

**Name of meeting:** Children’s Scrutiny Panel

**Date:** 6<sup>th</sup> September 2022

**Title of report:** Special Educational Needs and Disabilities (SEND) Inspection – Action Plan and Inspection Outcomes

**Purpose of report:** For Children’s Scrutiny Panel to:

1. Note the outcome of the recent Ofsted /CQC Kirklees SEND Area Partnership Inspection (attached as Appendix 1)
2. Comment and advise on:
  - a) The improvement priorities identified in the inspection
  - b) Understand how the specific improvement areas identified contributing to the wider SEND transformation programme.

<b>Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?</b>	<b>Not Applicable</b>
<b>Key Decision - Is it in the <u>Council’s Forward Plan (key decisions and private reports)?</u></b>	<b>No – The SEND inspection is not on the Council’s Forward Plan</b>
<b>The Decision - Is it eligible for call in by Scrutiny?</b>	No
<b>Date signed off by <u>Strategic Director</u> &amp; name</b>  <b>Is it also signed off by the Service Director for Finance?</b>  <b>Is it also signed off by the Service Director for Legal Governance and Commissioning?</b>	<b>Service Director Tom Brailsford 13.08.22</b>  <b>Service Director Jo-Anne Sanders 6.08.22</b>  <b>Not applicable</b>
<b>Cabinet member <a href="#">portfolio</a></b>	<b>Cllrs Carole Pattison &amp; Viv Kendrick</b>

**Electoral wards affected:** ALL

**Ward councillors consulted:** N/A

**Public or private:** Public

**Has GDPR been considered?** Yes, no GDPR issues are contained in the report

## 1. Summary

Between 7<sup>th</sup> and 11<sup>th</sup> February 2022, Ofsted and the Care Quality Commission (CQC), conducted an unannounced joint inspection of the local area partnership of Kirklees to judge the effectiveness of the area in implementing the special educational needs and/or disabilities (SEND) reforms as set out in the Children and Families Act 2014.

On the 25<sup>th</sup> May 2022 the inspection report for Kirklees was published and as a result of the findings of this inspection and in accordance with the Children Act 2004 (Joint Area Reviews) Regulations 2015, Her Majesty's Chief Inspector (HMCI) determined that a Written Statement of Action (WSOA) is required because of two significant areas of weakness in the local area's practice. The local authority and the area's clinical commissioning group are jointly responsible for submitting the written statement to Ofsted.

These areas of weakness are:

- *The poor delivery of the HCP which does not support the identification of SEND in children at the earliest opportunity consistently.*
- *Weaknesses in the area's ability across services and within settings to identify and meet the needs of children and young people with SEND who are in mainstream settings.*

Kirklees as a SEND partnership accepts and values the assessment and feedback provided by independent inspection. We recognise that it provides an important benchmark in the implementation of the 2014 SEND reforms.

This report provides the context to the inspection and outlines the approach to SEND transformation which predates the inspection outcome and shows these identified issues are already being addressed.

This report should also be read in conjunction with Young People Activity Team (YPAT) Scrutiny Report also tabled for the 6<sup>th</sup> September session.

## 2. Current position

As a SEND partnership, key stakeholders and organisations in Kirklees have been clear and consistent over time about the strengths and developments areas for the provision of SEND services and support across the locality. In 2021 Kirklees produced a plan to strengthen and improve some of its SEND services. The *Kirklees Transformation Plan*, building upon the previous 10 Point Plan, drawing together a range of SEND improvement activity into one single programme (attached as Appendix B). It outlined that "our assessment that in Kirklees there is much good practice and improvement since 2014. There are areas, however, where there is more to be done and therefore there will be some inconsistency in children's and family's experiences of SEND related services."

The single plan summarised the challenges as follows:

“We have examples of good services, but we are aware of the challenges across Kirklees:

- Consistency and quality across services. We also struggle to capture our impact
- Model of Practice - Our research into our cases show we could have intervened earlier (73%)
- Sufficiency – we lack enough capacity in all settings and placements across our SEND system
- Exclusions – too many of our young people with SEND needs are excluded from their settings
- Moving towards adulthood requires a more holistic approach from a younger age and more consistent co-production
- Some of our systems and services are under pressure particularly as a result of the impact of Covid-19”

Inspectors spoke with a wide range of people, including children and young people with SEND and their parents and carers. They also reviewed performance data and evidence about the local offer and joint commissioning. It is important to note that the inspection covered a five-year period and some of the feedback does not represent current practice. Essentially, the recent inspection confirmed the partnership’s self-assessment.

The inspectors in their report outlined they saw many strengths including

- Additional needs being identified promptly and effectively by early years staff
- Close working and a productive relationship with the parent/carer forum PCAN (Parents of Children with Additional Needs)
- Children and young people with physical disabilities having ready access to equipment that supports their care and independence
- Improving children’s lives through high-quality support for visual and hearing impairments
- In special provision, and in some further education provision, children and young people are making very good progress
- Projects being developed which prepare young people with SEND for work.

The inspection also confirmed however our analysis there were several areas of weakness in our provision for children and young people with SEND, mirroring our self-assessment. The Transformation Plan already had detailed work programmes in place to address these concerns. The workstreams within the programme are identified below in *Fig. 1* along with key enablers to deliver the programme.

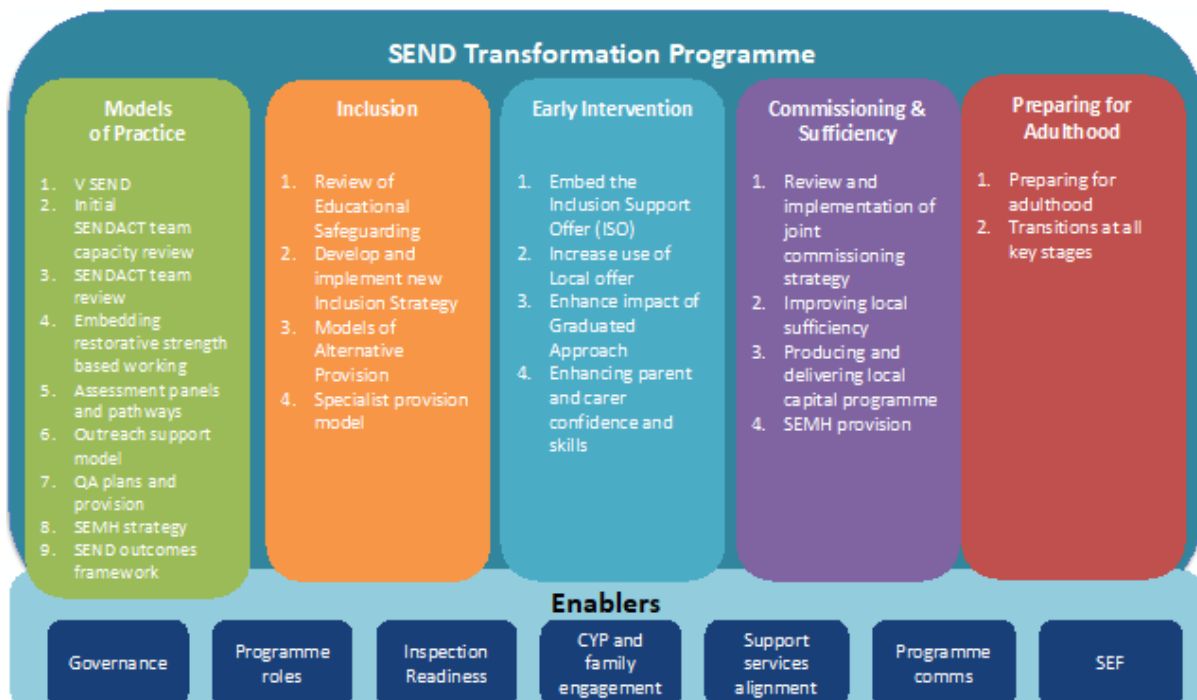


Fig. 1

The one area that was highlighted by the inspectors which is not part of the transformation plan activity was in relation to the Healthy Child Programme. This is a universal service which covers a range of provision and areas. The inspection particularly focused on the low percentage take up of mandatory key early years checks. A detailed action plan is being developed to address these concerns and will be incorporated into a refreshed and updated Transformation Plan in Autumn 2022.

Our SEND improvement work also encompasses Safety Valve Funding initiative. In 2020-21, the Department for Education introduced the “safety valve” intervention programme for those local authorities with the very highest percentage DSG deficits, recognising that help would be needed for these authorities to turn things around in a short space of time. The programme is run through the Education and Skills Funding Agency (ESFA) and required those local authorities who wanted to participate to develop substantial plans for reform to their high needs systems and associated spending, with support and challenge from the department, to rapidly place them on a sustainable footing.

Kirklees LA prepared a bid to access this additional funding in Wave 2 of the scheme, an acknowledgement that there were insufficient resources to meet our aspirations on current central government funding arrangements. The proposal was specifically targeted at increasing our capacity in relation to special schools and alternatively resourced provision (ARP). Both these educational settings were positively reviewed by the inspection and the bid sought to increase capacity across Kirklees.

The Department for Education accepted the application from Kirklees for children with Special Educational Needs and Disabilities (SEND). The proposals are based on investing an additional £33.5 million in local education and increasing the amount of SEND support in the district’s mainstream and special schools. Proposals will see

new ARPs at a range of existing schools across Kirklees. They will provide additional support for children and young people with Complex Communication and Interaction Needs; Social, Emotional and Mental Health Needs; and Cognition and Learning Needs. The proposals are aligned to the deliver Transformation Plan aspirations and objectives.

*Our Kirklees Futures* initiative is a key strand of our improvement work. As part of the commitments identified for 2030 we are striving to reducing both exclusions and suspensions as part of Inclusion strategy because we understand the impact this has on educational chances and outcomes. Our SEND cohort is disproportionately affected by these measures. Reducing the numbers of exclusions and suspensions is a key strand in promoting better outcomes at all stages for young people and promoting independence.

These existing plans already largely address and are tackling the issues highlighted by the inspection. They will provide the basis for the required “Written Statement of Action” required by the Ofsted/CQC. The work on the Healthy Child Programme, being led by Public Health, will be integrated within existing improvement activity to ensure there remains a holistic and systemic approach to the work in improving the outcomes for Children with SEND.

At the time of writing this report the final objectives for the WSOA action have yet to be agreed with Ofsted/DfE by the 12<sup>th</sup> September. The draft objectives will be taken to the SEND transformation and commissioning group on the 8<sup>th</sup> of September for discussion which Scrutiny members have been invited to for input and discussion.

### **3. Information required to take a decision**

A decision is not required, but comment from Children’s Scrutiny Committee on the on the Inspection and Transformation programme is welcomed. Oversight of the work resides principally with Joint Health & Wellbeing Board and the Cabinet Assurance Board.

### **4. Implications for the Council**

#### **3.1 Working with People**

A key driver of the Childrens and Families Act 2014 was to ensure that co-production and engagement took place with children and their families in identifying their needs and support.

As a partnership we understand and recognise the importance of co-production and design. We are committed to maintaining and deepening the quality and consistency of our co-production and design approach and this takes place at different levels. All our key strategic developments such as our Inclusive Ambitions, the Local Offer and commissioned services service seek to ensure that the voice of children/young people and parent/carers is at the heart of our design and what we seeking to deliver reflects their needs.

One of our most important relationships is with Parents of Children with Additional Needs -PCAN which is an independent, parent led-forum for all parents and carers of children/young people (aged 0-25 years) with additional needs in Kirklees. PCAN welcomes any parent or carer, whether they are just becoming aware that their child may have additional needs or whether they have a child with a confirmed diagnosis.

We have worked closely with PCAN over a number of years to co-produce a range of services and provision, ensuring that feedback from users both helps to develop and improve services. The most significant of these co-productions are the Kirklees SEND Strategy and the development of the Local Offer.

Our focus on early intervention, developing increased capacity and sufficiency in resources and settings and investing to reduce waiting times are as a direct result of ongoing engagement with families and young people.

### **3.2 Working with Partners**

This report has emphasised throughout the response of the Kirklees SEND Partnership in relation to SEND. The recent inspection was not an inspection of a single agency but of how the Kirklees SEND system is working. Key partners include a range of health providers and the CCG (now West Yorkshire Integrated Care Systems). All educational settings are key partners including pre-school, mainstream schools and post 16 provision as well as special schools. The age range for SEND is 0-25 which means services cover both Children and Adults Directorates and settings.

The governance arrangements for SEND reflect the need for partnership working with the ultimate responsibility residing in the Health and Wellbeing Board. Developing our SEND provision was also a key focus for the Joint Senior Leadership Team of LA and Health partners.

Our key documents and strategies are the result of extensive partnership consultation and co-production with families, carers, young people and children.

#### **a. Place Based Working**

The Kirklees SEND provision across Kirklees has a complex footprint and this has been recognised for sometime. This is due in part to a range of service providers in different areas of Kirklees as well the fact that for health a range of agencies have responsibility across Kirklees. There are also issues in educational settings' capacities. Our improvement priorities are designed to address these issues and to tackle some of the inconsistencies that have been identified.

#### **b. Climate Change and Air Quality**

Whilst the SEND transformation work does not directly identify issues of climate change and air quality many of the projects and priorities will make a contribution. This is most obviously in the area of transport where the ambition to ensure children are educated wherever possible in Kirklees will reduce journey times and pollution. All new builds will conform to best practice environmental requirements and help to reduce our carbon footprint

### **c. Improving outcomes for children**

Our partnership vision in Kirklees for Children and Young People is that they have the best start in life. Our aspirations for children and young people with SEND are not different to all children and this receives the highest priority from all our partners. We are proud of the partnerships that are at the heart of services and understand that our successes are based on working with families building on their strengths.

We recognise that delivering the best outcomes for all our children, and as they prepare for adulthood with SEND is a significant challenge which many authorities and partners face. Our plans outline how we approach these challenges and the opportunities there are to improve our work. It has a focus on outcomes for people. We will concentrate our energy and resources on the things that make a difference to people's lives. Through implementing change and transformation, we are seeking to improve the life experiences and chances of a cohort of young people who consistently benchmark below their peers in relation to educational attainment and employment prospects.

### **d. Other (e.g. Legal/Financial or Human Resources) Consultees and their opinions**

The scope and range of the SEND transformation programme has significant financial impact for Kirklees. As well as additional resources to help reduce waiting times and improving capacity across the partnership there is significant additional resources being provided through the Education and Skills Funding Agency. Our submission for these extra resources has been developed in consultation with Finance colleagues to ensure that it is robust and fully costed. There will be regular external monitoring of the key deliverables in the Safety Value and the Written Statement of Action to ensure that progress is made, and target dates are met.

## **5. Next steps and timelines**

The Written Statement of Action needs to be agreed with Ofsted in September 2022. The Transformation Plan will be refreshed in the Autumn 2022 to reflect the progress made to date, outline new stages and actions and to incorporate the Healthy Child Programme into the plan.

## **6. Officer recommendations and reasons**

That Children's Scrutiny Panel:

- Note the contents of the content of this report on the SEND inspection outcomes
- Comment and advise on:
  - a) The plans to help improve the outcomes and opportunities for children and young people with SEND
  - b) The response to Ofsted/CQC inspection

**7. Cabinet Portfolio Holder's recommendations**

Scrutiny is asked to note the report and give views on the approach outlined.

**8. Contact officer**

Paul Harris – Head of Service, Improvement, Partnership and Voice

**9. Background Papers and History of Decisions**

Appendix 1 Kirklees Area SEND Inspection Outcome

Appendix 2 Kirklees SEND Transformation Plan – 2021

**10. Service Director responsible**

11. Jo-Anne Sanders – Service Director – Learning and Early support

Tom Brailsford – Service Director – Resources, Improvement and Partnerships