

Health and Wellbeing Board

13 June 2024

Update Report for the Walsall Local Area SEND Improvement Programme.

For Assurance

1. Purpose

The SEND Local Area Improvement Programme was 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 was 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 the progress made and improvement of SEND services as outlined in the 12 month Accelerated progress Plan (APP) review with DfE and CQC.
- 2.2. That the Committee acknowledge the requirements of the new SEND and AP Local Area Framework.
- 2.3. That the Committee confirm they are assured that the Local Area is sighted on the requirements of the new inspection framework and are satisfied with the plans to develop the Local Area Improvement Plan aligned to the framework.
- 2.4. That the Committee confirm that they are happy with the proposed governance and oversight for the development and implementation of the improvement plan and inspection preparation.
- 2.5. That the Committee recognise the change in focus of the Local Area Improvement Board), now the Local Area Inclusion Board (LAIB), from oversight of the original Written of Statement (WSOA) to the role of SEND and AP Inclusion partnership board.

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 Local Area. 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. A Local Area Improvement Board (LAIB) was established to oversee the implementation of the WSoA. The board is attended by the relevant strategic leads from the LA, Health, Social Care, schools and parent/carers representatives.
- 3.3. The Local Area also received 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)
- 3.4. The inspection framework outlined that the Local Area had two years in which to make sufficient progress in improving the nine areas of concern against the actions outlined in the plan. In June 2022, Ofsted announced that Walsall's re-inspection would take place.
- 3.5. Following the re-inspection, Walsall was found to have made sufficient progress against seven of the nine areas of concern.
- 3.6. 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, and

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.

Accelerated Action Plan (APP)

- 3.7. The Local Area submitted an Accelerated Progress Plan (APP) to the Department for Education (DfE) on 6th October 2022 for the two areas of concern against which sufficient progress was not made outlining how improvements will be made over the next 12 months:
- 3.8. Progress against the APP was monitored by our DfE advisor, Pat Tate and NHS England advisor Deborah Ward and we are also monitored locally via the LAIB
- 3.9. On 21st November 2023 the local area had the 12-month review meeting to assess progress against our Accelerated Progress Plan (APP). The meeting was attended by Pat Tate (DfE SEND Adviser), Deborah Ward (NHS England Adviser), Kirsty Perry (DfE Case Lead) and Katie Morre (DfE Senior Case Lead) as the chair.

- 3.10. The Dfe and NHS England representatives found that we had made clear and sustained progress against the activity in our APP and that there is evidence that our work is having a positive impact. The final letter is attached as Appendix A.

They stated

The evidence provided, alongside the feedback from partners, demonstrated the range of actions in place to continue and accelerate improvement.

These included:

- The local area redesigned processes which has resulted in improved EHCP timeliness.
- You have developed a new Quality Assurance (QA) framework which has been embedded into practice. Monitoring and reporting of QA outcomes has been strengthened with key stakeholders, reporting having been involved in the process.
- You now have a plan in place to monitor and improve the quality of annual reviews. Parent representatives told us that the quality of annual reviews has improved since the SEND revisit in June 2022 and have felt heard and valued throughout the process.
- A Walsall-focused Local Offer which has been co-produced with children, young people and their families. You now have mechanisms in place to continually review and develop the content and information available.
 - FACE representatives reported that parents and carers find the Local Offer accessible, easy to navigate and appreciate the use of jargon free language.
 - The local area partnership feels that the Local Offer now includes information that will help and support children, young people, parents, carers, education providers and service professionals in their day-to-day lives.

- 3.11. Following this monitoring visit they concluded that we had demonstrated clear and sustained progress and that we no longer need to continue with formal monitoring of the APP. Whilst we recognise the positive outcome we are still aware of the further SEND improvement needed, and that we are on a path of continuous improvement.

We are expecting an inspection under the new SEND and AP Framework.

SEND and AP Inspection Framework

- 3.12. On 13 June 2022, Ofsted and the Care Quality Commission (CQC) opened a consultation on proposed changes to the way they jointly inspect local area partnerships, including a children and young people's version of the consultation. Alongside this, they published a draft inspection framework and handbook.
- 3.13. On 29th November, the [results of the consultation were published along with the final version of the framework](#). Inspections under the new framework have now begun.

The evaluation within the new framework is split into two distinct categories:

The impact of the local area partnership's SEND arrangements on the experiences and outcomes of children and young people with SEND, including the extent to which:

children and young people's needs are identified accurately and assessed in a timely and effective way

children, young people and their families participate in decision-making about their individual plans and support

children and young people receive the right help at the right time

children and young people are well prepared for their next steps, and achieve strong outcomes

children and young people are valued, visible and included in their communities

How the local area partners work together to plan, evaluate and develop the SEND system, including the extent to which:

leaders are ambitious for children and young people with SEND

leaders actively engage and work with children, young people and families

leaders have an accurate, shared understanding of the needs of children and young people in their local area

leaders commission services and provision to meet the needs and aspirations of children and young people, including commissioning arrangements for children and young people in alternative provision

leaders evaluate services and make improvements

leaders create an environment in which effective practice and multi-agency working can flourish

3.14. Under the new framework there are three possible inspection outcomes:

1. The local area partnership's arrangements typically lead to positive experiences and outcomes for children and young people with SEND. The local area partnership is taking action where improvements are needed. The next full area SEND inspection will be within 5 years.
2. The local area partnership's arrangements lead to inconsistent experiences and outcomes for children and young people with SEND. The local area partnership must work jointly to make improvements. The next full area SEND inspection will take place within approximately 3 years
3. There are widespread and/or systemic failings leading to significant concerns about the experiences and outcomes of children and young people with SEND, which the local area partnership must address urgently. A monitoring inspection will be carried out within approximately 18 months. The next full area SEND inspection will take place within approximately 3 years.

Governance, review and ongoing monitoring

3.15. The LAIB reviewed and updated the terms of reference to have oversight and governance of the Local Area response to the SEND and AP framework. It has been renamed the Local Area Inclusion Board (LAIB). The LAIB is now co-chaired by Health and the Local Authority.

- 3.16. Senior leads within the Local Area are currently working together to develop a wider SEND improvement plan which will identify the priorities and actions for improvement over the next two years.
- 3.17. To ensure that this work is in line with the new framework, the improvement plan will be developed against the evaluation criteria within the framework. This will be done in co-production with parents, carers, children and young people and professionals across the Local Area.
- 3.18. The priorities identified within the improvement plan will then inform the LAIB agenda and progress against the plan will be monitored via the LAIB and the Walsall Learning Alliance and will form part of the regular LAIB updates to the Health and Wellbeing Board.
- 3.19. 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.
- 3.20. 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. 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 and have committed to jointly fund the SEND independent advice service for parents and families (SENDIAS).

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 SEND and AP Improvement Plan 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

Appendix 1 APP Feedback letter Monitoring Visit November 2023

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