



**Children and Young People Scrutiny Review
Board
16 December 2019**

ITEM 08

Report sponsor: Andy Smith, Strategic Director
People Services
Report author: Gurmail Nizzer, Service Director
for Commissioning

Written Statement of Action: Inspection of Services for Children and Young People with Special Educational Needs and/or Disabilities

Purpose

- 1.1 In June 2019, Derby's services for children and young people with SEND were assessed by Ofsted and the Care Quality Commission (CQC).
- 1.2 The inspection focused on evaluating the Local Area against the following three key questions:
 - How effectively does the Local Area identify children and young people who have special educational needs and/or disabilities?
 - How effectively does the Local Area assess and meet the needs of children and young people who have special educational needs and/or disabilities?
 - How effectively does the Local Area improve outcomes for children and young people who have special educational needs and/or disabilities?

The Local Area includes the local authority, clinical commissioning groups (CCGs), public health, NHS England for specialist services, early year's settings, schools and further education providers.

- 1.3 The findings of the inspection were published in August 2019. Whilst a number of strengths were recognised, the inspection raised concerns about the effectiveness of the Local Area. As a result, the Local Area was required to produce and submit a Written Statement of Action (WSoA) to Ofsted by Tuesday 26 November 2019 that explains how the Local Area will tackle the following areas of significant weakness:
 - The failure of the Local Area to take the joint commissioning actions required to implement the reforms across education, health and social care;
 - The lack of an overarching coproduced strategy for improving provision for and outcomes of children and young people with SEND;
 - The number of significant weaknesses in the EHC processes, timeliness, quality and outcomes of plans;
 - The long-standing systemic issues with waiting times to access a large number of

key services; and

- Poor parental engagement with plans for Local Area SEND provision and high levels of parental dissatisfaction.

- 1.4 The WSoA has been developed in response to the above five priority areas. It has been co-produced with partners from across the Local Area including Parent Carers Together, Derbyshire Clinical Commissioning Group, all Health Provider Trusts, Derby Schools Forum, Derby City Council Children and Adult Social Care Services, Children's Commissioning Teams and the School Improvement Team. The Council has hosted engagement and feedback events to ensure the WSoA addresses the key areas of weakness, is deliverable and drives a culture of inclusion and co-production.
- 1.5 The WSoA was submitted to Ofsted in line with the deadline of 26 November 2019. The WSoA is attached as Appendix 1 to this report and can also be accessed on Derby's Local Offer website. Her Majesty's Inspector (HMI) will now assess whether the statement is fit for purpose, and the relevant Ofsted Regional Director will write to the Local Area to communicate this assessment. Where HMI assess that the written statement is not fit for purpose, they will make recommendations about how the statement needs to improve.

Recommendations

- 2.1 To note that Derby's WSoA was developed with Local Area partners and was submitted to Ofsted by the deadline of 26 November 2019.
- 2.2 To note the overall inspection findings, including strengths and areas for improvement.

Reason

- 3.1 All Local Areas will be inspected under the framework at least once during a five-year period. The outcomes of the inspection should be used to shape service developments going forward, with effective scrutiny on the progress that is being made in implementing improvements in line with the WSoA.

Supporting information

- 4.1 The 2014 Children and Families Act and the subsequent 2014 Special Educational Need and Disabilities (SEND) Code of Practice introduced additional statutory duties and expectations for Local Areas from 1 September 2014. The reforms aimed to offer consistent and simpler help for disabled children and young people and their families / carers from birth through to the age of 25 years.
- 4.2 The Minister of State for Children and Families subsequently tasked Ofsted and the Care Quality Commission (CQC) with inspecting Local Areas on their effectiveness in fulfilling the new duties, and inspections commenced in May 2016.

- 4.3 It is important to note that these inspections are intended to evaluate how effectively the Local Area meets its responsibilities, and not just the Local Authority. The Local Area includes the Local Authority, Clinical Commissioning Groups (CCGs), Public Health, NHS England for Specialist Services, early year's settings, schools and further education providers.
- 4.4 Derby City hosted Ofsted and CQC for our Local Area inspection of SEND in June 2019, with the final findings being published in August 2019.
- 4.5 There were a number of strengths recognised in the inspection, which included:
- Improved outcomes for children in early years and Key Stage 1, with good joint working between education, health and social care;
 - Vulnerable children and young people with SEND, such as looked after children and those entering the youth offending service, receive good support;
 - Provision for children and young people in special schools is of good quality;
 - Children and young people with SEND with identified health needs benefit from Specialist Health Visiting Services and the Children's Community Nursing Team;
 - Young people with SEND are well supported into adult life with the majority of young people leaving school and college to enter employment or higher education; and
 - Children and young people with SEND speak positively about their schools and the range of different professionals who help and support them.
- 4.6 The Ofsted findings did, however, recognise that not enough progress has been made in the implementation of the reforms, *"despite a more proactive and determined approach by leaders over the last three years"*. As a consequence of this, the Local Area was required to produce and submit a Written Statement of Action (WSOA) to Ofsted by Tuesday 26 November 2019 that explains how the Local Area will tackle the following areas of significant weakness:
- The failure of the Local Area to take the joint commissioning actions required to implement the reforms across education, health and social care;
 - The lack of an overarching coproduced strategy for improving provision for and outcomes of children and young people with SEND;
 - The number of significant weaknesses in the EHC processes, timeliness, quality and outcomes of plans;

- The long-standing systemic issues with waiting times to access a large number of key services; and
 - Poor parental engagement with plans for Local Area SEND provision and high levels of parental dissatisfaction.
- 4.7 The WSoA has been developed in response to the above five priority areas. It has been co-produced with partners from across the Local Area including Parent Carers Together, Derbyshire Clinical Commissioning Group, all Health Provider Trusts, Derby Schools Forum, Derby City Council Children and Adult Social Care Services, Children's Commissioning Teams and the School Improvement Team. The Council has hosted engagement and feedback events to ensure the WSoA addresses the key areas of weakness, is deliverable and drives a culture of inclusion and co-production.
- 4.8 The feedback events have enabled immediate action to be taken including the implementation of new and co-produced governance arrangements, so that parents and carers are involved in decision making at the most strategic level and executive representation is guaranteed.
- 4.9 In summary, the following actions were carried out to develop Derby's Local Area WSoA:
- Two day SEND WSoA co-production & engagement workshops with leaders (29 & 30 August);
 - Senior Responsible Owner (SRO) at Director level identified for each of the 5 WSoA priorities;
 - Local Area WSoA formal meeting with DfE and NHSE (September);
 - One day SEND WSoA workshop with parents, partners and stakeholders (25 September);
 - Local Area SEND Governance structure reviewed (Derby Local Area SEND Board & Derby Local Area SEND Delivery Group);
 - SEND Joint Strategic Needs Assessment (JSNA) reviewed;
 - LGA Developing and sustaining effective local SEND systems regional workshop (14 October);
 - CYP Scrutiny SEND Performance Surgery (16 October);
 - SEND WSoA drafted (18 October);
 - Children and Young People's Scrutiny meeting (21 October);
 - Draft WSoA sent to DfE and NHSE for initial comments (25 October);
 - SEND workshop with parents, partners and stakeholders for comments on final draft of WSoA (11 November);
 - Final WSoA submission approved by Local Area SEND Governance Board (19 November);
 - WSoA submitted to the DfE and NHSE by 26 November deadline.

- 4.10 The WSoA was submitted to Ofsted in line with the deadline of 26 November 2019. The WSoA is attached as Appendix 1 to this report and can also be accessed on Derby's Local Offer website. Her Majesty's Inspector (HMI) will now assess whether the statement is fit for purpose, and the relevant Ofsted Regional Director will write to the Local Area to communicate this assessment. Where HMI assess that the written statement is not fit for purpose, they will make recommendations about how the statement needs to improve.
- 4.11 In order to drive forward actions set out in the WSoA, new Local Area governance arrangements have been put in place. The Derby Local Area SEND Board now has key responsibilities for Vision, SEND Strategy, culture, communications and monitoring the delivery of the WSOA. The Board's membership includes an independent Chair, Cabinet Member for Children and Young People, CEO or Equivalent from the CCG, Department for Education Improvement Advisor, Parent Carers Together representative and Senior Responsible Officers for the five themes in the WSoA. The new Local Area Governance Chart is attached as Appendix 2.
- 4.12 In addition, the Derby Local Area SEND Delivery Group, which reports to the Local Area SEND Board, has responsibility for delivering the WSOA and commissioning / de-commissioning Task and Finish Groups in line with the commitments in the WSoA. Other strategic forums have important links with the work of the Board and Delivery Group and will have an input as necessary.

Public/stakeholder engagement

- 5.1 Inspectors spoke with children and young people with special educational needs and/or disabilities (SEND), parents and carers, and local authority and National Health Service (NHS) officers. They visited a range of providers and spoke to leaders, staff and governors about how they are implementing the SEND reforms. A range of SEND engagement workshops have been held with stakeholders, parents and carers to co-produce the Local Area SEND WSoA.

Other options

- 6.1 None.

Financial and value for money issues

- 7.1 Any financial issues pertaining to the actions needed as part of the WSoA will be reported as the plan is developed.

Legal implications

- 8.1 Local Area inspections of responsibilities for children and young people with special educational needs and/or disabilities are carried out under powers contained in section 20 of the Children Act 2004. This section enables Ofsted and CQC to undertake joint inspections of each Local Area in accordance with a timetable approved by the Secretary of State for Education.

8.2 Further, 'The Children Act 2004 (Joint Area Reviews) Regulations 2015' require that:

'The Chief Inspector of Education, Children Services and Skills must (having regard in particular to the nature of the review):

(a) determine whether it is appropriate for a written statement of proposed action to be made in light of the report; and

(b) if so, determine the person or body ("the principal authority") who must make this statement.'

8.3 Where Her Majesty's Chief Inspector (HMCI) has determined that a written statement of action is required, the Local Area must produce this statement within 70 days following receipt of the final inspection report/letter.

Other significant implications

9.1 None.

This report has been approved by the following people:

| Role | Name | Date of sign-off |
|----------------------------|--|-------------------------|
| Legal | Madhuri Gembali, Solicitor | 04/12/19 |
| Finance | Alison Parkin, Head of Finance – People Services | 03/12/19 |
| Service Director(s) | Gurmail Nizzer, Service Director for Commissioning | 22/11/19 |
| Report sponsor | Andy Smith, Strategic Director for People Services | 03/12/19 |
| Other(s) | | |

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| Background papers: | None |
| List of appendices: | Appendix 1: Local Area Written Statement of Action Appendix 2: New Local Area Governance Chart |

Local Area Written Statement of Action

Please see Appendix 1 circulated separately.

Appendix 2: New Local Area Governance Chart

