

Meeting: Children's Overview and Scrutiny Board **Date:** 27th March 2023

Wards affected: All

Report Title: SEND Written Statement of Action – Update on SEND Improvement Work

When does the decision need to be implemented? (Update only)

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1. Purpose of Report

- 1.1 Following the SEND (Special Educational Needs and Disabilities) inspection of the Local Area in November 2021, the inspection report issued in January 2022, requested that the Local Area develop a written statement of action showing how they intend to address the significant weaknesses outlined in the report. The Written Statement of Action, approved last May 2022, defines eight areas of improvement.
- 1.2 The purpose of this report is to update the board on the progress made so far in each of the eight areas of improvement.

2. Reason for Proposal and its benefits

- 2.1 The improvement work detailed in this report help us to ensure that the residents of Torbay can thrive with Children and young people reaching expected levels of progress as well as living fulfilling lives where their needs are met across the Local Area.
- 2.2 The provision of services to support children and young people with SEND is a statutory duty for the local area (local authorities and ICB). Provision of such services is a cornerstone of enabling the local community to thrive, and to supporting children and young people in having high aspirations. For children looked after with SEND, such services play an integral role in the Council delivering its duties as corporate parent.
- 2.3 Our recent second Monitoring Visit by the DfE (Department for Education) and CQC (Care Quality Commission) reported a pleasing level of improvement against our actions. As a statutory service, we are regularly inspected by Ofsted and the Care Quality Commission (CQC). We need to continue to work at pace on our SEND improvements as a full re-inspection will be likely towards the end of 2023.

3. Recommendation(s) / Proposed Decision

1. We request that the updates regarding each improvement pillar are shared and understood by all board members so that they can continue to support with its implementation.

Appendices

Appendix 1 - Torbay Written Statement of Action (May22)

Appendix 2 - Torbay Monitoring Visit Update submission (17Jan23)

Appendix 3 - 'Agreed Note' – Monitoring Visit 2 (25Jan23)

Background Documents

SEND Code of practice 0-25 years (published 2014)

Inspection Report on the Torbay SEND Local Area Inspection

Green Paper on SEND March 2022

Supporting Information

1. Introduction

1.1 Joint Commissioning Pillar

We have made significant progress in our collaborative efforts as a local area in improving our services for children and families with special educational needs and disabilities (SEND). Our contemporary Joint Strategic Needs Assessment (JSNA) and Joint Commissioning Strategies have been co-produced and are fully aligned with the Whole System Approach (WSOA).

We recently organized an event inviting parents, carers, and local professionals working in SEND to explore how we can build on our progress and develop an associated plan. This exercise was productive, and we have identified a set of initiatives that will improve joint working and enable us to make better use of our collective resources.

Despite our clear objectives, we continue to face challenges in building commissioning arrangements that effectively and efficiently support our services. The complex nature of education, health, and care requires a coordinated effort from multiple stakeholders. However, we remain committed to this work and are confident in our ability to deliver the best outcomes for our children and families.

1.2 SEND Strategy Pillar

A new SEND Strategy has been coproduced by parents/carers and partners, using the feedback provided directly by children and young people through our cultural engagement work and participation survey. This identifies five key priorities for Torbay as a Local Area.

1. SEND is everyone's business – changing our culture.
2. Early identification and intervention
3. Understanding needs and making best use of our resources together
4. Making all settings more inclusive
5. Improving transitions to adulthood

Our new strategy represents a marked shift from previous area strategies and sets out a clear vision for our way of working. Our success criteria are focused on what children, young people, and their families will experience, and we are committed to improving their current lived experience.

We have also coproduced detailed action plans with SEND Family Voice and our partners, outlining how we will progress in each priority area. We will be tracking our progress monthly and reporting back to the SEND Strategic Board using a Red, Amber, Green (RAG) rating system. We are excited about the positive impact that this new strategy will have on the lives of our children

and families with SEND, and we look forward to continuing to work together to achieve our shared goals.

1.3 Culture Pillar

We are excited to announce that we will be launching a "new way of working" for families that includes the Pledge, Relational, and Co-production Charter. As part of our commitment to improving the experiences of families with SEND in our local area, we are consulting with families more consistently and frequently to understand the values and behaviours they would like to see as part of the foundation of the culture change we are striving to achieve.

At a coproduction event, families will have the opportunity to choose and own how the SEND culture will be measured and create the Key Performance Indicators. We believe that this approach is essential to ensuring that we are accountable to families and that their feedback is at the heart of our decision-making processes. We are committed to building a culture that is co-produced with families and that reflects their values and aspirations.

1.4 Joint Working Pillar

We are pleased to report that the lived experience and expertise of parents is increasingly informing all aspects of our SEND improvement work. Recent feedback from SEND Family Voice Torbay confirms that this is the case, and we are committed to continuing to listen to and learn from the experiences of families.

One of the key findings of our recent inspection report was the need to break down silos and work together more effectively across all sectors. We have taken this feedback and are working to develop new systems and protocols that promote collaboration and joint working, from the strategic to the operational level. While this is a challenging process that requires significant cultural change, we are encouraged by the progress we have made so far.

We believe that working together is the key to improving outcomes for children and young people with SEND, and we are committed to embedding this approach as our "new normal". We are grateful for the ongoing support and feedback of our families and partners, and we look forward to continuing to work together to achieve our shared goals.

1.5 Graduated Response Pillar

The Graduated Response toolkits have been coproduced by specialist working groups. The pilot test, which was coproduced at the SEND Forum in conjunction with SENDCos and Headteachers,

is now live. The Graduated Response toolkits cover education, health and care and are accessible documents that support all those involved in meeting the needs of children at the earliest opportunity.

We believe that the Graduated Response toolkits will be a valuable resource for our local area and are in line with the Green Paper supporting the notion of right support, right place and right time and we are committed to continuing to develop and refine them based on feedback from families and professionals.

1.6 Becoming an Adult Pillar

The latest NEET figures are a cause for celebration as we have surpassed our targets, resulting in a positive impact on the lives of young people in Torbay. In addition to this, we have taken proactive steps to provide more options for young people, including securing apprenticeships and offering targeted job matching support to SEND care-experienced young people.

To ensure that young people with EHCP and complex needs are effectively supported, we are holding bi-termly meetings with Education Providers to discuss their potential trajectories and to promote multi-agency collaboration towards shared outcomes.

The Transitions Team is also actively delivering training events on Care Act eligibility to Education and Community Providers, highlighting our commitment to equipping our partners with the necessary tools to provide high-quality services to our young people.

1.7 Quality Assurance and Community Engagement Pillar

We have made significant progress in our SEND Quality Assurance work, we have co-produced a SEND Quality Assurance Framework, which includes a three-monthly cycle of audits and thematic dip samples. As part of our baseline audit, we have reviewed 70 new EHCPs and 50 amended EHCPs to ensure that they meet the needs of our children and young people.

To ensure that we are listening to the voices of our children, young people, and families, we have established a Multiagency SEND QA panel, which includes a representative from SEND Family Voice Torbay. This panel will begin its work in February, and we are confident that it will provide invaluable insight into the experiences of those who use our services and how best we can improve.

Our efforts to improve the Local Offer are limited until we have our joint Family Hubs website, however, we do have increasing hits and good attendance at parent engagement events. We are committed to continuing to involve families in all aspects of our work, and we will be holding a partnership meeting in January to explore how we can extend our reach even further.

1.8 Resilience

A key risk in the current climate of austerity is resilience. At present, securing staff capacity to deliver the improvement work, and at least maintaining the capacity of our parent/carer forum to continue with the level of involvement and pace, are challenges.

We are constantly challenged to find creative ways to ensure we are building a sustainable system which everyone buys into. Resilience is discussed through the Highlight report at every board meeting to ensure it remains a high priority.

1.9 Next Steps for the Improvement work.

We have a Monitoring Visit scheduled at the end of April, and our next quarter will be focused on achieving the following goals:

- Developing a data dashboard that is both robust and shareable with partners, enabling us to effectively manage performance and plan to meet the needs of the community.
- Publishing our workforce development plan by March, in order to roll out training with input from our expert parent reference group.
- Piloting and evaluating our new Graduated Response toolkits, with the final document scheduled to go live in September 2023.
- Using the Joint Commissioning strategy to enhance joint commissioning activity in our priority areas, with our action plans outlining this journey by April 2023.
- Co-producing action plans for the SEND Strategy by April 2023.
- Expanding the reach and engagement of parents and carers by supporting SEND Family Voice Torbay to build capacity by September 2023. As an example, we plan to reintroduce the popular Fair Play Day for all children and young people with SEND.

By achieving these goals, we aim to further improve the quality of our SEND provision and better support the needs of the community.

2. Options under consideration

- 2.1 For this board to have sight of the key achievements and continuing challenges in each area of improvement.

3. Financial Opportunities and Implications

- 3.1 The Written Statement of Action does not, by itself, contain any financial implications. However, implementing the actions contained in the statement will require considerable staff capacity from Torbay Council and other organisations across the Local Area.
- 3.2 In addition, there is reference within the new strategy to address the significant overspend in the High Needs Block (the financial element that, in the main, is used to fund support for children and young people with SEND). The local authority is required by the DfE to take action to address the overspend and ensure it is reduced to within budget. This is integrated into the key performance indicators of the strategy.

4. Legal Implications

- 4.1 Implementing the reforms as outlined in the SEND Code of Practice 2014 is a statutory duty for the local authority. Failure to carry out such duties can result in intervention from the Department for Education.

5. Engagement and Consultation

- 5.1 There has been a huge culture shift in how we have coproduced our improvement work for SEND. Our new Participation Officer has started to embed Children and Young People's voices in our improvement work. Our Parent/Carer forum, SEND Family Voice Torbay, are noted as being "a full strategic partner, with coproduction becoming central to the new way of working in Torbay" in our recent 'Agreed Note' outcome of our Monitoring Visit.

6. Purchasing or Hiring of Goods and/or Services

- 6.1 As the SEND Strategy is further developed there may be changes to provisions and services which are a result in the changing priorities of the new strategy.

7. Tackling Climate Change

- 7.1 The Written Statement of Action does not address elements of the Council's plan to tackle climate change.

8. Associated Risks

- 8.1 The key corporate risk remains the failure to deliver services for Children and Young People with SEND which enable them to thrive.
- 8.2 A key challenge, as nationally, is ensuring we can recruit enough capacity (specifically SALT, OT, EP) at pace to deliver on the improvement work across Torbay.

9. Equality Impacts - Identify the potential positive and negative impacts on specific groups

9.1 The successful SEND improvement journey should enable children and young people with SEND to meet their expected outcomes and thrive in all aspects of their lives.

	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people	Young people 0-25		
People with caring Responsibilities	Yes – carers of children and young people with SEND.		
People with a disability	Yes – Children and Young People with a disability aged 0-25		
Women or men			
People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community)			
Religion or belief (including lack of belief)			
People who are lesbian, gay or bisexual			
People who are transgendered			
People who are in a marriage or civil partnership			
Women who are pregnant / on maternity leave			
Socio-economic impacts (Including impact on child poverty issues and deprivation)			
Public Health impacts (How will your proposal impact on the general	Improved early identification of need and early support for a		

health of the population of Torbay)	special educational need.		
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10. Cumulative Council Impact

- 10.1 A SEND Strategy which is fit for purpose and for the future as well as a SEND system which functions effectively will enable the Local Authority to be assured that its responsibilities for children and young people with SEND are being met successfully.

11. Cumulative Community Impacts

- 11.1 An effective SEND system will give positive outcomes for both children and young with SEND and their families because its implementation will mean that their needs are successfully being met.