

Report to:	People Committee	Date:	14 March 2019
Report title:	Update on the Implementation of the SEND Written Statement of Action		
Report from:	Nick Ireland, Strategic Director, People Directorate (Interim)		
Ward/Areas affected:	Borough Wide		
Chair of Committee/Lead Member:	Councillor Marian James		
Author(s)/Contact Number(s):	Fiona Phelps, Assistant Director, Education and SEND 07849 079412 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:	27 February 2019

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 December 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 December 2018.

2.2. Receive a progress report / update at the next People Committee in July 2019 and in future meetings, to ensure oversight and scrutiny of the completion of the Written Statement of Action.

2.3. Agree the SEND Joint Commissioning Strategy set out in Appendix A.

3. Background

3.1. A joint Ofsted / 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; it includes the London Borough of Sutton (LBS), Sutton Clinical Commissioning Group (CCG), Sutton Public Health, NHS England, education settings/schools, and other providers.

3.2. 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 LBS and Sutton CCG were jointly responsible for submitting a Written Statement of Action (WSOA) to Ofsted.

3.3. The WSOA's 'fit for purpose' letter from Ofsted/CQC was published on 23 July 2018 and is on the Local Offer Website.

3.4. Local areas which have been required to submit a WSOA in response to their SEND inspection will be re-visited and re-inspected on the areas of weakness within 18 months of the agreement to their WSOA. Therefore the Sutton Local Area is likely to be re-inspected by Ofsted and CQC before Spring 2020.

3.5. The WSOA is split into three areas of improvement which are:

3.5.1. 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.

3.5.2. Poor oversight of quality and impact of Education Health and Care (EHC) Plans in meeting the needs of children and young people.

3.5.3. An inequality of opportunity for families, which has arisen from a serious decline in the availability of an effective independent advice service in Sutton.

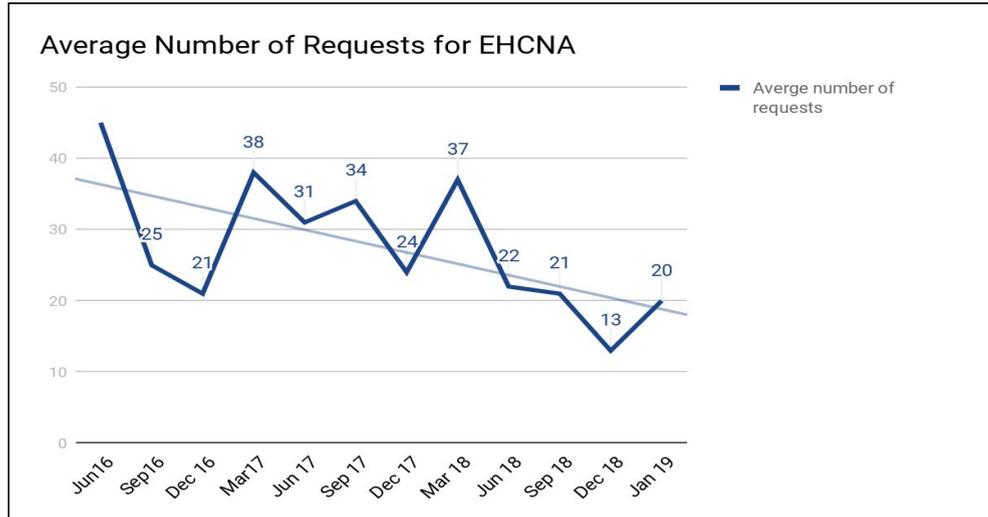
3.6. The WSOA identifies a total of 27 actions which will lead to improvement of the Local Area to identify and meet needs and improve outcomes for the children and young people with Special Educational Needs and / or Disabilities (SEND) in Sutton.

3.7. 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.

3.8. The DfE and NHS England have quarterly monitoring visits in order to ensure that the local area is making the required progress in order to deliver on the WSOA.

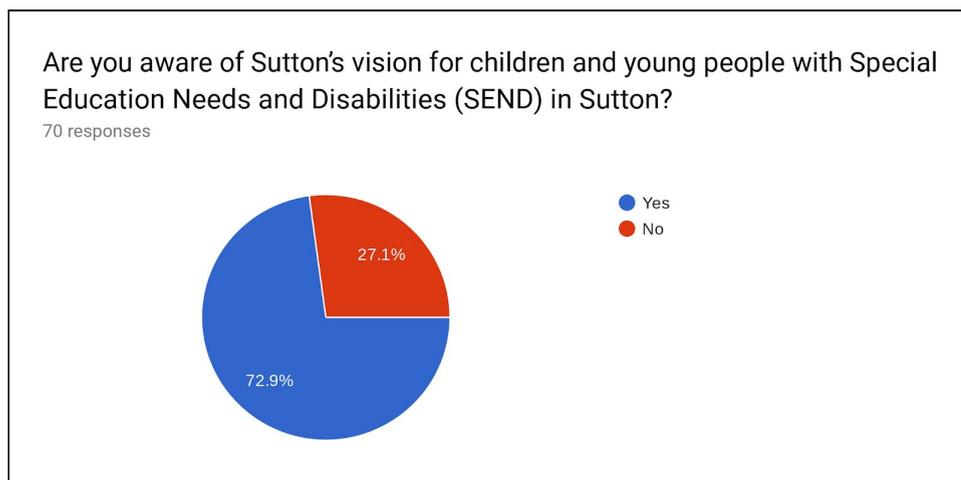
4. Issues

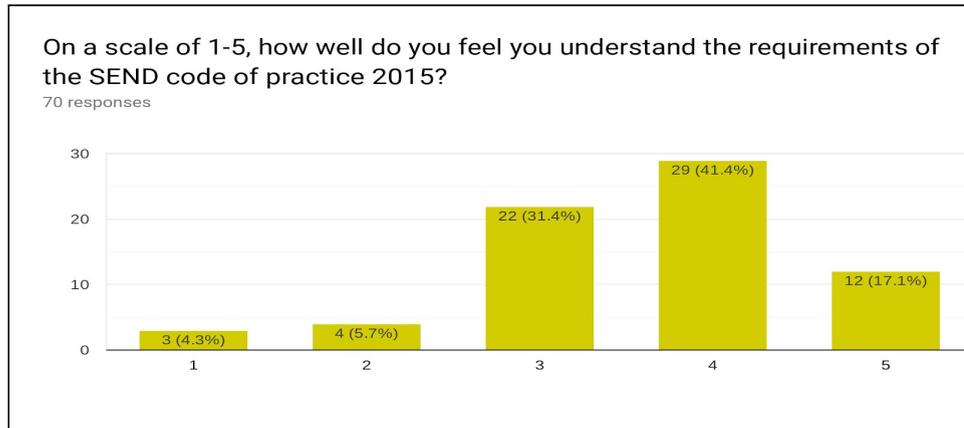
- 4.1. A significant amount of work has been undertaken since Ofsted/CQC's agreement to the WSOA across the Local Authority, the CCG, the Sutton Parent Carer Forum (SPCF) educational settings and other key partners: culture change through new approaches, processes and procedures, compliant with the Children and Families Act, have been established and are becoming embedded.
- 4.2. To date, we have delivered the following:
- 4.2.1. Co-produced the 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.***
 - 4.2.2. Drafted a Joint Commissioning Strategy across the CCG and Local Authority, with a live action plan for 2018/21. This is included in Appendix A to this paper and is pending ratification from the People Committee and the Governing Board of the CCG.
 - 4.2.3. Established and published Joint Working Protocols between the CCG and the Local Authority, in order to ensure that the local area works in partnership in identifying, assessing and meeting the needs of children and young people with SEND.
 - 4.2.4. As part of the above Joint Working Protocol, agreed processes for Additional Support Contracts so that schools can access short term funding to support specific interventions, and clarified the Next Steps Meetings so that parents and schools can work together with key professionals to develop a revised SEN Support Plan.
 - 4.2.5. Developed a multi-agency drop-in session for 'problem solving' discussions around SEND. As a result of better and earlier joint working, the average number of EHC needs assessment requests has dropped from 31.6/month (in 2017/18) to 19.1/month (in 2018/19). For Q4 (from October to December 2018) the average was 13/month.



4.2.6. Developed a monthly to half-termly (depending on volume of communications) Education Bulletin where 550 partners across the Local Area have the opportunity to share news and expertise with each other.

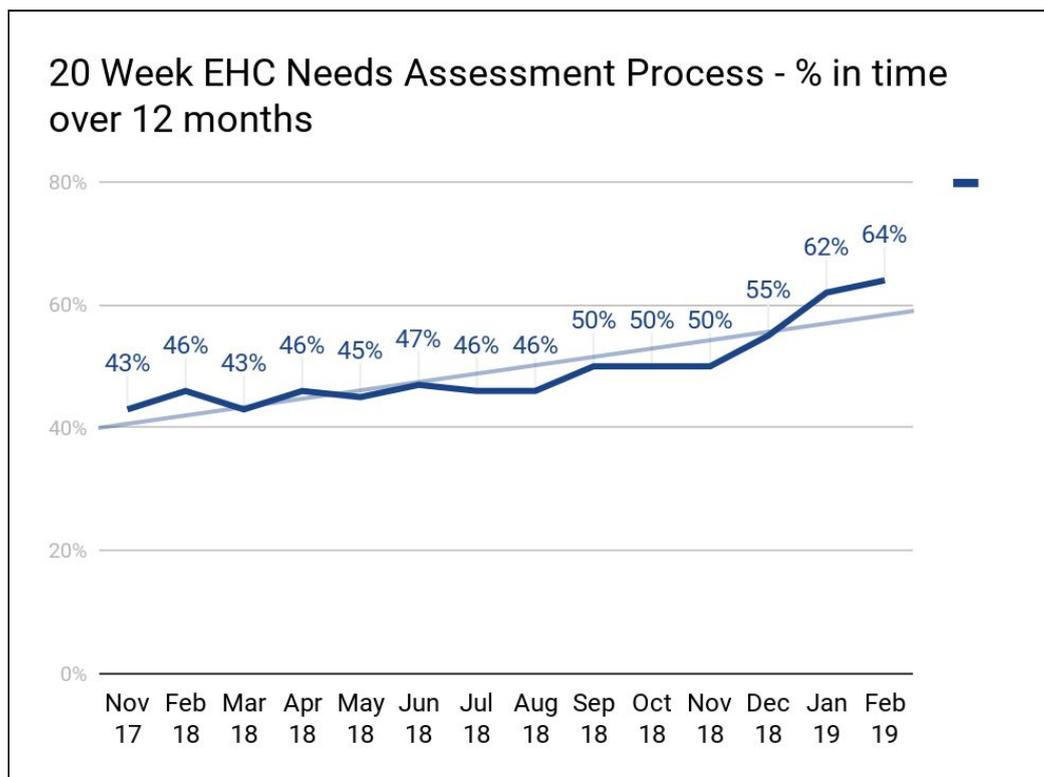
4.2.7. Developed a Local Area Survey, to understand the awareness of our vision, the confidence of Local Area practitioners in the Children and Families Act (CFA) 2014 and to gather evidence to demonstrate our progress. This demonstrates that around three quarters of those who responded are aware of the Local Area’s vision for SEND and of the requirements of the SEND Code of Practice 2015. The outcomes are analysed so that information can be used to develop targeted training and input where needed.





The survey will be repeated at 3-6 monthly intervals to assess progress.

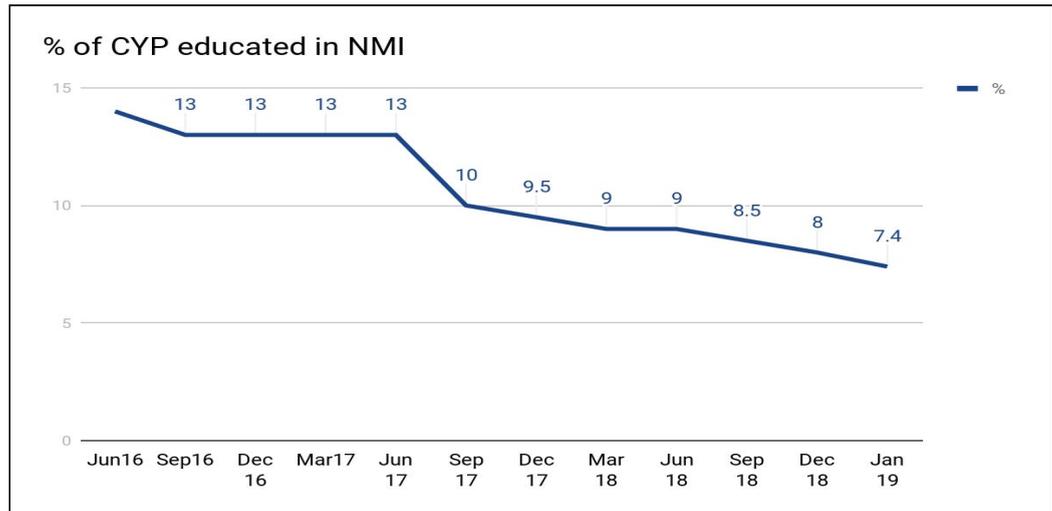
- 4.2.8. Reviewed and re-developed the terms of reference and processes for the SEND Panel and the Joint Planning Panel, allowing for robust decision making which can be evidenced through the minutes of the panels.
- 4.2.9. Reviewed the EHC needs assessment process with services and co-produced new templates for requests for assessment and advice, so that information relevant to the SEND Code of Practice 2015 is captured to ensure that the correct decisions are being made. As a result, the percentage of EHCPs over 12 months completed within the statutory timescales has increased from 43% in 2017/18 (out of a total of 188) to 64% in 2018/19 (out of a total of 107). Also, the timeliness of advice received from professionals across the partnership has increased from 25% in October 2018 to 86% in January 2019.



- 4.2.10. Gathered feedback from 93 parents/carers for whom an Education Health and Care Needs Assessment took place for their child/young person since April 2019. 54 families responded (58%). Families were asked to rate from 1 (very disappointed) to 5 (very pleased) the following questions. All scores demonstrated an overall positive response ie between 3 and 4.

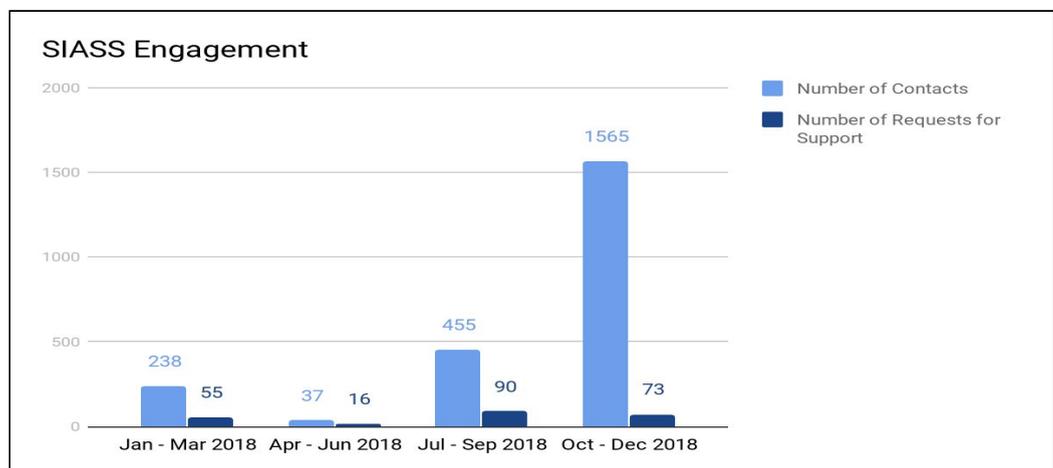
Question	Score
Do you feel you were listened to at the start of the 20 week process?	3.64
Do you feel you were listened to through the 20 week process?	3.70
Do you feel you were listened to at the end of the 20 week process?	3.73
Were you communicated with effectively throughout the process?	3.48
Did you feel you were provided with enough information to allow you to support your child through the process?	3.44
Was the voice of your child heard and / or given the opportunity to be fully involved throughout the process?	3.43

- 4.2.11. Reduced the percentage of Sutton children with EHCPs being educated in the independent or non-maintained (INM) sector, and as the INM sector is largely out of borough, this has also increased the percentage of Sutton children being educated locally: in comparison to September 2016, where 13% of Sutton children with EHCPs were educated in INM provision, by January 2019 this had decreased to 7.4%, and in comparison to March 2017 where 74.6% of Sutton children with an EHCP were educated in-borough, by January 2019 this had increased to 75.5%.



4.2.12. Reviewed the Mediation contract with KIDS (a London-wide provider) and developed a more compliant approach to effective dispute resolution: where in previous years no formal face to face mediation was being carried out through the provider. From June 2018 to end of February 2019 there were 14 face to face mediation sessions through KIDS. So far, none have progressed to an appeal at SENDIST.

4.2.13. Strengthened the Sutton Information and Advice Service (SIASS), by recruiting to the team, offering training and creating a business plan to ensure that the service becomes effective. As a result, from January to June 2018 SIASS had 275 contacts and 71 requests for support. From July to December 2018 SIASS had 2020 contacts and 163 requests for support. The feedback received identified that the most favourable areas related to SIASS demonstrated that they understood the service users concerns (rating 3.4 out of 4), and that the information, advice and support given was helpful (rating 3.2 out of 4). SIASS is putting in place feedback mechanisms, so that greater numbers of families that have been supported express their views on the service.



4.2.14. Delivered our planned training across the partnership, including a whole day event on writing good quality EHCPs, which was attended by more than 120 participants from across sectors, together with bespoke sessions for different

services and specific Education Health and Care Needs Assessment (EHCNA) related topics - such as a recent session on Annual Reviews for 53 Special Educational Needs Coordinators (SENCOs) across the borough.

- 4.2.15. Developed the Local Offer working group with Sutton Parent Carer Forum so that both the website and more of our local offer (in its broadest sense) can be co-produced. An example of working together is professionals from across the partnership jointly contributing to termly surgeries with with the Parent Carer Forum to address individual issues with families in the local area.
- 4.2.16. Completed an audit of Education Health and Care Plans to inform the local area of key improvement areas a draft action plan to address them.
- 4.2.17. Established working groups, led by head teachers, to investigate and problem-solve i) differentiating the curriculum for less able learners; ii) preventing exclusions; and iii) working with 'high risk' (eg LAC) pupils in mainstream schools
- 4.2.18. Involved the Early Help service and the Integrated Youth Service (IYS) with the Limes Pupil Referral Unit to develop a pilot offer focusing on earlier and more effective intervention both at home and at school for pupils at risk of exclusion.
- 4.3. It is important to acknowledge that in order to embed and sustain the improvements required to address the Local Area's weaknesses, the work within the WSOA and the programme as a whole has needed to be more extensive and 'foundation-building' than initially identified in the Inspection Report.
- 4.4. As a result, although most deliverables are on target, the consolidation and sustaining of changes in culture and practice, driven from a deeper understanding across all sectors of the key tenets of the Children and Families Act (such as co-production and using person-centred and outcomes focused approaches) will no doubt take longer than the life of the WSOA before becoming 'the norm'.
- 4.5. Because of the contextual challenges for the Local Area, some elements of the programme have had a change of rate of delivery / progress. Examples of where progress has needed to take longer so that the work is completed effectively are;
 - 4.5.1. Establishing a consistent way of gathering feedback from families and young people because of the time and capacity required to co-produce an agreed and effective process.
 - 4.5.2. Refreshing the Local Offer Website and its content because of the time required to co-produce an effective website that is consistent with parent carer requirements, and to ensure that young people's views are fed into the development of the site.
 - 4.5.3. Developing a Learning and Development Strategy on SEND across the partnership for continuing development of professionals: following the significant input of initial training, it has become clear that a more substantial and wide-reaching programme is required that can address the Local Area needs with both formative and iterative training on areas related to the Children and Families

Act is required, for possibly up to three years, to embed the knowledge and skills required.

- 4.5.4. Formally auditing EHCPs and advice provided so that an improvement action plan for each service is created because of the prior need to ensure auditors were able to identify effectively the key components of a 'fit-for-purpose' EHC Plan.
 - 4.5.5. Improving the quality and timescales of provision of advice from partners because of the amount of training and support required to drive changes forward.
 - 4.5.6. The timescale of the High Needs Block review because more issues that needed to be addressed within that became clear over the time of the review.
 - 4.5.7. Because of the above and the essential need to co-produce the future with education settings, the timescale for making decisions about how to commission and resource our Local Offer will need to be extended.
- 4.6. In the light of learning over time and the evolving picture that has developed from May to November, the Local Area has also developed further processes to progress the change required:
- 4.6.1. The programme has developed the Children and Families Executive Board, co-chaired by the Director of People Services and the Managing Director of the CCG. This has 'burdened' partners with the sense of priority and urgency; it holds Leads to account and ensures that all participants understand and act upon the premise that the WSOA is the key priority.
 - 4.6.2. The 'deep dive' of the WSOA actions carried out in January for the Executive Board has driven forward actions and has led the partnership to review how they are presenting progress to the DfE/NHSE ie to focus on evidence of change. This has strengthened partners' understanding of the need to develop concrete evidence of that change.
 - 4.6.3. Chairing meetings between the WSOA Executive Board and the Department for Education (DfE) and NHS England (NHSE) for the quarterly review and challenge of our progress, and organising informal meetings between the quarterly meetings so that the Director of People Services and the Assistant Director for Education and SEND can invite challenge and problem-solving discussion regarding further initiatives with the DfE and NHSE representatives.
 - 4.6.4. Reviewing internal LBS and Cognus resources to see how these can be best deployed, or augmented where needed, to meet the needs of the evolving requirements (eg for SEN Support).
 - 4.6.5. To galvanise further actions and activities, to develop a 'stocktake' day in Spring/early summer term 2019 for key stakeholders.

4.6.6. Planning a Conference in summer term for all stakeholders to demonstrate progress and the distance still to go, to increase awareness and 'buy-in' from an even greater number of participants.

4.7. All of the above provides a structure and framework for the operational work led by Workstream Leads and the Implementation Group.

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. 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
A	Joint Commissioning Strategy for Special Education Needs and Disability (SEND) - 2018-2021

Background documents
Sutton Local Area Written Statement of Action - 3 July 2018

Audit Trail		
Version	Final	Date: 26 February 2019
Consultation with other officers		
Finance	Yes	Sue Holmes
Legal	Yes	Sarah Willis
Equality Impact Assessment required?	No	N/A

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