

Name of meeting: Cabinet
Date: 11th December 2018
Title of report: A Response to the Ombudsman Report - 13 September 2018
Purpose of report: To confirm the actions taken since publication of the report
 To confirm actions still to be taken

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?	not applicable
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	not applicable
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by <u>Strategic Director</u> & name	Sal Tariq 30/10/18
Is it also signed off by the Service Director for Finance (Section 151 Officer)	Eamonn Croston (James Anderson) 28/11/18
Is it also signed off by the Service Director for Legal Governance and Commissioning Support	Julie Muscroft 30/10/18
Cabinet member portfolio	Cllr Masood Ahmed Cllr Viv Kendrick

Electoral wards affected: all

Ward councillors consulted: none

Public or private: Public

1. Summary

On October 2nd 2018, the Ombudsman (attached at Appendix 1) published a formal report describing the difficulties faced by the family of X (a child with Special Educational Needs and Disabilities – SEND) and made a series of recommendations. One of these is that the Council must consider the Ombudsman Report and confirm within three months the action it has taken or proposes to take. This report describes the actions that have taken place, the further actions that are planned, and the learning that the Service has taken to improve future practise.

2. Information required to take a decision

i) The recommendations in the Ombudsman report are set out below:

The Council must consider the report and confirm within three months the action it has taken or proposes to take. The Council should consider the report at its full Council, Cabinet or other appropriately delegated committee of elected members and we will require evidence of this

In addition to the requirements set out above, the Council has agreed to make the following payments to Mrs X within three months of our final decision: £200 for the unnecessary distress and time and trouble caused in having to bring a third complaint to us; £400 for the term and a half of Assistive Behaviour Application (ABA) missed from September 2017 to February 2018; £400 to acknowledge the cumulative effect on X of the extended period the Council failed to provide the complete package of support specified in his Statement.

The Council has also agreed that within three months of our final decision it will review the procedures it uses to monitor and ensure delivery of special educational provision. It should report its findings to us and the action taken.

ii) The action taken

A funding gap had been identified by the Council as part of reviewing the capacity of the SEND Assessment and Commissioning Team (SENDACT) and in May 2018 additional investment of £500,000 was implemented to increase the team's function, capacity, quality and size. A programme of professional development and training is being planned with the team, underpinned by the Restorative Practice approach.

Appendix 2: Cabinet Report 16.10.18

In order to work with our parents and ensure that we are able to learn from the experiences of families, a series of meetings and discussions were, and continue to be held with some parents and carers of children with Special Educational Needs and Disabilities, who expressed their own concerns about the quality of service provided by SENDACT and the impact that this had had on their child's provision and progress, and on their family as a whole. The discussions have involved the parent Mrs. X, who has been generous in sharing her experiences which in turn has been instrumental in shaping the improvement process. The Council is appreciative of the commitment of our parents who are involved in this ongoing engagement.

The Council has been keen to be open and transparent in working with our families and plans for the review of SENDACT were shared with parents as part of our ongoing discussions, and feedback encouraged. The feedback we received was included in the team's action plan. It was agreed to hold a series of future meetings so

that parents could monitor the progress of the review and the action plan. The first of these meetings was held on October 24th 2018.

It is helpful to set some wider context to the situation. Legislation required councils to improve its offer to children with special educational needs by assessing new Education Health and Care (EHC) plans and transferring any existing young people who had a Statement of Educational Need to an Education Health and Care Plan. It is clear councils across the country have had difficulty in ensuring that its services achieved the timescales of these new provisions. In a press release from October 2017, the Local Government Ombudsman identified that nationally fewer than 60% of EHC plans were issued within the 20 week timescale in 2016. At that point the Ombudsman were upholding 80% of the complaints they were receiving nationally on the subject and had identified an increasing number of complaints being received.

In this backdrop, Kirklees Council formulated plans to improve its offer for Children with Special Educational needs but it recognises unfortunately it did not fulfil the identified needs of this child before the improvement plans had been fully formulated and introduced. However, the work undertaken, and the plans in place to monitor and quality assure the improvement, gives some confidence that changes to the service can now be introduced very quickly.

Actions focus on key issues raised by parents, and those addressed through the Ombudsman Report and include:

1. The need for more timely communication between services, schools and parents in order to reduce delay. Rigorous supervision and training, and a new electronic system to aid monitoring of progress and communication are now in place.
2. The principles of a child and family centred approach enshrined in the Children and Families Act 2014 should be embedded through a workforce development strategy to ensure that parents and their child were fully involved in the decision making process. The Council has adopted a Restorative Approach and this complements the core principles of the Act. A bespoke programme is being designed for SENDACT.

The SENDACT review is almost complete and the new, larger structure will be fully in place by January 2019. Parents were present at all interviews during the process and contributed to the questions set in the interviews and tasks themselves.

There is an extensive workforce development programme in place and this will include input on the Restorative Approach.

There are additional posts in the structure that are responsible for quality assurance and compliance, and key performance indicators to meet relating to timeliness of response to parents.

In addition to this, the Council is committed and is undertaking a focussed approach to a High Needs Strategic Review, and a strategic action plan is in place to deliver system change. This is based on the outcome of extensive consultation with parents and carers, schools and settings, and other agencies. The SENDACT review is included in the action plan along with other developments noted by parents, e.g. closer multi-agency working, workforce development, the importance of transition.

Appendix 3: Cabinet Report 20.2.18

In addition, Children's Scrutiny have oversight of the High Needs Review action plan, which is a further opportunity to ensure improvement and accountability.

3. Implications for the Council

3.1 Early Intervention and Prevention (EIP)

Earlier, child and family centred conversations with parents will lead to a more considered view of a child and family's aspirations, and the provision needed to achieve this. This is fundamental as part of the High Needs Action Plan.

3.2 **Economic Resilience (ER)**

Early discussions about aspirations include a consideration and planning for the transition to adulthood to ensure that each young person is able to achieve an appropriate degree of independence and to contribute to their community.

3.3 **Improving Outcomes for Children**

The overall aim of the High Needs Review and the action plan that is in place is that children and young people should have the opportunity and be able to access appropriate provision within or as near to their community as possible to enable them to engage fully in the area where they live, with support where needed.

3.4 **Reducing demand of services**

Our aim is to ensure access to local provision wherever appropriate and to reduce the need for more specialist provision while ensuring that this is available for those children and young people with more complex needs.

3.5 **Other (e.g. Legal/Financial or Human Resources)**

As part of the High Needs action plan, there is a focus on the available funding for Kirklees children and young people as part of the High Needs Block as this continues to overspend.

4. **Consultees and their opinions**

There was an extensive period of engagement, consultation and dialogue through the High Needs Review followed by specific consultation with local groups for parents of children and young people with SEND, specifically; Parents of Children with Additional Needs (PCAN), Whole Autism Family, and the Down Syndrome and Friends Group. This engagement and dialogue is critical to ensure further development and improvement in service if we are to be responsive, and will continue through our parent monitoring group, and parents will be involved in our workforce development planning.

5. **Next steps**

The SENDACT action plan and training plan is now in place and progress will continue to be monitored through the Parent Group, the High Needs Review Project Board, and the SEND Strategy Group, with regular updates to the Service Directors and Elected Members.

The council will confirm with the Local Government Ombudsman when its improvement plans have been fully introduced, and a further update on the complaint will be shared and discussed with Corporate Governance and Audit Committee in January 2019.

6. **Officer recommendations and reasons**

To take note of the formal Ombudsman report that has been received, and to consider the actions completed to date, those planned and the monitoring arrangements in place. We will also confirm with the Local Government Ombudsman that they believe the actions taken appear to form an appropriate response to their findings.

7. **Cabinet portfolio holder's recommendations**

I believe that the SENDACT review, the High Needs Strategic Review and the co-production with families means that we have clearer and stronger service delivery with better outcomes for children and their families. Additionally the oversight and involvement of parents and carers of children with special needs and the Children & Young People's Scrutiny panel will continue to help and support the development of improved services.

8. **Contact officer**

Mandy Cameron, Head of Service: Education Inclusion and Safeguarding

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

Appendix 1: Ombudsman Report

<https://www.lgo.org.uk/information-centre/news/2018/oct/ombudsman-urges-kirklees-council-to-learn-from-complaints>

Appendix 2: Cabinet Report 16.10.18

<https://democracy.kirklees.gov.uk/documents/s24889/8%20-%20SEND%20Update.pdf>

Appendix 3: Cabinet Report 20.2.18

<https://democracy.kirklees.gov.uk/documents/s21928/2018%2002%2020%20HNR%20redacted%20version%20of%20report.pdf>

10. **Service Director responsible**

Jo-Anne Sanders