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| Report to: | People Committee | Date: | 6 December 2018 |
| Report title: | Update on the Implementation of the SEND Written Statement of Action | | |
| Report from: | Nick Ireland, Acting Strategic Director of People Directorate | | |
| Ward/Areas affected: | Borough Wide | | |
| Chair of Committee/Lead Member: | Councillor Marian James | | |
| Author(s)/Contact Number(s): | Victor Roman, SEND Transformation Lead - 07833935379 | | |
| Corporate Plan Priorities: | <ul style="list-style-type: none"> ● Being Active ● Making Informed Choices ● Living Well Independently ● Keeping People Safe | | |
| Open/Exempt: | Open | | |
| Signed: | | Date: | 21 November 2018 |

1. Summary

- 1.1 The Written Statement of Action (WSOA) identifies a total of 27 actions which will lead to improvement of the Local Area to identify and meet needs and improve outcomes for the children and young people with Special Educational Needs and / or Disabilities (SEND) in Sutton.
- 1.2 As requested by members in the June 2018 People Committee meeting, this report sets out the progress made on this to date.

2. Recommendations

The People Committee is recommended to:

- 2.1 Note the progress that has been made to date and endorse the work that is being undertaken to deliver the Written Statement of Action since its publication on 23 July 2018 and since the last report in September 2018.

- 2.2 Expect progress reports updates at the subsequent People Committee Meetings in March 2019 and June 2019, to ensure oversight and scrutiny of the completion of the Written Statement of Action.

3. Background

- 3.1 A joint Ofsted / Care Quality Commission (CQC) Local Area Special Educational Needs and / or Disabilities (SEND) inspection took place between 22 and 26 January 2018 in Sutton. This reviewed how well the local area is fulfilling its responsibilities for young people with SEND. The 'local area' is not limited to the Local Authority; Sutton's local area, as defined by the SEND Inspection Handbook, is:
- The London Borough of Sutton (LBS)
 - Sutton Clinical Commissioning Group (CCG)
 - Sutton Public Health
 - NHS England
 - Early Years Settings
 - Schools
 - Further Education Providers
- 3.2 Unlike with schools' Ofsted reports which provide a judgement of 'Outstanding', 'Good', 'Requires Improvement' or 'inadequate', a SEND Area Inspection's outcome letter provides a narrative, summarising the strengths and weaknesses found within the local area: there is no 'pass/fail' judgement. However, where the inspection team identifies concerns, the Local Authority and Clinical Commissioning Group (CCG) may be asked to submit a Written Statement of Action (WSOA) addressing those concerns.
- 3.3 As a result of the SEND Area Inspection, Her Majesty's Chief Inspector (HMCI) wrote to the Local Authority on 23 March 2018 determining that the Local Authority (LA) and the area's Clinical Commissioning Group (CCG) were jointly responsible for submitting a Written Statement of Action (WSOA) to Ofsted. Having been co-signed by the wider partnership including the London Borough of Sutton, Sutton Clinical Commissioning Group, Sutton Parents Forum, Primary and Secondary Headteacher Groups and Cognus Ltd, the WSOA was submitted to Ofsted on 3 July 2018. On the 23 of July 2018, the local area received the approval of the WSOA from Ofsted and CQC, which was subsequently published on the Local Offer webpages on the Council's website.
- 3.4 In the 'fit for purpose' letter received from Ofsted/CQC, some improvement suggestions were identified that they considered would be beneficial to the improvement 'journey'; these have been incorporated into the actions.
- 3.5 The WSOA has confirmed our vision for children and young people with SEND in Sutton: ***We are collectively ambitious for our children and young people. Together we want to provide them with the best chances to achieve their best outcomes in life whatever their starting point, and prepare them effectively for adulthood.***



- 3.6 The WSOA sets out the governance arrangements in place to implement the plan, and also provides names of the responsible officers and/or agencies to deliver the actions contained within it. The WSOA is split into three areas of improvement, as described in the Ofsted/CQC Sutton Local Area Inspection Report published on the 23 of March 2018.
- 3.7 On the 26 September the second monitoring meeting was held with the DfE and NHS England. The local area presented the progress so far. In the monitoring meeting the DfE stressed again the importance of keeping the pace and showing demonstrable impact. The evidence will be presented at the next monitoring visit on 12 December.
- 3.8 Since the end of September the progress on delivering the WSOA has been steady, with a focus on demonstrating impact. However, as there has been more input required than first anticipated to develop the infrastructure needed to support the changes outlined the WSOA, the timescales for showing the benefits realisation (ie the specific impact on children and young people) may be more challenging to meet.
- 3.9 The Association of Directors of Children Services recently met with Ofsted and discussed SEND inspections and Ministers' intention that those local areas which were required to submit a written statement of action in response to their SEND inspection should be re-inspected. This has now been confirmed. Therefore Sutton Local Area is likely to be re-inspected by Ofsted and CQC before Spring 2021.

4. Issues

- 4.1 A summary of the main deliverables that have been achieved since July 2018 to beginning of September 2018 is as follows, and is noted by each area of improvement:

Area 1: A lack of coherence and joint working between local area leaders, agencies and schools, which is resulting in poor communication, inconsistent opportunities for social inclusion and a high number of exclusions, especially at primary school level

- 4.2 The vision has been shared and communicated at relevant events throughout the autumn term, including the Joint SENCO Forums, Primary Heads Forums, Secondary Heads Forums and Practice and Performance Forums. It is also included in the Education Bulletin that is being distributed to all stakeholders (see 4.8 below)
- 4.3 The London Borough of Sutton and Sutton CCG have worked together to develop a Draft Joint Commissioning Strategy, which states the principles of commissioning and alignment between the two partners; this will inform our commissioning processes going forward.
- 4.4 The Sutton CCG have reviewed the Designated Medical Officer (DMO) role, and have concluded that there is a need for a Designated Clinical Officer (DCO) post to support the DMO. The provider has appointed an SEN nurse who will take on the DCO role. The appointment was made on 1 November and the new DCO will start at the Trust at the beginning of January 2019. In the interim, the existing DMO function will receive additional capacity through the use of a second doctor, with immediate effect. The intention at this stage is that once the DCO is in post the second



doctor will take over the DMO function for Sutton and the existing DMO will focus on Merton. However, that is provisional at this stage and will be confirmed in due course.

- 4.5 The partnership has devised a Joint Working Protocol, which sets out the principles and values that will underpin the joint working arrangements between LBS and the CCG, as well as the objectives for identifying, assessing and meeting needs for children/young people with Special Educational Needs and/or Disabilities.
- 4.6 As a result of more effective joint working, the percentage of plans issued within the 20 weeks statutory timescales has increased from 42.6% in 2017/18 to 64.8% in 2018/19. In September the percentage of plans issued in time was 83.3%, whereas in October only one EHCP was issued; due to partner challenges in completing advice on time, this single plan did not meet the statutory 20 week timescale. The partnership is working to ensure that timescales for providing advice are improved, and each service is developing their internal processes in relation to this. However, this is still at a relatively early stage for some partners.
- 4.7 Working with Sutton Parents Forum, the Local Authority has agreed processes for involving families and young people more effectively and constructively in the SEND EHC Needs Assessment processes. Through this work, the guidance documentation that is made available to parents has been reviewed and rewritten through co-production. This guidance will be on the Local Offer website as soon as possible, definitely by the end of term.
- 4.8 The London Borough of Sutton in conjunction with members across the partnership has set up a process to share and communicate information across the Local Area. It is intended that the Local Area will contribute to and receive information on improving outcomes for children in education. The first Partnership Newsletter was sent to schools, health colleagues, LBS, Cognus and Sutton Parents Forum on the 18 September; the second, in the form of a multiagency bulletin, was distributed at the end of November to over 400 leaders and partners in the Local Area.
- 4.9 To improve our Local Offer, the London Borough of Sutton has commissioned a High Needs Block review, the initial phase of which is due to be completed by early January. As well as visits to all special schools and a wide range of mainstream and additionally resourced provision, the High Needs (HN) review has engaged with LBS and Cognus officers, governors, SENCOs and headteachers in schools and parents through Sutton Parents Forum.
- 4.10 This work, as discussed with schools and the Schools Forum in September, is an independent review of the Borough's current approach to funding SEND, focusing on a comparative analysis of our current spend on High Needs (HN) with our statistical neighbour authorities and our use of both mainstream and special provision. The review is also intended to provide recommendations as to how existing funding systems and approaches could be improved and how expectations, practice and outcomes could be more clearly expressed, aligned and understood at all funding levels. The review will therefore enable us as a partnership to consider how the High Needs block should be distributed and to agree what the local area priorities for funding are so that over time, our local provision and services will be substantially improved.
- 4.11 In the context of the High Needs review, the partnership of schools will also consider the latest



legislation, the likely outcomes of the government's recent review into exclusions and how this might affect practice in Sutton as well as the support necessary to reduce the number of pupils in the Borough that are either excluded or at risk of exclusion.

- 4.12 Linked with the above, a task and finish group with representatives from Cognus and schools has been created to specifically look at what further support can be offered to school in order to reduce the number of pupils that are excluded or at risk of exclusion. The aim of the group is to look at process, ethos, and methodology to reduce or minimise exclusions, with the view to developing an understanding of practical steps and support that will help partners collectively to achieve this. The group is now working on embedding practices through Vulnerable Pupils' Panel and Early Help Assessments completed by schools. The group is also focusing on schools using a Team Around the Child model to prevent issues from escalating, together with developing outreach to schools to increase their capacity to respond more effectively, and sooner, to emerging social, emotional and mental health issues. The group has also looked at resources and the use of Additional Support Contracts: this will be further developed once the High Needs review has been concluded and recommendations presented.
- 4.13 The practice of the SEND Panels and the Joint Planning Panel have been reviewed: new Terms of Reference have been agreed and are being implemented. These will ensure that decision making with relation to children and young people with SEND in Sutton is robust and holistic.
- 4.14 As a result of working through the vision across the partnership and improving joint working, numbers of requests for EHC Needs Assessments have gone down from 31.6/month on average in 2017/18 to 19.9/month on average in 2018/19.

Area 2: Poor oversight of quality and impact of EHC plans in meeting the needs of children and young people

- 4.15 The new Head of SEN Service has started in Cognus, which has improved the pace of change and brought an increased rigour to the process elements of the EHC Needs Assessment: these will be more clearly demonstrated once new assessments started since her taking up her post are completed. The Head of SEN Service is also quality assuring currently drafted EHC Plans so that they are more effective and appropriate.
- 4.16 Cognus has commissioned a twice termly Senior Management Scrutiny Group, which uses a EHC Plans Quality Assurance template to review new and existing EHC plans. Completing audits on EHC plans is key to professional development across the partnership and to our understanding on what to focus in order to increase their quality. Also, the discussions are being fed back to SEND case officers in their team meetings. Practice is now reviewed through supervision, including fortnightly group supervision.
- 4.17 The EHC Needs Assessment Process has been refreshed and clarified, and shared with large numbers of stakeholders; the Sutton Parent Carers' Forum has been involved in constructing the new process so that they are able to explain it clearly to parents new to the assessment process. Through this process the partnership has agreed new templates used for requesting an EHC Needs Assessment and requesting professional advice to inform the assessment across the



partnership. These templates, when finalised, will be available on the Local Offer website.

- 4.18 Letters sent to parents and young people during the EHC Needs Assessment have been co-produced with Sutton's Parent Carers Forum (SPF), schools and other professionals. The new documentation is now being phased in.
- 4.19 A SEND Training Plan has been developed, with the first external event held on the 30 October: this focused on "Writing SMART Outcomes for EHC Plans" and over 120 professionals from a wide range of services attended. Also, as part of the training package, during the autumn term, there have been 8 training sessions, for specific audiences across schools (SENCOs and Head Teachers), educational psychologists, therapists, SEN Service and Children Services staff.
- 4.20 Through the Quality Assurance workstream, the SEND Quality Assurance Strategy has been finalised, along with a performance management framework including a dashboard and Key Performance Indicators. The dashboard includes data which will demonstrate the impact of the changes made through the WSOA and how this work will improve outcomes for children and young people with SEND in the local area.

Area 3: Inequality of opportunity for families, which has arisen from a serious decline in the availability of an effective independent advice service in Sutton

- 4.21 Sutton's Information, Advice and Support Service (SIASS) is now fully operational, with positive feedback. The SIASS officers are undergoing their IPSEA legal training to ensure information and advice is provided confidently and accurately and importantly to ensure that information provided is impartial, and increase parents satisfaction of the service. The SIASS steering group has continued to be involved in implementing the SIASS Business Plan. The chair of the group has supported and been involved in all recruitment for caseworkers and has engaged in the induction of SIASS officers.
- 4.22 Cognus have been working with Sutton ICT and Sutton Parents Forum (SPF) at updating the Local Offer in an agile approach. The SPF are looking at every section in the Local Offer Website and reviewing the sitemap, in order to increase accessibility and move to a '3-click rule' (a person browsing the website would need only 3 clicks to find the information they require). In parallel with the structure of the website, Cognus is reviewing and updating the quality of the information on the pages. Once a section is reviewed and re-structured, then ICT updates the website. This will continue until the whole website is refreshed.
- 4.23 The Mediation Service, which was reviewed in June 2018, is now progressing with formal face to face mediation organised by an independent provider. In July 2018, Sutton had its first formal mediation, and for the month of November 2018 further 3 formal mediation sessions have been organised.
- 4.24 The Local Area has organised, through the Sutton Parents Forum, two Coffee Morning Sessions where the proposed changes and developments were discussed with parents/carers, and gained valuable feedback about the families' experience of the system. Each of the presentations has been followed by parent/carers surgeries with professionals; parents had the opportunity to discuss



in detail their individual cases with the relevant agency.

- 4.25 More thematic questions from the Coffee Morning sessions have been collated, and are being developed into a 'You Said, We Did' response; groups of officers are taking responsibility for developing answers or ways forward.
- 4.26 Whilst the majority of the 27 actions are progressing well in terms of deliverables within timescale, demonstrating the longer term benefits for children and young people are likely to be a challenge within the overall timescale of the Written Statement of Action. However, systems for capturing immediate impact are being developed, such as a dashboard that evidences the quantitative data to show progress on outcomes. This dashboard will be updated on a monthly basis.

5. Options Considered

- 5.1 The written statement of action is a requirement from Ofsted / CQC and therefore there are no options to consider as part of this report.

6. Impacts and Implications

Financial

- 6.1 The implementation of the Written Statement of Action is being financially supported in 2018/19 by investment of up to £150k from the transformation fund, including £36k for the review of the high needs block allocation in the Dedicated Schools Grant (DSG). There is also DSG funding of £325k in 2018/19 provided to Cognus for the multi-disciplinary Early Intervention, Outreach and Identification Service. Other costs are being contained within existing council budgets for 2018/19 or provided by partner organisations.

Legal

- 6.2 New duties on local areas regarding provision for children and young people with special educational needs are contained in the Children and Families Act 2014, which came into force in September 2014. These include the replacement of statements of special educational needs with Education Health and Care Plans ('EHC plans'). An EHC plan is one document which sets out a child's or young person's special educational needs; the outcomes sought for him or her; the special educational provision required by him or her; and any health care provision and/or social care provision reasonably required by the learning difficulties and disabilities which result in him or her having special educational needs. There are new general statutory duties under the Children and Families Act to support and involve children and young people; to promote the integration of educational provision and training provision with health care provision and social care provision; to make joint commissioning arrangements and to cooperate with partners; and to keep education and care provision in the authority's area under review and consider the extent to which it is sufficient.

- 6.3 The Minister of State for Children and Families has tasked Ofsted and the Care Quality Commission (CQC) with inspecting local areas on their effectiveness in fulfilling the new duties. These inspections are carried out under section 20 of the Children Act 2004.

7. Appendices and Background Documents

| Appendix letter | Title |
|-----------------|-------|
| None | |

| Background documents |
|----------------------|
| None |

| Audit Trail | | |
|--------------------------------------|-------|-----------------------|
| Version | Final | Date:19 November 2018 |
| Consultation with other officers | | |
| Finance | Yes | Sue Holmes |
| Legal | Yes | Sarah Willis |
| Equality Impact Assessment required? | No | N/A |