

Health and Wellbeing Board

25 January 2022

Update Report for the Walsall Local Area SEND Improvement Programme.

For Assurance

1. Purpose

The SEND Local Area Improvement Programme is designed to address the nine areas of concern identified by Ofsted and the Care Quality Commission in the SEND Local Area inspection in February 2019. As a result of the inspection findings, the Walsall Local Area were required to outline how it intended to improve SEND services via a Written Statement of Action (WSoA). The implementation of the WSoA is overseen by the Local Area Improvement Board (LAIB) who monitor progress and provide challenge. As part of the governance arrangements, the LAIB are required to provide updates and assurance to the Health and Wellbeing Board on a regular basis.

The purpose of this report is to provide the latest update and assurance.

2. Recommendations

- 2.1. That the Health and Wellbeing Board consider the content of this report and acknowledge and comment on the progress made to date in the improvement of SEND services.
- 2.2. That the Health and Wellbeing Board note the concerns in relation to the re-organisation of health and the implementation of the ICS and seek assurances from partners that the impact of this on services for children, and in particular those with additional needs are being given appropriate consideration.

3. Report detail

Background

- 3.1. Following the SEND Local Area Inspection of Walsal Council by Ofsted and the CQC it was found that there were 9 areas of concern and that a Written Statement of Action (WSoA) was needed from the Council. The Statement of Action was deemed 'fit for purpose' by Ofsted in October 2019 and was published on the council's website: <http://go.walsall.gov.uk/education/send/>.
- 3.2. The actions within the WSoA have been split across four workstreams: Co-production and Engagement, Improving Outcomes, EHCP Assessment Processes and Joint Commissioning.
- 3.3. A Local Area Improvement Board (LAIB) was established to oversee the implementation of the WSoA and meets monthly. The LAIB is independently

chaired by Vicki Whittaker-Stokes – a parent and foster parent of children with SEND who has SEND needs herself and is now vice chaired by Louise Hudson, Walsall’s SEND Independent Advice Service (SENDIAS) manager. The board is also attended by the workstream leads, the relevant strategic leads from the LA, CCG, schools representatives and the portfolio holder for Education and Skills.

- 3.4. The Local Area also receives support and is regularly assessed for progress by advisors from the Department for Education (DfE) and the Care Quality Commission (CQC). Walsall’s advisors are Pat Tate (DfE) and Deborah Ward (CQC)

Preparation for re-inspection

- 3.5. As at November 2020 there has been 117 Local Area Inspections since the Walsall SEND inspection in February 2019. Of these, 60 (51.3%) have been instructed to implement a WSoA. All local areas that are instructed to implement a WSoA are required to undergo re-inspection to ensure that they have made sufficient progress against the areas of concern raised at the inspection. This should typically be around two years after the initial inspection, however, due to the Covid-19 pandemic many re-inspections have been delayed.
- 3.6. Broadly speaking, SEND re-inspections are typically completed in the order of the original SEND inspections, however this is not an exact science. Staffordshire are currently undergoing their re-inspection and as they were originally inspection just before Walsall, the Local Area expects to be re-inspected from February 2022.
- 3.7. We are currently in the process of gathering evidence for re-inspection, which will clearly evidence our journey, detailing achievements and the outcomes and difference they have made to children, young people and families. Walsall’s DfE and CQC advisors are supporting the local area through this process, providing additional guidance and support.

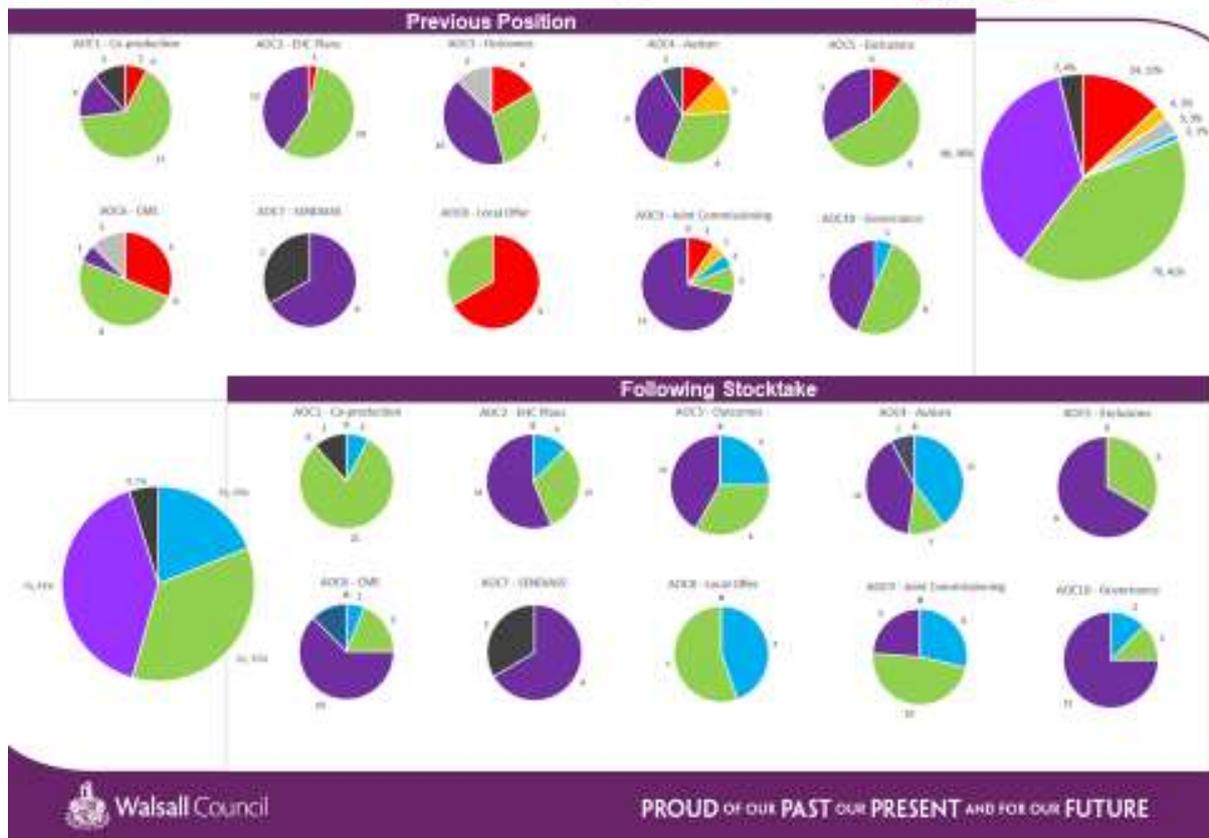
Programme Update

- 3.8. In line with the aforementioned evidence gathering, a ‘stocktake’ has been undertaken of the actions in the Written Statement of Action (WSoA) to consolidate and confirm the progress to date and identify any outstanding priority areas for focus. This is outlined in the programme status below:

Not Started	Beyond Milestone	Delayed	Paused - Covid Exception	In Progress	Complete	Complete and Embedded	Closed	
0	0	0	0	35	65	75	9	Current Action RAG Ratings - Following Stocktake
Not Started	Beyond Milestone	Delayed	Paused - Covid Exception	In Progress	Complete	Complete and Embedded	Closed	
0	24	4	5	2	76	66	7	Previous Period Action RAG Ratings

WSoA Stocktake – following stocktake

Key
 Closed, Completed and Embedded,
 Completed, In Progress, Planned, Delayed,
 Beyond Mitigation



3.9. The stocktake provided assurance that there has been significant progress against the majority of the actions outlined in the WSoA. Analysis of the programme status shows that the majority, 81% (149 out of 184) of actions are completed. These actions are also clearly evidenced in the form of documentation.

3.10. Completion of the stocktake has also highlighted the significant developments and progress which have been made in addition to the progress in the WSoA. Although not directly listed as areas of concern within the WSoA, it is important to acknowledge the additional developmental activity the local area has conducted, evidencing it as appropriate. Where relevant, these have been interlinked with the areas of concern in the WSoA, and added into the 'key components of change' which identify improvements. This additional activity includes:

- Covid support including risk assessments for children with an Education Health and Care Plan (EHCP) and monitoring of keeping in touch;
- Support for education staff throughout the Covid-19 pandemic including the Headspace programme;
- Introduction of the Social, Emotional and Mental Health (SEMH) and Behaviour Frameworks (see AOC5);
- A significant amount of training opportunities (a training summary is currently being produced);
- The implementation of the LAIB Shadow Board, which will maintain the effective cross partnership links and strategic collaborative work developed in the LAIB while providing parents, carers and young people with additional opportunities to ensure their voices are heard;
- Recruitment of Emotional and Literacy support workers to work with parents and children who are Electively Home Educated;

- Holiday Activity and Food Scheme (HAF);
- Health review and the merger of the Walsall Clinical Commissioning Group (CCG) into the Black Country and West Birmingham CCG. Further detail around this is included below as it is currently a key area of concern.

3.11. There are a number of areas where there remain outstanding actions and these are being prioritised to ensure that any avoidable drift and delay is addressed prior to re-inspection. This includes actions in the following focussed areas:

- **AOC1 - Co-production and engagement** – there remain some outstanding actions in relation to locality working. Some work around this has been undertaken, but it is too soon for this to have been completed. Locality work has been developed across children's services and the partnership - this is an in depth and ongoing piece of work which is the introduction of a new way of working and service delivery. Original timescales were too ambitious for mirroring this with parents and carers as the ways of working professionally needed to be established and embedded. As locality working continues to embed we are now starting to have the conversations with parents and carers about how this locality model can be rolled out to how we work with them. There is also further work to be done in establishing more regular and ongoing feedback mechanisms for parents, carers and young people.
- **AOC2 - EHC Assessment Process** – there continues to be a significant backlog of EHC reviews and despite improvements made previously in the year, a re-emerging backlog of EHC assessments. As this is one of the most high profile areas within the SEND improvement plan, a detailed update on this work is below. Within this workstream there also remain outstanding actions in relation the introduction of the Single Health Record and some assurance work to be undertaken in relation to the quality of advices for EHC assessments provided by CAMHS.
- **AOC3 – Improving Outcomes** – There are outstanding actions in this area in relation to raising attainment, however, this is due to the lack of evidence available following the cancellation of formal assessments during the pandemic. There are also actions relating to ensuring children with specific literacy or dyslexia receive the right support. This is being addressed through the ongoing Specialist Provision Review which is looking at the current and future predicted need for specialist education for children with SEND to support the commissioning and identification of additional specialist places to ensure that there is sufficient capacity in the system to meet needs.
- **AOC4 – Autism** – There have been some significant delays with progressing some of the actions identified in this area of concern due to both the pandemic and the changes within health. However, this work is now picking up pace again and the LAIB has asked for a specific update around the work being done in this area as part of a focus on the progress of the health review.
- **AOC8 – Local Offer** – Although significant progress has been made in updating the Local Offer website, including the launch of a new website which has so far had positive feedback, there is still some significant work to be done in ensuring that all of the information that parents, carers, young people and professionals need in relation to SEND is

available and up to date. A specific co-ordinator role is being implemented to ensure that the Local Offer remains up to date.

This area of concern also includes outstanding actions in relation to Transition to adulthood with work ongoing to develop a toolkit for transitions for professionals working with young people who are approaching adulthood. There is additional work in progress to develop a toolkit specifically for young people with SEND who are approaching adulthood and their parents and carers to ensure that they are able to access relevant, useful and supportive information is available to parents, carers and young people.

AOC9 – Joint Commissioning – There are outstanding actions in this area relating to delayed sign off of the memorandum of understanding which formalises and supports joint commissioning work. There is also further work ongoing to evidence how data is being used effectively to plan services, transition protocols within health and the implementation of electronic records within health.

- **AOC10 – Governance** – Work is ongoing in this area in relation to the implementation of the Walsall Learning Alliance which replaces the Strategic Education and Improvement Board (SEIB), following development work undertaken in partnership with the Staff College. Following re-inspection, and assuming the Walsall Local Area are deemed to have made sufficient progress against the WSoA, the LAIB will be disbanded and responsibility for the ongoing improvement of SEND services in Walsall will sit with the Walsall Learning Alliance. To ensure consistency and resilience of all planned work.

Joint Commissioning Workstream

- 3.12. A number of the actions relating to improvements in the Health system for children with SEND, and in particular those relating to joint commissioning and autism have been delayed due to the merger of Walsall CCG into the Black Country and West Birmingham CCG and the subsequent health review which has begun.
- 3.13. The LAIB held an extraordinary meeting in April 2021 where the health review was launched and the action plan presented to the Board for discussion and agreement. In the update at the most recent LAIB on 12th January 2022, a number of risks and ongoing delays to actions within the action plan were highlighted.
- 3.14. In addition, the current uncertainty in health in relation to the implementation of the Integrated Care System and likely upcoming changes to health commissioning arrangements on a national scale is causing some concern about the focus and capacity within health to deliver the required improvements at pace to support children and young people in Walsall with SEND and assurance is being sought from health colleagues in relation to this.

EHCP Assessment Processes Workstream

- 3.15. Significant projects have been undertaken within the SEND system in Walsall to ensure continued developments and future sustainability. These are outlined below:
 - Review of specialist provision and SEND sufficiency;
 - Launch of the Inclusion, SEND and Accessibility Strategies;

- Implementation of a new High Needs Funding (HNF) Model;
- Implementation of an EHC Panel, ensuring improved scrutiny of EHC needs assessments, quality assurance and processes;
- Quality Assurance of EHC Plan writing and professional advice;
- Revised processes to EHC plan phased transfers, transitions and annual reviews;
- Development of a tribunal working group to ensure effective management of tribunal matters;
- Commissioning of a new Special Educational Needs and Disabilities Information and Advice Support (SENDIAS) service to support parents, carers, children and young people;
- Procurement of a new Mediation and Disagreement Resolution Service (PRIME Resolution).

3.16. EHC assessment timeliness and compliance is a key focus of the WSoA and timeliness data has been reported to the LAIB board on a monthly basis with action plans being developed accordingly. Performance is also reported on a monthly basis to the DfE advisor and are monitored locally on a weekly basis.

3.17. EHCP performance figures are reported and monitored on a weekly basis by the EHC Assessment team and a reported on a monthly basis to the LAIB and DFE. The current figures reported to the DFE are summarised below: We still continue to focus on the development of the EHCP alongside the timeliness.

3.18. Performance for the last 12 months is shown below alongside a comparison of improving performance since the inspection:

	2021											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Plans Issued (excluding exceptions)	31	32	24	23	17	18	35	38	35	23	25	14
Issued in 20 weeks	21	20	11	17	5	9	7	13	8	6	6	0
% in 20-weeks (in month)	67.7%	62.5%	45.8%	73.9%	29.4%	50.0%	20.0%	34.2%	22.9%	26.1%	24%	0.0%
% in 20-weeks (cumulative)	25.3%	29.7%	31.8%	34.9%	37.5%	39.5%	39.2%	39.9%	40.8%	44.2%	40.0%	39.0%

	2019	2020	2021
Plans Issued (excluding exceptions)	247	488	315
Issued in 20 weeks	11	96	123
% in 20-weeks	4%	20%	39%
Direction of travel		↑	↑

3.19. The impact of the Covid-19 pandemic has and continues to impact the SEND service pathways, causing an increased pressure on the EHC Assessment Team and supporting services such as the Educational Psychology Service. This has resulted in a further backlog of assessments

developing and in response the EHC Pathways Recovery Plan has been developed and approved for implementation by the LAIB.

Achieving the EHC Pathways Recovery Plan

- 3.20. From the 29th November to 1st March 2022, the SEND Assessment team will all operate within an EHC Pathways Recovery Programme (RP). All the team have been reallocated temporary focused roles to support with the work under either an assessment recovery pathway or a review recovery pathway. Training, development, and support will be offered throughout the programme.
- 3.21. The aim of the programme is to reduce and remove backlogs through a dedicated systematic approach. Clearer roles and process will result in improvements within the EHC assessment backlog and timeliness being consistently above 60%. All processes within the SEND team have been and are continually being reviewed or developed to ensure long term compliancy and timeliness. The recovery programme will end on the 1st March 2022 and be replaced with a 'transformation programme' which will look to the future to secure better outcomes and aspirational practice across pathways. The transformation programme will last a further six months to embed and strengthen both pathways.
- 3.22. An interim senior management team has been appointed and will support with the oversight and supervision of the recovery programme and regularly report to the SEND team manager and Head of Inclusion. This will allow for frequent and accurate feedback to senior leaders within the council. The SEND team has been split into two teams with one focusing on completion of the 20-week EHC assessments within time, and the other dedicating resources to EHC Annual Reviews. Each team is supervised by highly experienced interim senior officers who are able to support, challenge and give capacity to the focus pathway. Furthermore, both teams are directly managed by an interim manager who will have oversight of the progression and outcomes of the children and young people identified within the programme. Caseloads for all staff, both interim and permanent have been reallocated dependent on their area of work. This is supported by regular supervision over tasks, timescales and step by step guides for consistency. During the programme, the senior programme management team are meeting weekly to discuss outcomes and completion rates and for quality assurance feedback.
- 3.23. Key EHC Assessment performance milestones:
- Number of backlog assessments reduced by 50% (75 out of 151)
 - New and current statutory assessments managed at compliant (58%) timeliness or above.

Risks and Further Actions Taken

- 3.24. Nationally, there were 430,697 children and young people with an EHC plan maintained by local authorities as at January 2021, this is an increase of 40,588 (10%) from 2020. This increase is also reflected in the West Midlands, with an increase of 4,230 (10%) EHC plans from 2020. In Walsall there is a significant increase in the number of CYP for whom the Council maintain an EHC Plan. On the census return date (14th January 2021) this stood at 2,596; the highest number of EHC Plans recorded in Walsall for the

past five years. Walsall's increase is much higher than of National and the West Midlands, at 23.3%; this is an increase of 490 EHC plans from 2020.

- 3.25. The number of children and young people with an EHC Plan has been gradually increasing since March 2019. In November 2020, this stood at 2,622 and has increased by 8.2% over the last 12 months and now stands at 2,838. As of the 30th November 2021, there were 1,976 school age children (NCY 0-11) with an EHC plan maintained by Walsall. 34.6% are attending maintained special schools, 25.8% attend mainstream academies and 24.7% attend mainstream LA schools. 5.4% attend an independent special school and 3.6% attend a special school: academy/free. The remaining school age children account for less than 2% each across all of the remaining SEN school types.
- 3.26. The current increase in EHCP's is placing a greater demand on special school places. As a result the LA are undergoing a specialist provision and sufficiency review which will enable greater capacity planning to meet this increase in need.
- 3.27. Research on the Educational Psychologist workforce was commissioned by the Department for Education (DfE) in 2019, examined the distribution and demographics of the current Educational Psychologist (EP) workforce in England, and looked to provide evidence of any factors driving recruitment shortages. They found that there are insufficient EP's both in the workforce and in the training pipeline, to meet demand. Monthly recruitment data from the Association of Educational Psychologists (AEP) showed that public sector recruitment of Educational Psychologists fell by a third between 2015 and 2017, with a downward trend continuing into 2018.
- 3.28. In Walsall, the aforementioned recruitment pressures, in conjunction with the Covid-19 pandemic, are happening at a time when educational psychology (EP) services are at higher demand. Both of which provide an additional challenges to EHC Assessment Pathways and SEN Support. However positively, we have managed to secure a number of locum Educational Psychologists and more will be joining the service in to provide support with EHC needs assessments in January 2022. Furthermore, as a short term measure, we have redesigned our service delivery, which will enable us to support schools, children/young people and their families most effectively through both the EP traded offer and the completion of EHC needs assessments. The EP service will be adjusting their offer to schools over the next two terms, allowing for greater capacity to complete EHC needs assessments in addition to the increase of locum EP support.

4. Implications for Joint Working arrangements:

- 4.1. **Financial implications:** Local Area partner organisations are responsible for their own budgets in delivering SEND, however, both the council and CCG have contributed to the additional financial commitments that have been needed to run the improvement programme.
- 4.2. **Legal implications:** The delivery of SEND services within the Local Area is a statutory requirement outlined in the SEND Code of Practice. Failure to deliver SEND services to the required standard can result in a direction from central government resulting in government intervention to improve the delivery of SEND services.

- 4.3. **Other Resource implications:** Local Area partner organisations are required to continue to provide the relevant resources needed to address the actions outlined in the WSoA to deliver the improvements operationally and ensure there is appropriate oversight at a strategic level through engagement in and delivery of agreed governance mechanisms.

5. Health and Wellbeing Priorities:

- 5.1. Delivery of SEND improvement in Walsall will ensure that children with additional needs have the best start in life and are supported in their transition to adulthood. The work aligns closely with four of the six Marmot objectives:
- **Giving every child the best start in life** – by ensuring that children with additional needs have their needs recognised early and receive the appropriate health, social care and education support they need.
 - **Enabling all children, young people and adults to maximize their capabilities and have control over their lives** – by ensuring that children and young adults with SEND are supported to achieve their potential and that their voices are heard, both in the planning of their own support and the development and improvement of SEND services generally.
 - **Creating fair employment and good work for all** – by ensuring that children and young people with SEND receive the support they need to access employment opportunities in the same way as their peers without SEND where they have the capability and capacity to do so and by ensuring that employers are creating those opportunities.
 - **Ensuring a healthy standard of living for all** – by ensuring that children and youth people with SEND received the diagnosis and support they need to meet their specific health needs and that universal health provision is accessible to those with SEND in a fair and equitable way.

Background papers

[Walsall Local Area SEND Inspection Outcome Letter – January 2019](#)

Author

Helena Kucharczyk – Head of Performance Improvement and Quality
Walsall Council

✉ Helena.Kucharczyk@walsall.gov.uk