

28th March 2023

Ofsted Local Area SEND Accelerated Progress Plan Update

Ward(s): All

Portfolios: Cllr Mark Statham – Education and Skills

1. Aim

The aim of this report is to provide the Committee with an overview of the results of the recent SEND Inspection, its outcome and the next steps and to provide assurance about the work that is in progress and planned in relation to improving the timeliness and quality of Education, Health and Care plans (EHCP's) and improving the quality of the Local Offer.

2. Recommendations

1. That the Committee recognise the development of SEND in Walsall
2. That the Committee confirm they are assured that there are robust plans in place to achieve improvement in the two areas of concern that were found not to have made sufficient progress at the SEND inspection.
3. That the Committee confirm that are satisfied with the robustness of the governance arrangements for the ongoing monitoring of SEND Improvement and the identification of impact
4. That the Committee confirm that they are assured by the plans to develop a wider robust SEND improvement plan by the end of this year

3. Report detail – know

Inspection Result

3.1. In June 2019, Walsall SEND Local Area was inspection by Ofsted and CQC. The inspection found that there were a number of significant concerns about the quality of SEND services in Walsall and the Local Area was directed to develop and implement a Written Statement of Action outlining how services in the specified areas of concern would be improved. The nine areas of concern were:

- The lack of a meaningful partnership and co-production with children and young people, parents, carers, schools and services, which has meant that the code of practice has not been effectively implemented over time.
- Poor-quality EHC plans, which do not accurately reflect children's and young people's special educational needs, and do not adhere to the statutory timescales for completion – Ofsted noted that EHC plan assessments, annual reviews and updates to EHC plans are delayed and that EHC plans do not routinely capture the child or young person's voice.
- Poor outcomes for children and young people with SEND
- A lack of post-diagnostic support for children and young people with an autism spectrum disorder

- A high and disproportionate number of fixed-term and permanent exclusions of children and young people with SEND
 - A lack of appropriate provision and support, which has led to significant numbers of children and young people missing from education
 - A failure to ensure an impartial information, advice and support (IASS) service for parents in the local area
 - The poor quality of the local offer, which does not meet the requirements of the code of practice
 - Weak arrangements for joint commissioning, which do not consider information about the local area well enough
- 3.2. In June 2022, Ofsted announced that Walsall's re-inspection would take place. Inspectors requested a suite of documentary evidence prior to inspection, including the Local Area's self-assessment of their current position in relation to the quality of SEND services, the progress against the nine areas of concern and where improvements were still required. Inspectors were then on site for four days over which they held several focus groups with parents, carers, children and young people, education staff and local authority and health staff.
- 3.3. Following the re-inspection, Walsall was found to have made sufficient progress against seven of the nine areas of concern. The two areas where sufficient progress was deemed not to have been made were:
- Poor-quality EHC plans, which do not accurately reflect children's and young people's special educational needs, and do not adhere to the statutory timescales for completion – Ofsted noted that EHC plan assessments, annual reviews and updates to EHC plans are delayed and that EHC plans do not routinely capture the child or young person's voice.
 - The poor quality of the local offer, which does not meet the requirements of the code of practice - Too many parents, carers and other stakeholders do not know that the local offer exists. Those who know of its existence have found it to be of little or no use.
- 3.4. The [inspection result](#) was published on 18th August 2022. A communication plan was developed around the publication, including a press release ([Ofsted re-inspection finds positive improvements in Walsall's SEND offer](#)) and an interview with Councillor Statham. This resulted in a number of positive news stories:
- **BBC:** [Improvements made for Walsall SEND pupils, watchdog says](#)
 - **Express and Star:** [Education services for vulnerable youngsters 'on the road to recovery' in Walsall](#)
 - **Birmingham Mail:** ["Parents say they feel involved" - inspectors hail improvements in services for vulnerable children in Walsall](#)
- 3.5. The result has also been published on the [Local Offer web pages](#)

Accelerated Action Plan (APP)

- 3.6. The Local Area submitted an Accelerated Progress Plan (APP) to the Department for Education (DfE) on 6th October for the two areas of concern against which sufficient progress was not made outlining how improvements will be made over the next 12 months:
- 3.7. As part of the submission we were required to demonstrate:
- The governance and accountability structures and processes that will support our next phase of improvement.

- The actions the Local Area is now taking (and have taken since the inspectors' revisit) to respond to their outstanding concerns.
 - The impact measures and milestones to which you are working, being clear on the improvements you will have delivered in the next 3, 6 and 12 months.
- 3.8. Guidance from our DfE and NHS England advisors was sought on how best to present the APP and [Staffordshire's](#) was recommended as an example of good practice, and we adopted that format for Walsall's APP. The actions within the APP were developed with input from partners, parents and carers and LAIB members were asked to comment on the plan and sign off via email prior to submission.
- 3.9. The APP was signed off as fit for purpose by the DfE on 18th October 2022 and the version that was signed off has been published on our [SEND Local Offer](#). An updated version of the plan is attached at Annex A and this will be uploaded onto the Local Offer to demonstrate progress.
- 3.10. Informal monthly meetings have been held with our DfE and NHSE advisors to monitor our progress against the plan and a formal six-month review is due to take place on 26th April 2023.
- 3.11. In addition to oversight and support from the DfE and NHSE advisors we have the opportunity to access support through the DfE's Sector Led Improvement (SLIP) programme. Our identified SLIP partner is the Bi-Borough of Westminster and Royal Kensington and Chelsea.
- 3.12. The SLIP support offer includes consultancy and training to help improve practice across key areas including EHCP processes, staff training, co-production and engagement and supported internships. We are currently working with our SLIP partners to identify which parts of the offer we would most benefit from in Walsall with the support being delivered over the next six months.
- 3.13. There will not be another re-inspection in relation to the original nine areas of concern or the remaining two areas of concern. The inspection framework has been redeveloped by Ofsted and CQC and was launched in April 2023 with LAs across the country starting to be inspected under the new framework.

4. Progress so far – Quality of EHC Plans and Local Offer

- 4.1. The APP covers the two remaining areas of concern that were deemed not to have achieved significant progress with 32 improvements being split across six projects.

Poor-quality EHC plans, which do not accurately reflect children's and young people's special educational needs, and do not adhere to the statutory timescales for completion.

- Ensure there is sufficient capacity and skill within services to complete statutory tasks
- Improve the timeliness of EHC Plans and Reviews
- Improve the quality of EHC assessments, plans and annual reviews
- Improve communication with parents, young people, and professionals

The poor quality of the local offer, which does not meet the requirements of the code of practice

- Increase Co-production with parents, carers, children, and young people in relation to the Local Offer
- Improve the look, content, and navigation of the Local Offer website.

4.2. We are already seeing evidence of impact in relation to the actions taken, and, improvements in timeliness within the EHC Assessment process, despite ongoing challenges relation to demand:

- Demand for EHC assessments has increased rapidly in Walsall over the past three years and is now almost double what it was in 2019 following increases of 42% between 2020 and 2021 and a further 42% between 2021 and 2022. The 42% increase between 2020 and 2021 is far higher than the regional and national increases in the same period of 19.2% and 22.8% respectively.
- Due to the increasing numbers of requests for assessments the numbers of EHC plans issued and open are also increasing. Between 2019 and the end of 2022, the number of open EHC plans in Walsall increased by 61.2% and is significantly higher than regional and national comparators.
- The work that is being done around training staff and improving processes within the EHC Team is having a significant impact on the timeliness of EHC Plans. While this is not yet filtering through to significant increases in the percentage of plans issued within 20 weeks due to the backlog of already overdue assessments, there is clear evidence that timeliness is improving.
- As well as improved processes and staff training, one of the main factors in the progress that has been seen in respect of timeliness is due to a consistent improvement to the timeliness of decision making at key decision points, supported and enabled by timely receipt of advice and improved processes within health and within the EHC Team. This is a significant turnaround which will begin to demonstrate real impact in the 20-week timeliness of issuing EHC plans in the coming weeks.
- Walsall has an overall lower mediation and appeal rate than comparators. Where mediations do take place they are generally successful in preventing further appeal. The main reason for mediation is disagreements about decision to assess, issue or continue a plan following review.

4.3. Below is a summary of the key actions and improvements that have been implemented so far in relation to the APP. See Appendix A for the full plan and updates against individual actions.

Poor-quality EHC plans, which do not accurately reflect children's and young people's special educational needs, and do not adhere to the statutory timescales for completion.

Ensure there is sufficient capacity and skill within services to complete statutory tasks

4.4. The council EHC team has now been restructured to work on a locality basis with permanent locality leads in place. Each locality is led by a Senior Officer who has responsibility and oversight of allocations, rising needs, KPIs, complex families and responsible challenge and support to schools.

4.5. All families and schools now have a named link officer with the work of the team becoming more family focussed. The team is being supported clearly defined processes and procedures.

4.6. The EHC team is now 90% staffed with permanent staff with a permanent team manager due to start imminently. Further recruitment is underway for three remaining EHC officer vacancies and four new posts which have been established to increase the capacity to support families. An induction area has been established to hold induction and training materials to support the induction of new staff.

4.7. A training plan for the EHC team has been implemented with staff completing Independent Provider of Special Education Advice (IPSEA) training. This will be repeated for new staff

and as a refresh for existing staff. Senior staff have begun the National Association for Special Educational Needs (NASEN) Casework officer award (12 months) and other training is ongoing.

- 4.8. A strategic development and coproduction day was held on 2nd March 2023. Over 40 people attended from across the partnership including officers from the council, staff from health and parents and families. The day consisted of four sessions which explored SEND and inclusion, the parent journey, the local offer and the health gateway. The day involved participants developing pledges for the provision of SEND services in Walsall and an opportunity for early self-assessment against the new inspection criteria.
- 4.9. Work is taking place within health to ensure that there is sufficient capacity within the workforce and to implement SEND specific training.

Improve the timeliness of EHC Plans and Reviews

- 4.10. Significant work has been undertaken to improve the timeliness of EHC plans. Triage mechanisms have been implemented for Educational Psychologists to speed up assessment and decision-making times including ensuring that there is protected time for decision making.
- 4.11. A new triage process has been implemented by health colleagues which enables requests for advice go to a single place to be reviewed by a weekly panel to ensure that they are sent to the correct departments and teams to support timely provision of advices and ensure that they are of suitable quality. Work is ongoing with social care to implement similar process improvements.
- 4.12. Significant work has been undertaken in analysing the data around EHCP assessments, looking in detail at each of the key decision points within the process – decision to assess, decision to issue and the issue of the final plan, to identify bottlenecks within the process. Improvements have been implemented, including reduced paperwork for SENCOs and we have created a sleeker pathway and created self-imposed deadlines lines which add in valuable extra weeks against the statutory time frame. While the percentage of plans issued within 20 weeks remains below target due to the backlog, there have been significant improvements in the timeliness of decision making earlier in the process. This will begin to feed through to the issuing of plans as the backlog is cleared.
- 4.13. Work has been taking place with SENCOs within schools to improve the quality of requests for initial assessments and the timeliness of reviews. This includes the development of a SENCO pathway booklet and guidance which has been issued to schools and re-iterated through various communication routes. Additional guidance has also been issued about the use of the EHC Hub and key messages will continue to be shared through SENCO networks as well as further development of guidance and support tools for SENCOs.
- 4.14. We have significantly changed our annual review process to ensure that these meetings are more purposeful, families feel informed throughout, decisions can be made in a timely and appropriate manner. We have reduced our paperwork to the basic statutory requirements which mean schools are not burdened with duplicated paperwork. Time can be spent with children rather than unnecessary paperwork. Schools and parent are able to make amendments to their own EHC plans which should result in annual reviews being made in a timelier manner. This involves a triaging of amendments required, with schools being more able to secure attendance from EHC Team members who can make decisions in meeting, as well as being able to make pre-approved amendments. Annual reviews and assessments are being split into localities and tracked through daily scrutiny groups making it easier to track issues and resolve quickly.

- 4.15. A new online portal has been created for parents to apply for places 12 months in advance of transition with further work being done with SENCOs to improve processes.

Improve the quality of EHC assessments, plans and annual reviews

- 4.16. We have coproduced a new EHC Plan template which allows for greater personalisation according to age of the child and we are focussing on developing early years and post 16 pathways. A competition was held for children to design the front cover.
- 4.17. Training guides have been written for staff, supported by training and regular team meetings to ensure that they fully understand how to develop good quality plans. Guidance has also been written and distributed to health and social care staff to support the provision of good quality advices and this is backed up by regular development sessions. More formal training is being implemented.
- 4.18. This has been supported with by time spent exploring ways of maximising the EHC Hub (the online case management system) and clear instructions have been sent to schools and parents to ensure consistency. An annotated template has been given to all the team and schools to ensure best practice and maintain consistency of language and approach when drafting. This has already started to impact on the quality within EHC Plans.
- 4.19. The Quality Assurance Framework is being developed which will include theories of good practice, examples of what good looks like, themes for development and reflection upon changes. Quality assurance is being sought through a number of routes including a group which involves SENCOs working with the LA around decision making to foster understanding of why some applications are refused. SENCOs will take this learning back into SENCO groups and schools. A parent group is also being developed to reference and co-produced development. EHC plans are also quality assured by senior team members.

Improve communication with parents, young people, and professionals

- 4.20. Significant work has been undertaken to improve direct communication with parents, carers and young people including developing closer ties with FACE, the local parent-carer forum and other parent groups and developing new plans and training guides in co-production with them. Regular newsletters are produced from the SEND service. A children's and young people's group has also been established.
- 4.21. A communication and engagement strategy and plan is being developed to ensure that there is a robust and consistent approach to communication and engagement which will ensure that parents, carers, children and young people know what to expect and can hold the local area to account.

The poor quality of the local offer, which does not meet the requirements of the code of practice

Increase Co-production with parents, carers, children, and young people in relation to the Local Offer

- 4.22. A Local Offer Co-ordinator has been recruited and has established a Local Offer Steering Group with representation from key partners across the local area, including parents and carers, to oversee the development of the Local Offer. This group meets monthly. The Local Offer co-ordinator has established a Parent Working Group which meets every four weeks and wider 'In Your Hands' engagement sessions were held in October, with follow up sessions held in February. Further sessions will be held throughout the year.

- 4.23. A Children and Young People's Group has been established and have met twice. The young people on the group are choosing the name for their group and will determine the terms of reference and how it is run.
- 4.24. To ensure that the Local Offer is accessible to people from diverse, multi-cultural backgrounds and hard to reach groups, connections have been made across the borough within diverse areas to promote conversations about the Local Offer and we are actively seeking to recruit parents from multi-cultural backgrounds to the working groups. A 'Translate' button has been added to the Local Offer to make it more accessible to parent whose first language is not English.

Improve the look, content, and navigation of the Local Offer website

- 4.25. Work has been taking place to update the information currently on the Local Offer and out of date information has been removed. A full redesign of the site is underway, with a workplan in place to address each of the key sections across the site.
- 4.26. A replacement for the directory of services is being commissioned and developed in partnership with Walsall Together. This will bring together information about services, including statutory services, professional services, voluntary services and community groups that are available to people and families across Walsall in one place. Parents, carers of children with SEND and children and young people will be able to filter services based on age and whether the service is specific to or suitable for children and young people with SEND. This is due to go live in the summer.
- 4.27. As part of the ongoing work, mechanisms are being established with partners to maintain the content on the Local Offer on an ongoing basis to ensure that it is kept up to date and relevant. Feedback will be continually sought from users of the Local Offer so that it can continue to be improved.

Next Steps – Ongoing SEND Improvement

- 4.28. In addition to the two areas of concern against which sufficient progress was not made, it is recognised that although sufficient progress was made against the other areas, this does not mean that there is not still room for improvements. In addition to this, there are other areas within the delivery of SEND services which need to be developed and improved, particularly in light of national changes including the new inspection framework and the legislative changes outlined in the SEND Green Paper.
- 4.29. In order to ensure that Walsall is prepared for these changes and delivering high quality SEND services to children, young people and families in Walsall which meet their needs and improve outcomes, the Local Area is beginning to develop a longer-term improvement plan outlining the ambitions for SEND services in Walsall. Using available tools and undertaking an in-depth audit against the Code of Practice, the improvement plan will be developed in co-production with children, young people, parents, carers, education providers and employers, as well as staff from across the Local Authority and Health. LAIB members will be asked to be part of the development of this plan. The aim is to have a finalised, signed off plan by the end of the calendar year.

Governance, review and ongoing monitoring

- 4.30. The ongoing development and implementation of SEND improvement plans, including the APP, will be led and overseen by the Local Area Improvement Board (LAIB). The LAIB has direct accountability to the Health and Wellbeing Board and 'dotted line' accountability to the Walsall Learning Alliance. The LAIB will seek assurance that improvement plans are progressing and that milestones and deadlines are being

achieved. Where there is slippage or risk, the LAIB will provide appropriate challenge and support.

- 4.31. The success and impact of the improvement plans on improving outcomes for children will be monitored through the use of data from across the partnership and a partnership SEND dashboard will be developed to support this.
- 4.32. Oversight will also be held for individual elements of SEND Improvement plan within individual organisations where responsibility for service delivery lies including Children's Services DMT and the ICB SEND Assurance Group.
- 4.33. In addition, the implementation and progress of the APP is monitored by the DfE on a regular basis both informally and formally.

5. Financial

- 5.1. High Needs funding supports the funding for children and young people with EHCP and complex needs. This funding stream will be reported through the financial reports to scrutiny during the year. We are currently modelling the impact of growing needs in Walsall against our high needs funding allocation to determine any ongoing pressures over the coming years. These too will be reported through the finance reports and will form part of the annual budget setting process.

6. Reducing Inequalities

- 6.1. The improvement measures taken to increase the quality of EHC Plans supports our aim to reduce inequalities and support young people with SEND to meet their outcomes into early adulthood by ensuring that all young people with an EHC plan are supported and represented by a document that is robust, forward looking, high quality and considers their views throughout.
- 6.2. It also supports our key area of focus that our children should:
 - have the best possible start
 - be safe from harm
 - be happy, healthy, and learning well.
- 6.3. The improvement of the Local Offer also supports our aim to reduce inequalities by ensuring that all families have access to relevant and clear information, including that of which services are available in their immediate community.

7. Decide

- 7.1. The Committee may decide to request further information or assurance in respect of implementation of these changes and success criteria.

8. Respond

- 8.1. Walsall Local Area will continually seek feedback from families, settings and statutory partners to co-produce ongoing improvements and assess progress.

9. Review

- 9.1. Improved outcomes for children and young people and the progress and implementation of SEND improvement will be monitored the LAIB, organisational governance and the DfE as outlined in paragraph 3.31 – 3.34 above.

Background papers

Local Area SEND APP Update – Appendix A

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