



**CHILDREN AND FAMILIES OVERVIEW AND SCRUTINY
COMMITTEE – 21 JANUARY 2020**

**LOCAL AREA INSPECTION OF SPECIAL EDUCATION NEEDS AND
DISABILITIES (SEND)**

REPORT OF THE DIRECTOR OF CHILDREN AND FAMILY SERVICES

Purpose of report

1. The purpose of this report is to provide members of the Children and Families Overview and Scrutiny Committee with an overview of the Ofsted SEND Inspection Framework and to provide members with a summary of Leicestershire's strengths and areas that require further development.

Policy Framework and Previous Decisions

2. New duties that were introduced in 2014 require local areas to be inspected regarding provision for children and young people with SEND. These duties are contained in the Children and Families Act (2014) (the Act) and are amplified in the 'Special education needs and disabilities code of practice: 0-25 years (the Code of Practice).
3. The Code of Practice is the statutory guidance published by the Department for Education (DfE) and the Department of Health (DoH). 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 these duties.
4. Ofsted and CQC are required to carry out their work in ways that encourage the services they inspect and regulate to improve, be user-focused and be efficient and effective in their use of resources.

SEND Inspection

5. The SEND inspection is undertaken by the Office for Standards in Education, Children's Services and Skills (Ofsted) and the Care Quality Commission (CQC) and provides an external evaluation of how well a local area carries out its statutory duties in relation to children and young people with special education needs and/or disabilities in order to support their development.
6. The inspection will review how local areas support children and young people with SEND to achieve the best possible outcomes, such as being able to live independently, secure meaningful employment and be well prepared for their adult lives. Therefore, these inspections are designed to hold local areas to account, they also intend to assist local areas in improving and developing their processes and

support systems in order that local areas become more effective and deliver better outcomes for children and young people.

7. It is important to note that these inspections will evaluate how effectively the local area meets its responsibilities. The local area includes the local authority, clinical commissioning groups (CCGs), public health, NHS England for specialist services, early years' settings, schools and further education (FE) providers.
8. The local area is the geographical area of the local authority. However, the responsibility of the local area for children and young people who have special educational needs and/or disabilities extends to those who are residents of the local area but attend educational establishments or receive services outside the local authority's boundaries.
9. The starting point for inspection is the expectation that the local area should have a good understanding of how effective it is. Leaders for the local area should be able to accurately assess how well it meets its responsibilities and should have an understanding of strengths and aspects that require further development. Inspectors will test out the accuracy of this understanding during the inspection as they make their evaluation. These strengths and areas for development are contained within Leicestershire's Self Evaluation Framework (SEF), a summary of which is detailed below. This document continues to be reviewed regularly and updated to reflect further developments as they emerge.
10. The local area will be provided with five working days' notice of the inspection and inspectors will be in the area for five days, making the inspection two weeks long in total. There will be a series of focus groups and visits to providers that will take place over days six to nine. During the inspection, inspectors will visit:
 - An Early Years setting and a primary and secondary school;
 - A special school
 - An FE college
 - Independent provider
11. Inspectors will also wish to meet with staff and governors within the school, children and young people and parents and carers.
12. The Inspection Framework evaluates the local area's provision through the inspection of the following domains:
 - How effectively does the local area identify children and young people with SEND?
 - How effectively does the local area assess and meet the needs of children and young people with SEND?
 - How effectively does the local area improve outcomes for children and young people with SEND?
13. After the inspection Ofsted and CQC will publish an inspection report in the form of an inspection letter. The report will not contain an inspection judgement as with other Ofsted inspections. The report will be addressed to the local authority and sent to the Chief Executive of the CCG. This will outline the evidence that inspectors reviewed and provide a summary of key findings including strengths and areas

requiring further development. In addition, reports may also include areas of concern that may, subject to determination by Her Majesty's Chief Inspector (HMCI), require a written statement of action to be submitted to identify how concerns will be remedied.

14. Since the introduction of this inspection regime, there have been 113 local area inspections of SEND. Of these 113 inspections, 58 areas have been provided with a written statement of actions and 70% of these have reported joint planning and commissioning as an area for improvement. 71% of those areas receiving a written statement of action were inspected in 2018/19 compared with 29% receiving a written statement of action during 2016/17. In more recent inspections, social care input and advice into EHCPs has become increasingly more prevalent for those areas receiving a written statement of action.
15. Should the local area be required to draw up a statement of action they must publish the plan within 70 working days of receiving the report. The written statement must:
 - State who it is proposed should take the action
 - Include a statement of the period within which the action is to be taken.
16. This statement must be shared with HMCI and the Secretary of State. The local authority and every other person or body who has cooperated must publish the written statement on its website.

Leicestershire's Strengths and Areas for Development

17. Leicestershire developed an initial Self Evaluation Framework that was signed off by the SEND Partnership Board in March 2019. In response to improved and updated data this is currently being reviewed and refined to better highlight key achievements and areas for development. A summary of strengths and areas for development are highlighted below:

Strengths.

18. There is clear commitment from senior leaders across the partnership to the SEND agenda with a focus on the need to work together on improving the identification, and assessment of need and the timely provision of support, thus preventing the escalation of needs. This is vital to ensure the efficient use of the high needs budget. This can be demonstrated by the significant and robust development plan in place that the Children and Families Overview and Scrutiny Committee had sight of at its meeting in November 2019. This is a three-year plan that has clearly defined objectives and milestones and is monitored by the Children and Family Service Departmental Management Team.
19. There is a highly supportive Lead Member for Children and Family Services.
20. The Leicestershire school offer is excellent with 100% of area Special Schools rated by Ofsted as Outstanding or Good. This compares favourably with the national average of 91.7%. 87.9% of mainstream primary schools are rated as outstanding or good compared with 87.4% nationally. Mainstream secondary schools also compare well with the national average (73.8%) with 78.3% being rated as Good or Outstanding.

21. The 0-19 Health Child Programme has developed an app to support children and young people's social emotional and mental health needs that provides information and access to support across the county.
22. Leicestershire's education attainment data shows the area as being in the top quartile for those children and young people with an Education, Health Care Plan (EHCP) when compared with statistical neighbours.
23. There are good examples of training taking place across the County that is having an impact on children and young people. For example, a roll out programme of the Emotional Literacy Support Assistants (ELSA) to support schools to develop their capacity and provision for children and young people with Social, Emotional and Mental Health needs. This training is for schools and settings and 18% of schools have a trained ELSA. The Local Authority Autism and Learning Support teams provide training to parents and schools; during 2018/19 3,000 participants attended training and 85% of schools across Leicestershire received input from Autism services.
24. Partner agencies make referrals to the Front Door appropriately and safeguarding risks are highlighted to be dealt with quickly. Current re-referral rates have reduced from the previous year, indicating that interventions are appropriate, timely and successful.
25. Families who have a child with a disability are able to access services through a Short Breaks, Family Support and Occupational Therapy panel. In the recent Inspection of Local Authority Children's Services (ILACS) inspection, the Disabled Children's Service was recognised for providing a good level of service to these families.
26. An Inclusion Service has been developed, drawing on existing teams and some additional staffing to provide a graduated response to schools for children and young people with medical needs, missing education, Elective Home Education. This service links with the Secondary Education Inclusion Partnership (SEIP) and Oakfield Primary and outreach support. The SEIPs have been successful in reducing permanent exclusions, as compared to national and statistical neighbour figures up to the academic year 2017/18. Leicestershire continues to be in the top quartile, with figures of exclusions well below national and statistical neighbours.
27. Work to prepare young people for adulthood has improved significantly. This has been supported by the development of the 'Preparing for Adulthood Service' within the Adults and Communities Department. Information sharing between the Disabled Children's Service, SENA and Adult Services is far more timely allowing for earlier transition planning for children as they move into early adulthood. The imminent co-location of these three services into County Hall will further strengthen this earlier and stronger planning.
28. The relationship between Clinical Commissioning Groups, the Local Authority and the Leicestershire Parent Carer Forum has strengthened in the last six months and the Parent Carer Forum is well engaged with the SEND Partnership Board and continues to be involved in the co-production of key pieces of work including the review of EHCPs, the development of the Leicestershire Neurodevelopment Pathway, SEN Transport policy and a significant overhaul of the Local Offer.

Children, young people and parents and carers have also been involved in the development of new provision in the county.

Areas for Development

29. The local area recognises the need to improve approaches to joint planning and commissioning at both a strategic level and at a child level. Whilst some services can demonstrate a high level of commitment to children and young people with SEND such as the Hearing and Vision Support team who meet regularly with NHS colleagues and run joint clinics, early notification from health through Section 23 notifications is not consistent. This often means that some support for some children is not provided as early as it could be and therefore some parents may report the need to tell their story more than once. Work is underway with CCG colleagues to identify joint commissioning priorities and these are likely to be determined in February 2020.
30. Whilst the Local Offer is generally compliant, the local area recognises that it is not always easy for children, young people and parents and carers to navigate around the system and it is not always user-friendly. The Local Authority, Leicestershire Parent Carer Forum and CCGs have already commenced work to undertake a thorough review of the Local Offer with a view to an updated site being launched in Spring 2020. A holding web-site is available to the public with a focus on education provision in the county.
31. The local area recognises that too many children are being educated outside of the county and in independent provision. The Council has committed to a significant capital programme that will provide in excess of 600 more specialist places for Leicestershire children and young people. However, the local area continues to work with children and their families to ensure that where possible children can be educated within their communities and as close to home as possible.
32. EHCPs are compliant with the Code of Practice and sections of the EHCP have been further strengthened since the conversion from statements in 2014. For example, the one-page profile of children does provide relevant information on the child or young person and refers to aspirations and provides for parental input. EHCPs have also improved with regard to highlighting the strengths of the child or young person. However, quality information from health and social care/early help is variable and is often not specific. Officers within the SENA service have further improved EHCPs using SMART outcomes and have been clearer about the type of provision required to meet these outcomes. This is not consistent across the service and further work is required to improve working practices in this area. The service is being subject to an intense review of its operating procedures and processes. This will also include how these services interact with other partners such as schools and health providers. The implementation of recommendations arising from this review will be implemented in Summer 2020.
33. Attendance at annual reviews by professionals outside of the school sector is also inconsistent and attendance at reviews where children are beginning a transition phase are not always prioritised often leading to refreshed EHCPs being delayed. The review, referred to above will assist with improvements in this area.

34. Oversight relating to educational outcomes for children being educated in independent schools is not sufficiently robust. Additional capacity has been identified within the Local Authority SENA service and School Effectiveness, in order to improve this monitoring and move children into better quality provision that can meet their outcomes.
35. The numbers of requests for EHCPs and the number of EHCPs in the system continues to grow which is putting pressure on all partners. This is an issue that has been recognised nationally. This, along with the findings from the recent Education Select Committee Report, has led to the government ordering a wholesale review of SEND. However, timescales for this review are yet to be determined and Ofsted and the CQC have committed to completing their current five-year programme of inspection that commenced 4 years ago.

Conclusions

36. Local areas are subject to a SEND inspection. This will be a joint inspection of the local area and will be carried out by Ofsted and the CQC. In Leicestershire the inspection area will consist of the Local Authority (Children and Family Services, Adult & Communities and Public Health), West Leicestershire CCG and East Leicestershire and Rutland CCG, health service providers, schools, settings and independent providers. The inspectors will be primarily concerned with how well the local area works together to meet what has been set out in the SEND reforms of 2014.
37. Whilst there are a number of key areas for development Leicestershire has responded well to the SEND reforms introduced in 2014 and services are well placed to identify and support children and families who are experiencing issues relating to SEND.
38. Despite not yet being subject to a local area inspection for SEND the local area is well aware of the areas that require further work to improve outcomes for children. To respond to this, the Local Authority has a robust development plan in place with senior officer oversight to further improve and develop services to improve outcomes for children and young people with SEND. The High Needs Development plan is responding to pressures on the High Needs Block of the Dedicated Schools Grant and to the increasing numbers of EHCPs in the system. These are challenges that are being experienced across the country and the development plan puts Leicestershire in a strong position to respond positively.

Background Papers

SEND Code of Practice.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND Code of Practice January 2015.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf)

SEND Handbook for the Inspection.

Circulation under the Local Issues Alert Procedure

39. None

Equality and Human Rights Implications

40. There is no requirement to include an EHRI assessment as the report does not propose any changes to the Council's policies, procedures, functions and services. The report is for information only and details the outline of the SEND inspection framework.

Other Relevant Impact Assessments

None

Appendices

None

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