

Health and Wellbeing Board

12 December 2023

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 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 as outlined in the 12 month Accelerated progress Plan (APP) review with DfE and CQC.
- 2.2. 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 yet made sufficient progress at the SEND inspection.

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. The actions within the WSOA had 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. The LAIB was independently chaired by Vicki Whittaker-Stokes – a parent and foster parent of children with SEND who has

SEND needs herself and 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 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)
- 3.5. 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. However, the Covid-19 pandemic delayed the re-inspection. In June 2022, Ofsted announced that Walsall's re-inspection would take place.
- 3.6. 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.
- 3.7. Following the re-inspection, Walsall was found to have made sufficient progress against seven of the nine areas of concern.
- 3.8. The inspectors acknowledged the way in which Local Area leaders have worked with FACE Walsall to improve communication with parents and carers regarding SEND issues across the local area. FACE Walsall also now sit on the Local Area Improvement Board (LAIB), ensuring that families' voices are clearly heard and understood.
- 3.9. The report also highlighted that the local area has collaborated well to develop Walsall's SENDIASS and this been universally well received with parents and carers welcoming and appreciating the help and guidance this service provides, as well as the guidance with navigating the local area's systems and processes.
- 3.10. Other areas of progress identified by inspectors include the development of groups to gain the views of children and young people in order to shape support going forward and improved support for Autism, including post-diagnosis support for parents and children and specialist training for professionals.
- 3.11. The Local Area recognises that there is still room for improvement and continued to work collaboratively with our partners and families to ensure that an excellent offer is delivered for families impacted by SEND.
- 3.12. 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)

3.13. 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:

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.

3.14. There were already improvement plans in place for the two areas of concern which have been developed with input from partners, parents and carers. These were used as a basis to develop the APP with further input from parents, carers and partners across the Local Area prior to submission.

3.15. 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

3.16. The LAIB is now co-chaired by Health and the Local Authority.

3.17. 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.

3.18. During the course of the meeting, they asked to review the documentary evidence that we are using to plan, track and evaluate the impact of our actions, including:

- Current APP, with a brief progress update against each item.

- A dashboard of performance measures showing whether targets and milestones are being met in a timely manner; any slippage; evidence of impact and whether the local area is on track to meet the next set of milestones.
- An updated risk register and mitigation plans.
- Evidence of systems being in place for collecting and analysing the impact of actions.
 - Any local evidence that we already hold (e.g. through consultations and surveys) that key partners, including children and young people, families and schools are playing an active role in developing the APP and in improving services.
- Clear information about our local accountability and governance structure.
 - A brief update on any training that has been brokered for us by our SEND and NHSE Advisers since our revisit, or that we have bought in from elsewhere, and your assessment of its effectiveness.

The advisers also spoke separately to a group of Parents and school SENCO's. Attached as Appendix 1 is the submitted APP Plan Update, Risk Register and Roadmap. Appendix 2 contains the submitted SEND service boradsheets with the position statements for the identified areas for continuous improvement following the 6 month review. Appendix 3 contains the submitted APP scorecard.

The meeting was very positive and we are awaiting our formal feedback letter.

Next Steps – Ongoing SEND Improvement

- 3.19. In light of national changes including the new inspection framework and the legislative changes previously outlined in the SEND and AP Green Paper, the Local Area will, over the next months be developing a two-to-three-year 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 Self Evaluation and Improvement Plan by Spring 2024
- 3.20. There will not be another re-inspection in relation to the original nine areas of concern or the remaining two areas of concern. The new inspection framework has been redeveloped by Ofsted and CQC and was launched in April 2023. In March 2023 the DfE published the Special Educational Needs and Disabilities (SEND) and Alternative Provision (AP) Improvement Plan 'Right Support, Right Place, Right Time' which can be found in Appendix 4. This will be used to shape our SEND improvement plan referred to in 3.19.

Governance, review and ongoing monitoring

- 3.21. The ongoing development and implementation of SEND improvement plans, including the APP, will be led and overseen by the Local Area Inclusion 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.

3.22. 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.

3.23. 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.

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 APP and SEND 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 Plan Update, Risk Register and Roadmap

Appendix 2 SEND Service Broadsheets

Appendix 3 APP Scorecard

Appendix 4 Special Educational Needs and Disabilities (SEND) and Alternative Provision (AP) Improvement Plan 'Right Support, Right Place, Right Time'

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