

**5 January 2021**

**Update on the SEND Local Area Improvement Programme and EHCPs**

**Ward(s): ALL**

**Portfolios: Councillor Chris Towe – Education and Skills**

**1. Aim**

The SEND Local Area Improvement Programme is to address the areas of concern identified by Ofsted and the Care Quality Commission in the SEND Local Area inspection February 2019. This is being delivered through a Written Statement of Action (WSOA). The WSoA includes focus areas within the nine areas of concerns, along with agreed actions to improve the quality and timeliness of Education, Health and Care Plans (EHCPs).

**2. Recommendations**

That the Committee considers the contents of this report and decides whether there should be further information or action.

**3. Report detail – know**

**3.1 Department for Education Monitoring Visit**

3.1.1. On 4 November 2020 advisers from the Department for Education (DfE) and NHS England (NHSE) held a virtual meeting to assess the progress that had been made against the actions outlined in the Written Statement of Action (WSOA) and how the Local Area Improvement Board (LAIB) and the Improvement Programme were functioning. This was the third of what will be a series of 4 monthly monitoring visits ahead of re-inspection. The next review meeting will be the 12 month review meeting scheduled for 3 March 2021.

3.1.2. A SEND Interim visit from Ofsted is also scheduled for 8 February 2021.

3.1.3. Feedback from the DfE and NHSE was positive and the continued progress and momentum recognised to bring about the required improvements in the 9 key concerns identified in the WSoA.

3.1.4. A number of conclusions were drawn from the visit and highlighted in the notes of visit as follows:

1. The independent Chair of the LAIB and senior officers identify risks in the WSoA and move at pace to unblock barriers. This extends to challenging themselves through a review of the LAIB and would benefit from a more focused approach to reporting on the work streams.
2. Completion of new EHC plans within 20 weeks remains low and has been the priority for the team. Annual Reviews and the quality of plans need an equal focus.
3. Prior to 3 March, DfE/ NHSE/I will ask for completion of the preparation form.
4. The meeting was again well attended and supported by comprehensive documents and verbal updates from officers. In addition to overarching work stream updates, additional items on an analysis of SEND prevalence and need in Walsall and a SEND Board Review were covered.
5. The area demonstrates robust monitoring of the WSoA through a number of actions including discussions between the Chair of SIB and DCS, the review of the effectiveness SIB arrangements, the Project Lead update and the prompt action taken when risks are identified such as the health and social care engagement.
6. Last month a more general risk was raised in relation to the contribution of Health and Social Care to improvement of SEND Services in Walsall. This has been effectively followed up and a number of actions have been undertaken and progress has been made in addressing this risk. The first SEND Partnership Operational Meeting was held and was well attended by partners and the new Joint Commissioning Lead for the CCG has been appointed. Work stream leads were confident that the appropriate forums with the relevant attendees were now largely in place and that the risks could be appropriately mitigated through those forums.
7. However, it was noted that Dudley and Walsall Mental Health Trust representatives did not attend the SEND Partnership Operational Meeting, so engagement from this area does remain an issue.
8. The SENDIAS contract has now been awarded and the meeting was joined by staff from Family Action.
9. A SEND Review is underway within Health to examine their own internal processes as well as their contribution to partnership processes including EHC decision making and advice, annual reviews and provision decisions. This will cover early intervention through to statutory processes.
10. The content on the Local Offer continues to be updated by. A full review of the Local Offer has been initiated. The newly designed coproduced pages for the Local Offer are now available and content is starting to be updated and transferred. Selected test pages are beginning to be shared with groups of parents, carers, children and professionals to get their feedback on look, feel and navigability. Discussion took place on how best to promote it including adding to professional signatures, councillor signatures and maximising new SENDIAS partners. All but 3 schools have up to date SEND Information Reports linked to the Local Offer.
11. The recovery plan for EHCPs forecasted that the backlog will be cleared by November 2020. The number of plans in progress stood at 359 on the 1<sup>st</sup> March 2020, a significant proportion of which were backlog cases. This original backlog has been reduced to 21 at the time of the 4 November 2020 LAIB meeting. This increased number of plans issued is also raising the percentage of children in Walsall with an EHCP, from 2.9% in 2019 to in line with the national average of 3.3% if not above. This is covered further in section 3.3 below.

### 3.2 Programme Update

3.2.1 Since the last Informal review meeting, progress continues to be made against the 184 actions in Walsall’s Written Statement of Action. The review of the impact of Covid on progress and mitigating actions is enabling Walsall to maintain momentum and to have plans in place for delayed actions. This is illustrated below:

#### Overall Programme Status

<i>Not Started</i>	<i>Beyond Milestone</i>	<i>Delayed</i>	<i>In Progress</i>	<i>Complete</i>	<i>Complete and Embedded</i>	<i>Closed</i>	
2	14	3	27	89	42	7	<i>Current Action RAG Ratings</i>
<i>Not Started</i>	<i>Beyond Milestone</i>	<i>Delayed</i>	<i>In Progress</i>	<i>Complete</i>	<i>Complete and Embedded</i>	<i>Closed</i>	
1	8	5	32	89	42	7	<i>Previous Period Action RAG Ratings (September Board)</i>

3.2.2 The 14 actions that are beyond milestone are included in the risk log, each action has been reviewed by the relevant workstream leads and mitigating actions identified to ensure that there is no risk to the overall programme.

### 3.3 Education Health and Care Plans (EHCPs) Updated progress and Improvement

#### 3.3.1 Compliance Update Figures

To address the previously reported low EHCP 20 week compliance rates an **EHCP Timeliness Recovery Plan** has been initiated and approved by the Local Area Improvement Board (LAIB). EHCP performance figures are reported on a monthly basis to the LAIB and DFE. These figures are also reported on a monthly basis to the DFE and are summarised below:

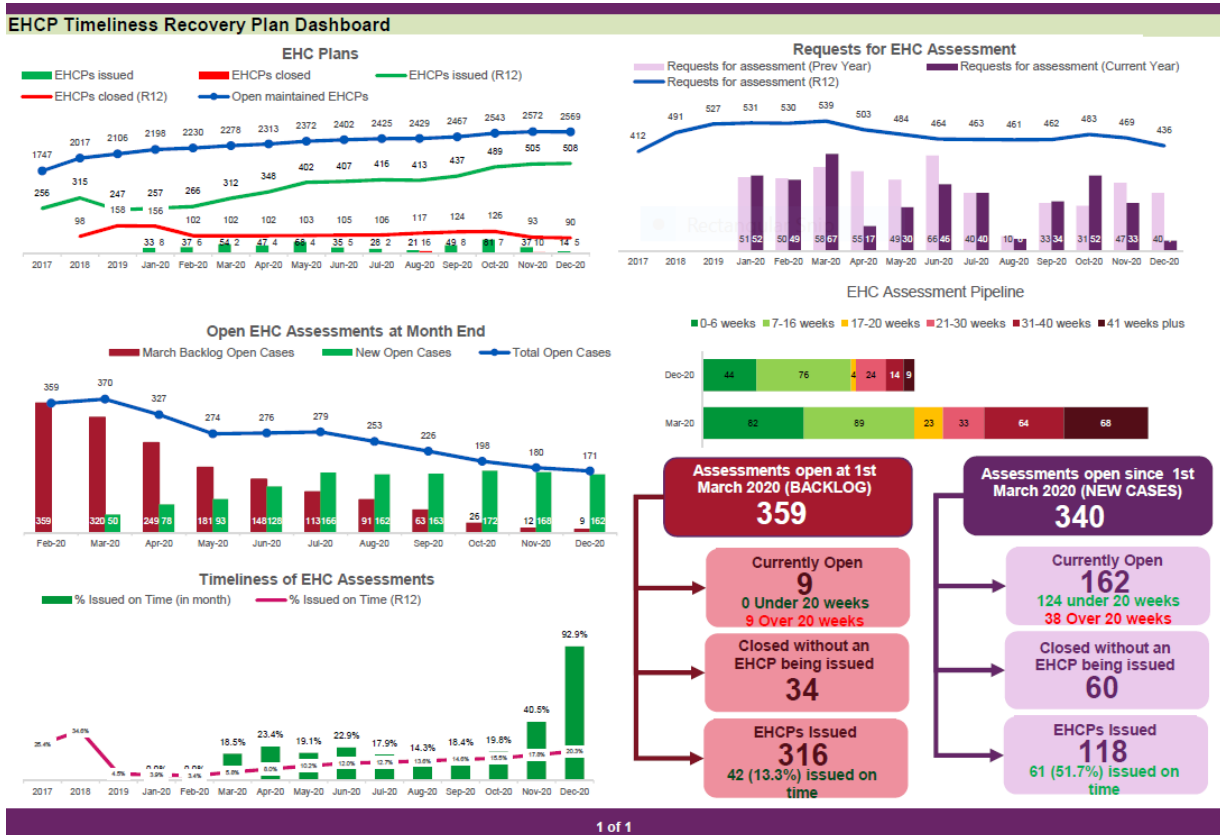
**Progress Report Re Completion Of EHCP Plans in 20 Weeks 2020 – LA Name Walsall**

	March	April	May	June	July	August	Sept	Oct	Nov
Number of EHCP Plans Issued, excluding exceptions	54	47	68	35	28	21	49	81	37
Number of these issued in 20 weeks	9	9	13	8	5	3	9	15	15
% in 20 weeks	16.7%	19.1%	19.1%	22.9%	17.9%	14.3%	18.4%	18.8%	40.5%
Cumulative 12 months to date	312	348	402	407	416	413	437	489	505
Number of these issued in 20 weeks	16	24	37	45	49	52	60	72	86
Cumulative % in 20 weeks	5.1%	6.9%	9.2%	11.1%	11.8%	12.6%	13.7%	14.7%	17.0%

3.3.2 A dashboard has now also been developed to demonstrate compliance and evidence the clearing of the backlog. Headlines as at 10 December 2020 are:

- The number of assessments and plans in progress has reduced further from 359 on 1 March 2020 to 171 as at 13 December 2020, a decrease of 52.4%. This improvement is as a result of the high number of plans (431 plans issued and 94 assessments closed) issued over this 9 month period.
- Of the 171 assessments open consisting of 9(5.3%) are from the backlog (referrals received before 1<sup>st</sup> March) and 162 new referrals (referrals received after 01<sup>st</sup> March). The backlog cases over 20 weeks were targeted with the additional temporary resources deployed in the SEND Assessment and Educational Psychology teams.
- Of the 9 from the original backlog, 3 are reassessments and have existing plans, 3 have been delayed for Covid related reasons and have now progressed to completed assessments. These would not be included under compliance benchmark measures. The remaining 3 are more complex and need to be compliant with coproduction and consultation requirements, but have now been assessed and progressed with a view to issuing draft and then final plans in the next 3 to 4 weeks, or sooner if possible.
- Of the 162 new assessments, 38 are over the 20 week deadline.

- Timeliness over the rolling 12 month period continues to increase, from 3.9% (Jan 2020) to 40.5% (November 2020) although it has been suppressed due to the continued clearing of the backlog and the consequent issuing of non-compliant plans. This is exemplified by the much improved weekly compliancy rates of 70% for the week endings 29 November and 91.7% for 6 December 2020. Performance continues to be evaluated and actions taken to sustain and establish improvement.
- Since the 1<sup>st</sup> March 2020 340 new assessments have been opened.
  - 118 EHCPs have been issued, of which 61 (51.7%) were compliant and issued on time.
  - 60 were closed without an EHCP being issued (e.g. did not meet threshold or were withdrawn).
  - 162 are currently open.



It is proposed in future to have a single dashboard focusing on the targeted compliance rate of 60% or above for all newly issued plans. The 3 residual plans and the 3 Covid exceptions can be notated and reported on separately in the report through to plans being issued, as they should not significantly affect targeted compliance rates but need to be monitored and reported on.

The January 2020 SEN2 return showed that Walsall had 2.9% of pupils with an EHC plan or statement compared against a national figure of 3.3%. Once backlog figures are cleared and plans issued, the level of EHCPs issued may be in the region of 2550 plans or above (at 13 December 2020 2569 plans issued), which would equate to circa 3.5%, in line with or above national average.

### 3.3.3 Late Assessments and Covid Exceptions

COVID 19 exceptions are relevant to some of the more complex cases, where observation or face to face assessment was difficult for Health and Educational assessment. These cases will be specifically evaluated and recorded in line with recent government guidance as COVID exceptions, after all reasonable efforts have been to progress them and remedial actions taken as soon as practicably possible.

As at 10 December 2020 9 Covid exception cases remain open in the following areas:

- 3 health
- 4 education
- 2 personal circumstances

These are being monitored and progressed accordingly.

### 3.3.4 Risks and Further Actions Taken

The number of children and young people with EHC plans has been gradually increasing since 2018 and this stands at 2,570 on 10<sup>h</sup> December 2020. This represents an increase of 18% since January 2020, a 22%% increase since January 2019 and a 47% increase since 2017. This will continue to increase as new plans are issued.

These service pressures were recognised and planned for with the additional temporary capacity within the SEND Assessment team and Education Psychology resources to address any additional demand and improve our rates of progress moving forward.

Caseloads and performance management processes are reviewed on a weekly basis to prioritise cases and maximise EHCP timeliness compliance, address any potential delays and moving along meetings actioned where appropriate. An escalation process has been adopted for cases at risk of going beyond 20 weeks.

The SEND Assessment and Education Psychology teams are working at full capacity within the designated performance framework and have made substantial service improvements over recent months and remain committed to the journey of continuous improvement.

There are currently a number of children for whom it is proving hard to find a suitable placement. Work is being progressed with these children and young people, including meetings around the child where necessary, to identify suitable placements and identify potential solutions.

Key risk factors that affect or delay compliance rates include:

- availability of suitable and specialist places
- school consultation delays
- case specific issues
- delays in finalising plans for hard to place children
- resources being diverted to deliver other or complimentary initiatives

A number of parallel pieces of work are being undertaken to mitigate these risk factors including:

- A review of SEND sufficiency and specialist provision.
- Re-affirmation of the SEND Code of Practice requirements, the implementation of the inclusion agenda, completion of the High needs Funding Review and a significant increase in the number of direction letters issued.
- Improved scheduling, documentation and process improvements for annual reviews backed up by SENCO forums and training and supported by improvements to phased transfers and post 16 liaison.
- Forward planning and more pro-active communication.
- Development of the Local Offer and the pilot implementation of the Open Objects EHCP web based hub to help improve co-production, communication and engagement.

#### **4. *Financial information***

Budget elements have been resourced to allow for increased provision in meeting the extra demands placed on staffing requirements to meet the increased demands to improve timeliness of completing Education, Health and Care Plans.

#### **5. *Reducing Inequalities***

The SEND Local Area Inspection assessed the effectiveness of the SEND process across Education, Health and Social Care within Walsall. The actions and Areas of Concern within the Written Statement of Action are designed to reduce inequality in these areas. The current work focuses on increasing the equality of opportunity.

#### **6. *Decide***

The Committee may decide to note the current position.

The Committee may decide to request further information or assurance in respect of the progress against the WSoA and the issues relating to the timeliness of EHCP's outlined above.

#### **7. *Respond***

Any recommendations made by the Committee will be assessed against the demands of the Written Statement of Action and put in place by the Local Area Improvement Board.

## **8. Review**

The issues within this report are under constant monitoring and assessment through the monthly LAIB meetings, DFE and NHS England monitoring visits and the quarterly reports to the Health and Wellbeing Board.

### **Background Papers**

Previous SEND Local Area Improvement Programme and EHCPS Update reports to Education Overview and Scrutiny Committee, including 26 March and 10 September 2020.

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