Co-production at a wider strategic level is underdeveloped.
7. There is a great deal of parental dissatisfaction. The passion and commitment of the various parent groups has not been harnessed. Many parents feel disengaged with the system.
8. There is a lack of understanding about inclusion in Dudley. The local area needs to change the culture and develop stakeholder confidence in the system.
9. The published local offer is poor. It is underused and difficult to navigate.
10. EHC plans are often of a poor quality. They are not outcome-focused and often lack information about health and social care. Completed EHC plans are often not shared with early years settings
11. Pupils with SEND make slower progress than other pupils.
12. Pupils with SEND have higher absence and exclusions rates than other pupils.
13. There is a lack of local provision post-19 for young people with the most complex needs.
14. Too few young people with SEND progress into employment.

Statement of Action – Key Areas

13. The Written Statement of Action to Ofsted explains how the local area will tackle the areas of significant weakness listed above. The SEND Implementation Group have begun to develop an action plan to address the fourteen areas of weakness listed above. These actions will form the core of the Statement of Action and will then be developed into a more comprehensive Post Ofsted Action Plan [POAP]. Both documents will draw on our own self-evaluation, which was found to be accurate by Ofsted, and the existing SEND Improvement Plan.

14. The individual actions within the draft Statement of Action have been categorised as strategic, operational, commissioning and co-production. This gives a clarity of leadership for each target whilst ensuring that the plan works collaboratively and cohesively. At the same time it ensures that all four areas are given priority. Co-production will be a vital element in the success of the overall SEND improvement plan. Ofsted did find examples of services that have been successfully co-produced with CYP in health but poor communication with families has led to a lack of trust but also means that services are not well enough informed about the needs of CYP. It is hoped that, in time, the structure of SEND systems will be designed to automatically work in partnership with all stakeholders, but at this point it is necessary to be explicit about how this will happen.
15. At the moment the actions relate directly to the issues raised in the Ofsted letter. The next stage of the process will be to work closely with other LA officers in the DDS, commissioning, HR, finance and health and wellbeing together with the CCG and other partners to refine and amend the actions. Sessions are being planned with the Parent Carer Forum and CYP groups.
16. The draft Statement of Action and the POAP have five key Priority Areas:

1. *Further developing the Dudley SEND Strategy to promote a change in inclusion culture*

The actions here will ensure that all the multi-agency improvement strategies are coordinated and embedded in order to improve outcomes for CYP with SEND. This will identify best practice currently and ensure that it is shared across the local area to demonstrate what effective inclusion looks like for Dudley SEND pupils. A key part of this priority area will be to ensure that co-production is used to help the Local Area work together with CYP and their families to create a service which works for them all and makes decisions that accurately reflect their needs

2. *Improving the effectiveness of the local area in identifying CYP with SEND*

To develop a more strategic approach to assessment and provision mapping to ensure that the needs of CYP with SEND are accurately identified and moderated over time and ensure information is shared effectively between families, schools, the local authority, the CCG and other partner agencies. This will involve developing the knowledge, skills and confidence of all staff in the local authority, schools and partner services. A key area identified by Ofsted was to review the Health Visiting and School Nursing Services.

3. *Improving the quality and timeliness of Education, Health and Care Plans (EHCPs)*

The quality and timeliness of EHCPs is fundamental to the SEND system and so this is a separate priority area in the Statement of Action and the POAP. The key actions are to establish a clear view of what a high quality plan looks like and a quality assurance / compliance system to ensure that expectations are met.

4. *To ensure that joint commissioning accurately meets the needs of the Local Area for SEND*

This priority area will focus on some key areas of SEND practice identified during the inspection but is likely to develop over time to reflect other activities. Key priorities are to further develop joint commissioning of SEND provision and the Local Offer.

5. *To ensure that all the other priority areas focus on improving outcomes for Dudley CYP with SEND*

The focus of the new strategy will be to increase the outcomes for all key groups of Dudley SEND pupils by ensuring that individual assessment data is used to assess progress accurately and to support early intervention where concerns arise. To achieve this we will complete a full 'data cleanse' to ensure SEND information is accurate to inform commissioning decisions. This will also involve a re-profiling of the SEND cohort, particularly relating to the current over-identification of Moderate Learning Difficulties [MLD]. Actions will ensure that accurate attainment data is used to compare progress of all Dudley SEND groups against benchmarks and to create a Dynamic Risk Register.

One additional suggested action is to create a Dudley SEND Charter to explore the possibility of establishing a standard against which the effectiveness of all provision can be assessed.

Statement of Action Timetable

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| 17. | 16 th July 2019 | SEND Inspection Report published |
| | 23 rd July 2019 | PLT – draft written statement of action (and DDS Board) |
| | 30 th July 2019 | Meeting with DfE written statement of action |
| | 13 th August 2019 | Draft Cabinet report to People Leadership Team |
| | 14 th August 2019 | Informal Cabinet; SEND Service Issues discussion |
| | 19 th August 2019 | Draft Cabinet report to People Portfolio Holders |
| | 20 th August 2019 | Draft Cabinet report to Corporate Board |
| | 20 th August 2019 | Final Cabinet report sign off PLT |
| | 27 th August 2019 | Final Cabinet Report submitted to Democratic Services |
| | 28 th August 2019 | Cabinet agenda setting meeting |
| | 11 th September | Informal Cabinet and Cabinet |
| | 15 th October 2019 | Submission of SEND Inspection Written Statement of Action |

Written Statement of Action (WSOA) Monitoring Visit by DfE and NHSE Dudley 30th July at 12.00pm - 2.00 pm.

18. This is a two-part visit to be held in Room 3 at 3-5 St James Building. In Part 1, senior officials from the DfE and NHS England will discuss the inspection findings with senior local area leaders (DCS and equivalent at CCG) and seek reassurances about the actions which are taking to bring about the necessary improvements. Due to leave arrangements, it has been necessary for some flexibility in scheduling attendance.

Attendees :

Caroline Brunt – Chief Nurse, Dudley CCG

Helen Ellis, Interim Chief Officer, Children's Services, Dudley MBC

Deb Harkins – Chief Officer, Health and Wellbeing/Director of Public Health, Dudley MBC

Neil Hoskinson – Head of Education Outcomes, Dudley MBC

Matt Smith – Children's Services Business Support, Dudley MBC

In Part 2 there will be a wider discussion on taking forward the production of an effective WSOA.

Attendees:

Len Brazier, Consultant Commissioning SEND 0-25 and SIS, Dudley MBC

Nicki Burrows, Strategic Lead for Children's Services, Dudley CVS Linda Cropper,

Commissioning Manager for Children, Young People and Families, Dudley CCG

Santokh Dulai, Head of Dudley Disability Service, Dudley MBC

Neil Hoskinson, Head of Education Outcomes

Inderjit Lahel, Head of Commissioning, Performance & Partnerships, Dudley MBC

Matt Smith, Children's Services Business Support, Dudley MBC

Finance

19. The re-profiling of the SEND cohort and the joint commissioning actions obviously have implications for the High Needs Block specifically and therefore the Dedicated Schools Grant. LA and CCG officers from finance and commissioning will therefore have a key part to play in drawing up this part of the Statement of Action. Any finance issues will be included in the final report to PLT.

Law

20. Any legal issues within the Post Ofsted Action Plan and the Statement of Action will be addressed before the final draft is agreed by PLT.

Equality Impact

21. There are clearly equality issues around curriculum access, provision and achievement for pupils with special educational needs and/or disabilities. These issues within the Post Ofsted Action Plan and the Statement of Action will be addressed before the final draft is agreed by PLT.

Organisational Development/Transformation

22. Any human resources issues within the Post Ofsted Action Plan and the Statement of Action will be addressed before the final draft is agreed by PLT.

Commercial/Procurement

23. There are clearly commercial implications around the joint commissioning of, provision for pupils with special educational needs and/or disabilities. These issues within the Post Ofsted Action Plan and the Statement of Action will be addressed before the final draft is agreed by PLT.

Health, Wellbeing and Safety

24. The Council is committed to improving the health, wellbeing and safety of the Borough's citizens. This is consistent with building stronger, safer and more resilient communities in line with the Dudley Vision and to protect our residents' physical, and emotional health for the future.

Martin Samuels

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Martin Samuels
Strategic Director People

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List of Background Papers

Appendix 1 – Draft Actions for Written Statement of Action
Appendix 2 – Dudley Local Area SEND Inspection Report

APPENDIX 1

Draft Actions For Written Statement of Action

1. *To further develop the Dudley SEND Strategy to embed a clear approach to address the significant weaknesses and inconsistencies in local area practice for identification, assessment and provision mapping as identified in the Ofsted inspection. To ensure that this strategy encourages transformation of the service at pace and with full governance oversight. To ensure that the Dudley Post Ofsted Action Plan reflects the priorities and key actions within this strategy.*

1.1 Development of the Dudley SEND Strategy to include learning from Ofsted

- 1.1 a To increase the aspirations for Dudley CYP with SEND by developing more effective multi-agency strategies to improve attainment and challenge for the most able pupils with SEND.
- 1.1 b To identify best practice currently and ensure that it is shared across the local area to demonstrate what effective inclusion looks like for Dudley SEND pupils.
- 1.1 c The Wider Inclusion Strategy is being launched and will better inform understanding of inclusion.
- 1.1 d To review the oversight of progress against all operational targets in the action plan at a strategic level to ensure that the SEND service is transformed at pace but in a coordinated approach. To intervene and challenge where appropriate but also to celebrate strong practice and improvement.

1.2 Re-Profiling of the SEND Cohort and Provision

- 1.2 a To re-profile SEND provision available to ensure that all Dudley CYP with SEND receive full time education that accurately meets their needs so that they achieve good outcomes. This includes specialist and mainstream provision.

1.3 Culture Change and Co-Production

- 1.3 a To facilitate a change in culture regarding inclusion in the local area, in particular to ensure that co-production and better communication procedures at a wider strategic level are utilised to ensure that SEND policies and practices reflect the needs of Dudley CYP whilst developing a greater knowledge of inclusion culture, understanding of the SEND Strategy, developing trust in the system and encouraging greater engagement from families and other stakeholders. To support this, inclusion is being established as one of two priorities for the CYP Alliance Board.
- 1.3 b To build on existing examples of Dudley services that have been successfully co-produced with CYP in health but increasing the involvement of parent/carers. To ensure that all services work together with CYP and their families to create a service which works for them all and makes decisions that accurately reflect their needs.

1.3 c The Partnership Group will oversee the strategies to ensure they are fit for purpose, embedded and monitor the impact is monitored. A reporting cycle to all Boards will be established to ensure that impact of strategies and outcomes for CYP with SEND are showing positive progress. This will include a parent/carers event to share the Ofsted findings and POAP.

2. *To improve the effectiveness of the local area in identifying CYP with SEND special educational needs and/or disabilities*

2.1 Strategic Approach to Assessment and Provision Mapping

2.1 a To develop a more strategic approach to assessment and provision mapping to ensure that the needs of CYP with SEND are accurately identified and moderated over time and ensure information is shared effectively between families, schools, the local authority, the CCG and other partner agencies.

2.2 Joint Workforce Development

2.1 a A workforce training and development plan will be agreed to better inform understanding of inclusion across the Local Area with the aim of increasing the knowledge, skills and confidence of staff in the local authority, schools and partner services. In particular:

- improvements in the procedures for identification, assessment and provision mapping (as identified in the Ofsted inspection) ensure that the primary needs of all CYP are met accurately and early.
- procedures for children leaving early years settings are moderated against national benchmarks
- local authority and school staff have the knowledge, skills and confidence to correctly identify primary needs earlier and, in particular, ensure that no pupils transfer to secondary school with unidentified and unmet needs.
- ensure that the voice of parents and CYP plays a key role in assessing and meeting need using the principle of “tell me once”.
- the CPD offer for local authority staff, settings, partners and other stakeholders focuses on personalised planning that is strengths and outcomes based as well as reflecting the other changes within this action plan. Within this to encourage all SENDCos to undertake (or re-fresh) the re-launched DAPPA3 training.

2.2 Health Visitors and School Nursing Service

2.2 a Review the commissioning of health visiting services and the School Nursing Service in Dudley to ensure a systematic approach with no gaps in services to support the School Readiness Strategy. In particular to explore more effective and innovative ways of collecting and collating health information in order to ensure that additional needs are identified and met as early as possible.

3. *To improve the quality and timeliness of Education, Health and Care Plans (EHCPs) by establishing a clear view of what a high quality plan looks like and an audit system / review of staffing to ensure that expectations are met. To ensure that all EHCPs contain appropriate information to support progress, are shared effectively and prepare CYP for leaving education.*

- 3.1 a A guidance document setting out what a 'good' quality EHCP looks like should be developed and approved by the partnership in order to bench mark standards against and to ensure that EHCPs focus on outcomes, contain health and social care information, describe the life story of the CYP and their family using the "Tell It Once" approach whilst helping to prepare young people for adult life.
- 3.1 b An EHCP audit system should be developed and established as part of a regular case management process. All partners should participate in the audit process to ensure expectations are consistently delivered.
- 3.1 c To review procedures and staff structure in order to ensure that EHCPs are of high quality and completed within agreed timescales and that all practitioners and other professionals involved in supporting CYP contribute to EHCPs. EHCPs for CLA pupils need to contain sufficient detail regarding social care needs. Pupils with health concerns need to have their needs accurately reflected in their EHCP.
- 3.1 d To ensure that completed EHCPs are shared with early years settings to support transition from nursery rather than relying on families to inform settings of children's needs.
- 3.1 e To ensure that EHCPs capture post 16 aspirations and desired outcomes and identify opportunities for links to employers
- 3.1 f To consider the results of the current trial of an Online EHCP programme and how it could be used by the SEND Team as well as by schools and other partners. To also consider how SEND information could be included in the Synergy module to provide a more flexible and, potentially, more descriptive case recording function for SEND cases.

4 *To ensure that joint commissioning is further developed so that the effectiveness of the Local Area in meeting needs more accurately reflects the re-profile of CYP with SEND and best practice for inclusion in specialist provision and mainstream settings.*

4.1 SEND Practices

- 4.1 a To ensure that all Dudley services for CYP with SEND embrace the 'tell it once approach' and do not require several health assessments or appointments if this can be avoided . To support this CYP with complex and multiple health needs will be consistently provided with hospital passports which communicate their health and support needs
- 4.1 b To ensure that the DMO has sufficient capacity to promote the SEND agenda across health providers and to ensure that the workforce is adequately skilled and knowledgeable.
- 4.1 c To develop effective and transparent admission criteria and pathways to SEND provision to ensure that there is equity of access and to build confidence in all stakeholders but particularly parent/carers

4.2 Joint Commissioning

- 4.2 a To continue to develop the joint commissioning approach to ensure that performance data is analysed accurately to understand areas of need and gaps in current service provision so that funding is efficiently used to meet the needs of CYP with SEND.
- 4.2 b Commissioning decisions need to be better informed by performance information contained within the Joint Strategic Needs Assessment (JSNA).
- 4.2 c To develop and embed a new funding matrix for allocating SEND funding for Dudley CYP to ensure that all CYP receive adequate funding

4.3 Key Commissioning Actions:

- to review local provision post-19 for young people with the most complex needs. In particular to improve transition arrangements for young people with continuing or complex health needs post-18 to ensure a smoother transition between children's and adult services.
- to reduce delays in referrals to the 0 to 5 autism spectrum disorder (ASD) service.
- to review the core CAMHS offer to bring it in line with complimentary services such as Positive Steps to ensure a holistic approach to CYP with mental health issues up to age 19. To review procedures for making direct referrals to paediatricians and CAMHS, particularly for allied therapists, to reduce delays
- to review physiotherapy support for young people post-16
- to increase the take-up of short-breaks and other respite by parent/carers
- to increase the links to employers and ensure that there is a strategic approach to employment pathways

4.4 The Local Offer

- 4.4 a The Local Offer will be re-developed as part of the DCID project, to improve the quality and accessibility of the Local Offer so that it is easier to navigate, contains all key information and is therefore used as the main source of support for CYP with SEND.
- 4.4 b A Local Offer Task and Finish Group of the Improvement Group will be set up to lead on this work and ensure it is developed under co-production with all partners. The use (access) of the local offer should be monitored by the Improvement Group.
- 4.4 c Regular advertising of the Local Offer should be delivered through the local Communications Team with a publication plan established to ensure it is brought to the attention of all professionals, parents, carers and children & young people periodically.

4.5 Complaints and Tribunals

- 4.5 a To agree a pro-active approach to complaints and tribunals to ensure that, wherever possible, concerns are addressed without the need for formal action. Where this is not possible complaints will be dealt with professionally and within agreed timescales. To review learning from Tribunals taken by Dudley Parents should be undertaken so that lessons can be learnt and improvements made where appropriate within the system.

5. The focus of the new strategy will be to increase the outcomes for all key groups of Dudley SEND pupils by ensuring that individual assessment data is used to assess progress accurately and to support early intervention where concerns arise. As well as attainment and progress. Other key outcome measures will be to increase attendance, reduce exclusions and improve destination for Post 16 pupils for employment, training or to remain in education.

5.1 Use of Data and Benchmarking

- 5.1 a In order that outcomes improve across the board, the POAP needs to clearly establish what is meant by better outcomes i.e. how to measure increased confidence of parents or wellbeing of CYP or their ability to access the curriculum better. Therefore to agree key performance indicators for the POAP in order to use benchmark data more effectively to identify key actions and to measure their impact
- 5.1 b To complete a full audit and 'data cleanse' to ensure SEND information from different sources is accurate and matched to inform commissioning decisions and to re-profile the SEND cohort, particularly relating to the current over-identification of Moderate Learning Difficulties [MLD].
- 5.1 c Recording of C&YP primary & secondary needs should be reviewed to ensure it is accurately captured and monitored through a regular reporting framework.
- 5.1 d Training for schools in how to record primary and secondary needs accurately on school based MIS system should be undertaken.
- 5.1 e To increase the number of young people with SEND moving into paid employment by preparing students better for adulthood and engaging more effectively with employers
- 5.1 f To agree a data protocol between the LA, schools, families and other stakeholders regarding what data will be kept, how it will be kept and how/when it will be shared. The Partnership Group should support and challenge schools to ensure their data is consistent with that held by the LA

5.2 Dynamic Risk Register

- 5.2 a To improve the performance management and planning for SEND based around effective and consistent data. To establish and embed the dynamic risk register for children with SEND at risk of hospital admission so that health, education and care are informed, undertake assessments and can put together effective packages of support.

5.3 Dudley SEND Charter

- 5.3 a Dudley SEND Charter should be established to set out a standard against which all settings/services can be trained and assessed and provided with a KITE Mark once the required standard has been achieved (Following the Rotherham Charter model). PCF and EPS have agreed to lead on this work.