

<p>Non-Executive Report of the:</p> <p><b>Health and Wellbeing Board</b></p> <p>Monday 14<sup>th</sup> January 2018</p>	
<p><b>Report of:</b> Debbie Jones – Director for Children and Culture</p>	<p><b>Classification:</b> Unrestricted</p>
<p><b>Report on Actions taken following the Local Area SEND Review</b></p>	

<p><b>Originating Officer(s)</b></p>	<p>Christine McInnes – Divisional Director – Education and Partnerships John O’Shea – Head of SEND and Educational Psychology</p>
<p><b>Wards affected</b></p>	<p>All wards</p>

### Executive Summary

Ofsted and the Care Quality Commission (CQC) have been tasked with providing an independent external evaluation of how effectively a local area carries out its statutory duties in relation to children and young people with SEND in order to support their development. Therefore this inspection will differ from the Single Inspection Framework (SIF) in that it will inspect the local area as a collective, and not just the local authority. The local area includes the local authority, Tower Hamlets Clinical Commissioning Group (THCCG), public health and local education settings and institutions. Educational establishments, including schools and colleges, are not directly inspected as individual institutions, but their input will be an essential part of the inspection.

The inspection will result in a judgement made on our joint effectiveness in commissioning and delivering services to children and young people with SEND based on three main aspects:

- identifying children and young people’s SEND
- meeting the needs of children and young people who have SEND
- improving outcomes for children and young people who have SEND

The inspectors will also report on the extent to which the inspection supports the findings of our local SEF. The inspection is based on the view that local leadership should and do have a view on how effective they are in meeting their duties and responsibilities in relation to SEND. The inspectors also want to see evidence that the local area knows its own strengths and weaknesses and will therefore pay particular attention to the accuracy and rigour of any SEF.

## **Recommendations:**

The Health and Wellbeing Board is recommended to:

1. Note the **Report of the review of London Borough of Tower Hamlet Local Area SEND: 15-18 October 2018** by Diana Choulerton (Appendix A) and advise on the achievement of *The key learning and action points*.
2. Note the specific equalities considerations as set out in Paragraph 4.

## **1. REASONS FOR THE DECISIONS**

1.1 There is no decision, the report is for information.

## **2. ALTERNATIVE OPTIONS**

2.1 None

## **3. DETAILS OF THE REPORT**

### **3.1 INTRODUCTION- CONTEXT AND BACKGROUND**

During 2016 an external review of SEND was commissioned which raised a range of serious concerns about the way the system was working. An internal audit report which gave a Limited Assurance provided further evidence late in 2016 and these two documents provided a baseline for a complex and inter-related set of activities to develop the SEND systems and processes to be statutorily compliant, to have a clear sense of direction, to have transparent governance and to make best use of diminishing resources. This transformation project is about half way through and so it was felt that now would be an appropriate time to undertake an external review against the inspection framework to confirm areas of effective practice and to ensure that the action planning going forward is focused on the right priorities.

In October 2018 an ex-Ofsted HMI, Diana Choulerton, commissioned to carry out an external review of SEND, which replicated many of the meetings and processes for a full inspection but due to time and capacity, it did not cover all areas of the Inspection process. Some key areas that inspectors will want to explore that were not looked at in detail during the review are:

- early years settings, schools and colleges outside the local area that provide education for the area's children and young people who have special educational needs and/or disabilities
- the local area's children and young people who have special educational needs and/or disabilities needs who are not attending school, including those who receive home education
- request information about those children and young people who have special educational needs and/or disabilities who are:
  - children in need
  - children who have a child protection plan
  - children looked after and care leavers
  - subject to youth justice services
  - eligible to receive adult care services.

### **3.2 KEY STRENGTHS AND WEAKNESSES**

The final report from the SEND Review, attached as appendix a, has identified

some significant strengths within the Local Area, including:

- Improvements in the proportion of EHCPs issued on time
- The understanding of current and future demand for pupil places
- Educational settings are good or better
- There are effective arrangements supporting early years and schools to meet needs
- Educational achievement is high against all national benchmarks
- Rates of exclusions are low and attendance is high
- Some young people benefit from provision to progress into volunteering and employment.

Whilst leaders show a clear commitment to improving outcomes there are notable weaknesses including:

- Governance and accountability arrangements are not sharp enough
- No routine culture of monitoring, evaluation and review and so there is no incisive view of what is working well and what needs improvement
- Joint commissioning is an early stage of development, arrangements for personal budgets are at an embryonic stage
- Co-production is at an early stage and is yet to show evidence of how this contributes to improved service design
- EHC plans are not consistently focused on preparing for adulthood and often have social care needs missing; some young people are not accessing care services they need to engage in the community
- There are different views of about the effectiveness of identification and assessment in the early years; since less than half of children attend EY provision this is a barrier to accessing effective early intervention
- Transition arrangements are not consistently effective with some settings receiving information too late and some settings not receiving any information at all
- Arrangements to secure smooth transition between children and adult health and care services at 18 are not consistently clear
- The Local offer needs improvement
- The SEND strategy needs to be clearer and have a supporting implementation plan.

### 3.3 LEARNING POINTS FROM THE SEND REVIEW

The process of the Review and the reporting of the findings and recommendations to stakeholders across the Local Area have also sharpened the focus of the work to prepare for the Inspection and an action plan to address the areas for improvement identified in the report is under development.

Key learning and action points from the review process are:

- The need to include the key background and contextual information, including the significant improvements in SEND across the Local Area, when telling

inspectors the 'story' of SEND across the Local Area. It is important to develop this institutional memory within stakeholders as the pace of the improvement journey has meant that not all leaders were aware of how far the Local Area has moved since 2016. This also includes the development of the Tower Hamlets SEND Strategy 2018-23.

- The need to raise awareness of the inspection process for key stakeholders, including service providers, across the Local Area. Already briefings have been delivered to Leaders of SEND, including Council Officers, the CCG and schools. A parent representative and a young person with SEND have been identified to sit on the SEND Improvement group.
- Some strengths within the system were not identified by the report because Tower Hamlets has developed local variations in ways of delivering parts of the SEND system and inexperience in the inspection process meant that answers in meeting reflected these strengths. There are significant strengths within the work that is being done to ensure that children and young people with SEND have a voice in the decisions that affect them, and the work that is being done to enable parental voice in key decisions on SEND. Another such area is that of personal budgets – work with colleagues in Health has identified a pilot programme that is taking place within the CCG and direct payments for Children with Disabilities and education payments made for pupils in post-16 education, were not included in figures submitted during the review.
- The process for updating the SEF, particularly in developing areas such as integrated joint commissioning meant that some information on actions being carried out was outdated, or not included in the area self-evaluation. Leaders across the Local Area have identified where this has happened and a process of updating the SEF and action plans has begun so that the self-evaluation reflects the most up to date information.
- In one case, the Local Offer, where the local area had identified significant areas for development and a plan was in place to improve this work the member of staff responsible was absent and this work had been identified prior to the review, work had been delayed by staff absence. This work is now moving forward.
- Further work needs to be done to ensure that those areas which were quite new in their development such as the Preparation for Adult Life group, continue to develop at a pace that enables them to be key strengths in any inspection. This group has met regularly since October but its work was not developed enough to impact upon the findings of the Review. In a number of areas the pace of work around SEND has increased significantly as a result of greater awareness of both process and accountabilities.
- A key area for urgent action is the lack of systematic data sharing between

health and the council's early years services with regard to children under the age of five. This is a significant barrier to the effective identification and intervention with a substantial number of children whose parents currently do not access early years services. If the appropriate intervention was put in place under the age of five, it is reasonable to imagine that a proportion of these children would not subsequently need an EHCP.

### 3.4 NEXT STEPS

Following the review work has begun on addressing some of the recommendations. A clear interim governance structure is in place prior to a review of governance by senior officers from the Local Area. The SEN Progress Group has continued to meet, most recently with colleagues to look at the Local Offer and the further development of the Parents' Forum.

EHCP completion times have continued to rise where they are almost double the figure reported in the SEN2 report for 2017.

The SEN Improvement Group – a meeting of key leaders and stakeholders in the SEN system met to discuss the operational responsibilities for the development of an action plan to address the key recommendations and drive an improved system for all children and young people with SED, and their families.

- An overarching action plan to be developed for January 2019, which includes the recommendations of the SEND Review and the key points of action contained in the Tower Hamlets SEND Strategy.
- The development of a self-evaluation document (SEF), with input from service heads across the Local Area that reflects current work and which is supported by strategic plans within each service.
- Develop a regular reporting schedule to the Health and Wellbeing Board, Born Well Growing Well, the Children and young People's Partnership, the Joint Commissioning Executive, Council Leadership teams and the CCG Leadership.

## 4. **EQUALITIES IMPLICATIONS**

- 4.1 The report is fundamentally concerned with Equalities and by addressing the action points will improve equalities with regard to outcomes for children and young people with Special Educational Needs and Disabilities.

## 5. **COMMENTS OF THE CHIEF FINANCE OFFICER**

- 5.1 The cost of implementing the SEND action plan would be met from existing resources of the local area partners (Tower Hamlets Council, Tower Hamlets CCG, Public Health etc.). There is no expectation or request for additional funding to deliver the SEND action plan.

## **6. COMMENTS OF LEGAL SERVICES**

- 6.1 On perusal of the Non –Executive Report of the HWB, it must have regarded to:
- 6.2 When carrying out its statutory duties in relation to children and young people with SEND , professionals working with these children need to refer to and utilise Part 3 of the Children and Families Act 2014.
- 6.2 When conducting needs assessments, councils will be aware of section 17 of the Children Act 1989 and Working Together to safeguard children (statutory guidance) .
- 6.3 The section 149 Equality Act Duty 2010 must be at the forefront of any promotion of implementation of services, with the duty to make reasonable adjustments as and when necessary.
- 6.4 The LA will need to be aware of its duty under Article 14 of the ECHR 1998, set out below
- 6.5 Prohibition of discrimination
- 6.6 The enjoyment of the rights and freedoms set forth in this convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.
- 6.7 As set out in the Care Act 2014, transition for young people with special needs should start from age 14. There should be close liaison between children and adult teams to ensure that the transition to adulthood is a smooth one for the young person(s).
- 6.8 In ensuring that the EHCPs reflect the education, health and social care needs for the children, there is adherence to the following:  
Preparation of EHC plans:  
(1) Where a local authority is required to secure that an EHC plan is prepared for a child or young person, it must consult the child’s parent or the young person about the content of the plan during the preparation of a draft of the plan.  
(2) The local authority must then—  
(a) Send the draft plan to the child’s parent or the young person, and  
(b) Give the parent or young person notice of his or her right to—  
(i) Make representations about the content of the draft plan, and  
(ii) Request the authority to secure that a particular school or other institution within subsection (3) is named in the plan.
- 6.9 The consultation process should commence early enough for there to be input from the child, family and any other relevant professional.

### **Linked Report**

- None

### **Appendices**

- **Report of the review of London Borough of Tower Hamlet Local Area SEND: 15-18 October 2018.**  
Diana Choulerton, Education Consultant (Former HMI Ofsted)

### **Local Government Act, 1972 Section 100D (As amended)**

#### **List of “Background Papers” used in the preparation of this report**

List any background documents not already in the public domain including officer contact information.

- None

#### **Officer contact details for documents:**

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