

<p>Non-Executive Report of the:</p> <p>Health and Wellbeing Board</p> <p>17 September 2019</p>	
<p>Report of: Debbie Jones – Corporate Director for Children and Culture</p>	<p>Classification: Unrestricted</p>
<p>SEND Improvement Update</p>	

Originating Officer(s)	John O'Shea – Head of SEND
Wards affected	All Wards

Executive Summary

This briefing has been produced to provide an update regarding:

- Inspection preparation
- Self-Evaluation Framework
- Governance
- Monitoring against the SEND Action Plan
- Finance
- Next Steps

The majority of this briefing has been discussed separately at Health, Adults and Communities (HA&C) DLT, Children and Culture (C&C) DLT, and JCE before coming to the Health and Wellbeing Board for a joint senior discussion.

Recommendations:

The Health and Wellbeing Board is recommended to:

1. Note the contents of the report
2. Discuss the report and feedback on any of the points raised
3. Support the preparation for Local Area Inspection by ensuring that SEN Inspection work is a priority for services across the Local Area
4. Support the on-going SEND Improvement work to ensure that services across the Local Area are aware of their responsibilities in relation to supplying information to inform action planning and the data dashboard.
5. Advise whether or not the SEND Workforce issues need to be taken on by the Tower Hamlets Together workforce enabler
6. Ensure that the various parts of the Local Area SEND system have data readily available for use during the inspection and to support strategic decision-making.

1. REASONS FOR THE DECISIONS

- 1.1 Under the *Children and Family Act 2014*, all local authorities have a statutory duty to identify resident children and young people under 25 who have special educational needs and/or disabilities (SEND) and ensure that the necessary statutory provision is made available to deliver their entitlement to education. *The SEND Code of Practice (2015)* goes further by outlining roles, responsibilities and statutory duties for health, commissioners, health providers and the local authority.
- 1.2 Ofsted (Schools) and the Care Quality Commission (CQC) have been tasked with providing independent external evaluation of these responsibilities and duties through an inspection process. The SEND Inspection process makes its judgements on the Local Area, that is, the local authority and the CCG. It looks at identification, assessment, provision and outcomes for children and young people.
- 1.3 The Health and Wellbeing Board is asked to support the recommendations in this report to ensure the delivery of the Tower Hamlets SEND Strategy 2018-23, which will lead to improved progress and outcomes for children with SEND.
- 1.4 These recommendations will also ensure a successful Local Area inspection.

2. ALTERNATIVE OPTIONS

- 2.1 The alternative to the recommendations above is that monitoring, reporting and evaluation of the work done across the local area in supporting children and young people with SEND will remain within individual services. This type of 'silo' approach will lead to a lack of co-ordinated services across the local area, gaps in future planning, poorer experiences for service users, poorer outcomes and progress for those with SEND and the failure to deliver the Tower Hamlets SEND Strategy within timescales set out.
- 2.2 The inspection process triangulates the local area's evaluation with the experiences of service users and providers and a disjointed approach to meeting the needs of children and young people with SEND may result in a written statement of action under the inspection schedule.

3. DETAILS OF THE REPORT

3.1 SEND INSPECTION PREPARATION

The SEND Inspection will differ from the Inspection of Local Authority Children's Services (ILACS) 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), 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.

Documentation has been produced to support the logistics of the SEND inspection, including the compilation of a list of attendees required for meetings with inspectors and the contact list of staff likely to be involved in meetings with inspectors.

Key documentation such as the Local Area Self Evaluation, the contextual presentation for day one and, following on from learning from the CSC inspection, 'One minute guides' to brief key officers and ensure consistent messaging, is being produced through the SEND Progress Group. Local area officers have been identified to lead on key themes during inspection.

A meeting between the logistical inspection lead for Tower Hamlets and CCG officers has taken place clarifying practical arrangements ahead of the local area visit, which will take place across two sites. (CCG at Mile End Hospital and LBTH at Mulberry Place).

A series of SEND Roadshow sessions are planned for local area staff to prime officers on key messages from the SEF and provide an overview of the inspection process. Events are scheduled to take place on 12th and 13th September 2019.

An SEN Executive group has been convened to receive regular reports from the SEN Progress Group Inspection Preparation Group to ensure that the focus on the inspection remains sharp and that service leaders across the local area are held to account.

3.2 SELF-EVALUATION FRAMEWORK (SEF)

A draft SEND Self-Evaluation Form (SEF) has been produced outlining the initial responses to the three key questions on identification and assessment, provision and outcomes, which will be used to inspect the Local Area. The narrative for the SEND Improvement journey has been revised and this is attached as appendix 2. The full SEF document includes a summary, as well as contextual and governance information and will be presented as evidence for the inspection.

Key to the success of the inspection will be a SEF that reflects a unified response from the Local Authority and the CCG with judgements supported by robust data. To this end a final revision of the SEF is being undertaken using updates from services across the Local Area, and evidence from the recent Inspection of Children's Services and externally commissioned reviews.

3.3 GOVERNANCE

A clear governance structure is now in place enabling effective oversight and accountability.

The SEND Progress Group is a subset of the SEND Improvement Group that meets fortnightly to drive forward the SEND improvement agenda between SEND Improvement Group meetings. The Progress Group is now the main operational group driving preparation for the Local Area inspection.

3.4 MONITORING AGAINST SEND ACTION PLAN

The SEND strategic action plan, which covers actions to deliver the Tower Hamlets SEND Strategy 2018-23, has been reviewed to focus specifically on system improvement, with activities rag-rated and reviewed by the SEND Improvement Group at each bi-monthly meeting.

A separate inspection plan is being developed, which will be reviewed on a weekly basis by the SEND Progress Group.

Most action plan activity is currently rated as amber or green, with some items now completed. Progress has been noted on some aspects of joint commissioning, the Local Offer and engagement with parents and carers. It was also noted that live birth data is now being shared across the Local Area.

A small proportion of activities are rated as red, including those listed below:

SEND Workforce

- o The workforce to educate and care for children and young people with SEND will be well understood and effective responses have resulted in fewer occupations with recruitment pressures
- o A profile of the core SEND workforce will start being developed and strengths and pressures for future recruitment identified

Robust planning for the future development of the SEND workforce across the local area will ensure that the needs of children and young people are planned for and result in the best outcomes for them. This will support the delivery of the Tower Hamlets SEND Strategy 2018-23 and provide an expert, inclusive Local Area.

Accessing and sharing data

- o Access data on children from 1-5 years who have never accessed Early Years Services so that they can be targeted by Children's Centres for support
- o The data dashboard will inform leaders and the SEND strategic group where performance is good and where improvements are needed, across education, social care and health
- o There will be good access for key practitioners to a data profile which summarises key data for all children and young people with

SEND, including academic progress, exclusions and destinations at age 16 and 19

- o Provide regular analysis of service performance of children and young people with SEND

The SEND Local Area covers a wide range of service providers across the council, CCG and the voluntary sector. Within the SEND Code of Practice, the Inspection schedule and the SEND Strategy there is clear direction about the data that is required to inform decision-making and to ensure that statutory timelines are met. The development of the data dashboard is in progress, supported by an SEND Data analyst, but the dashboard, which will evidence the progress and outcomes, requires robust data timely returns from all services to be a useful strategic tool.

Joint Strategic Needs Assessment (JSNA)

- o JSNA provides commissioners with the understanding they need to draw up clear commissioning specifications that enable effective commissioning

Work on a refreshed JSNA has started and this work is being reported through Born Well Growing Well to ensure that it meets its remit to inform future commissioning.

3.5 FINANCE UPDATE

A deficit on the High Needs Funding Block has been reported for 2018-19. This overspend has largely been the result of continued increases in the numbers of EHCPs, and is reflected in the national picture for high needs funding. An action plan to reduce the deficit has been produced by officers.

In Tower Hamlets and across many other local areas, increasing numbers of pupils with EHCPs has led to continuing pressure on the top-up budget of the HNFB. The number of plans is rising by between 11-14% a year locally. However, the average spend per pupil based on the number of EHCPs and the total HNFB (minus the retained element and the money spent on AP) remains roughly the same.

Tower Hamlets remains committed to a mixed economy of schools within the local area educational offer – including mainstream schools, specialist schools and mainstream schools with resource-based provision. Ensuring high quality provision within the local area will reduce the costs of expensive out of borough provision as well as reducing pressure on the SEND external travel budget.

Despite an expansion of special school provision in the LA's 2 PMLD schools and its specialist ASD school pressure remains on the specialist school system. There are over 360 pupils in Phoenix School and the Phoenix Outreach team now have a caseload of over 500 pupils in mainstream

education. There are also identified shortages in SEMH provision – for girls and within the primary sector. This results in parents requesting specialist provision, sometimes independent or non-maintained out of borough provision.

The increased budget pressure on the HNFB is mirrored by increasing pressure on associated budgets for children and young people with SEND, noticeably the budget for SEND travel.

The local authority has formally consulted on making changes to the way that the high needs funding block is spent to ensure that good quality support continues to be available for all children and young people with SEND. The Consultation took place over July and August, with a series of pre-consultation engagement activities for parents taking place in May. The analysis of the formal consultation will be reported to senior leaders in September and will contribute to the decision making process around the new model of inclusion support for children with high needs.

4. EQUALITIES IMPLICATIONS

- 4.1 The SEND system in Tower Hamlets seeks to ensure that no child or young person is disadvantaged in the services and support that they receive due to any special educational need or disability that they have.

5. OTHER STATUTORY IMPLICATIONS

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.
- Data Protection / Privacy Impact Assessment.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 As stated in paragraph 3.5 above there are budget pressures for the SEND service for 2019-20. The reported pressure is £1.6m for the general fund and £9.6m for DSG. A recovery plan outlining a 3 year action plan for the DSG pressure has recently been submitted to the DfE. If the current level of DSG funding were to continue for the next 3 years, it is unlikely the DSG budget will breakeven.

- 6.2 A £2.5m growth bid has been submitted for the next 3 year MTFS budget bid process for 2020-21 to 2022-23. This is to cover historical pressures on the general fund and the reversal of the 2019-20 one off funding of £1m.
- 6.3 The SEND action plan details the transformation of the SEND service delivery which is expected to reduce future budget pressures on the service.

7. COMMENTS OF LEGAL SERVICES

- 7.1. Section 25 of the Children and Families Act 2014 places a duty on the Council to ensure integration between educational provision and training provision, health and social care provision, where this would promote wellbeing and improve the quality of provision for disabled young people and those with SEN. The oversight provided by the Health and Wellbeing Board is consistent with ensuring SEND provision being delivered in an integrated manner, which is important to ensure a positive outcome in the Local Area Inspection.
-

Linked Reports, Appendices and Background Documents

Linked Report

- List any linked reports
- State NONE if none.

Appendices

- Action Plan summary sheet

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:

Or state N/A