

Southend-on-Sea Borough Council

Agenda
Item No.

Report of Executive Director (Children and Public Health)

to

Cabinet

on

27th July 2021

Report prepared by Brin Martin, Director of Education
and Early Years

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Reference from Council, 12 July 2021 - Investigation into SEND Provision

People Scrutiny Committee
Cabinet Member: Councillor Laurie Burton
Part 1 (Public Agenda Item)

1. Purpose of Report

The purpose of the report is to seek Cabinet's approval for the motion passed at the extraordinary Full Council meeting on Monday 12th July 2021 regarding commissioning an independent review of SEND services and the Children with Disability Team.

2. Recommendations

That an independent investigation be undertaken into SEND provision provided by the Council and the Children with Disabilities (CWD) Team based on the SEND Review scoping document (**Appendix 1**) discussed with the groups on the Council and agreed between the Executive Councillor for Children and Learning and the Shadow Cabinet Member.

3. Background

- 3.1 The Conservative Group proposed a motion seeking an independent investigation of SEND services and the CWD team which was discussed at a meeting of the Extraordinary Council meeting held on 12th July 2021.
- 3.2 Council resolved to request Cabinet to undertake an independent investigation into SEND provision provided by the Council and the Children with Disabilities (CWD) Team based on the SEND Review scoping document discussed with the groups on the Council and agreed between the Executive Councillor for Children and Learning and the Shadow Cabinet Member.
- 3.3 In the event that Cabinet approve this report, officers will work with the Executive Councillor for Children and Learning and the Shadow Cabinet Member to put in place arrangements that will secure the independent review as set out in the agreed scoping document.

4. Other Options

To undertake a different form of review or no review at all.

5. Reasons for Recommendations

There is a shared and agreed commitment to undertake an independent review as set out in the scoping document (**Appendix 1**), and this report if approved will enable that to happen.

6. Corporate Implications

6.1 Contribution to the Southend 2050 Road Map
Opportunity and Prosperity and Safe and Well

6.2 Financial Implications
None, other than the costs of commissioning the review.

6.3 Legal Implications
None

6.4 People Implications
None

6.5 Property Implications
None

6.6 Consultation
As part of the review, various groups and stakeholders will be involved and have the opportunity to contribute to the review.

6.7 Equalities and Diversity Implications
None

6.8 Risk Assessment
None

6.9 Value for Money
None

6.10 Community Safety Implications
None

6.11 Environmental Impact
None

7. Background Papers
None

8. Appendices

SEND and CWD review scoping document.

1. Context

- 1.1. Following the OFSTED/CQC SEND revisit letter published in June 2020, a notice of motion will be submitted to a special full council on Monday 12th July seeking an independent review of SEND services including CWD. It has been agreed in principle to propose a cross party agreement for a review based upon this scoping document.

2. Proposal for the format of the review

- 2.1. The Portfolio Holder and Shadow Portfolio Holder will commission a review of Southend SEND set within the parameters of this document.
- 2.2. The LGA will be approached to determine a shortlist of strong authorities not required to produce a Written Statement of Action in their SEND inspection authorities, not within the Eastern Region who would be able to conduct a review. It would be beneficial if this list were drawn from authorities inspected more recently. The decision on the choice of the particular authority will be made jointly by the Portfolio Holder and Shadow Portfolio Holder.
- 2.3. The review would ideally be conducted face to face, contingent upon covid conditions and measures at the time of the review, although a blended approach may be required.
- 2.4. The date of the review should allow sufficient time to pass since the publication of the OFSTED/CQC letter in order that the area can be expected to have made reasonable progress, but the imperative is to report on the review in a reasonable timescale. It is intended that, given the time required to commission and agree the review and the review team, the review should be conducted and findings should be made public by the end of the calendar year. Any delay to the start of the review that will mean this timeline cannot be met will only take place with the agreement of the Portfolio Holder and Shadow Portfolio Holder. The cost of the review will be met by the Council. The review will be based upon any SEND legislation in place in the period of the time covered by the review.
- 2.5. The nature of SEND services in any area are neither reliant nor delivered solely by the Council, but integral to multi agency delivery is the work of the CCG, Public Health, Social Care, the voluntary sector, education providers such as schools and settings and through consultation with bodies such as the Parent Carer Forum and other parent groups. While the Council cannot insist others, outside of direct Council control, take part in this review, it will use its best endeavours to seek their full engagement. The review report will therefore focus

more on the role and contribution of the council services to the area SEND provision.

2.6. The format of the review will be determined in discussion with the relevant review authority team once appointed. However, in line with the independent OFSTED/CQC it is likely that the following methodologies will be utilised. However, this will be proportionate to, and in relation to, the agreed focus of the review as outlined below in section 3 and take account of the impact upon resources and staff.

- Desktop scrutiny of regulatory reports relevant to the focus of the review such of the 2018 and 2021 OFSTED/CGC reports
- Scrutiny of available performance data at the time of the review
- Scrutiny of relevant documentation and policy
- Scrutiny of the Local Offer where relevant to the focus
- Meetings with relevant parent/carer bodies including the Parent Carer Forum, SENDIAS, including representatives from the Parent Carer Forum and from SEND The Right Message
- Meetings with appropriate officers
- Other relevant methodologies to be agreed with the authority

2.7. Following the review process, the review authority would feed back to relevant members, officers and groups verbally prior to submitting their formal report. The report itself would firstly be scrutinised by relevant elected members, including the Portfolio Holder and Shadow Portfolio Holder, prior to being placed within the public domain, including if appropriate through relevant boards including Children's Improvement Board, People Scrutiny, Health and Wellbeing Board and the SEND Strategic Partnership Board.

3. Proposal for the remit, scope and focus of the review

3.1. The scope of the review focus will be agreed by the Portfolio Holder and Shadow Portfolio Holder prior to the discussion with the review authority. In summary it will focus upon:

3.2. The progress made to address the remaining area of weakness, joint commissioning, from the original Written Statement of Action. This will take account of the specific points that the OFSTED/CQC determined that the area had either made insufficient progress, or that the pace of progress was too slow.

3.3. The work of the CWD service, including the number of initial requests for assessment refused; whether thresholds and criteria are appropriate; consideration of the outcome of any tribunals over the past 36 months and a view of the council's policy and practice in this area.

3.4. Scrutiny of the process around and the relative performance of EHCP needs assessments, and the implications of these decisions, in particular in build up to and in the first 6 weeks if approved. This includes the number of initial requests

for assessment refused; whether thresholds are appropriate; consideration of the outcomes of any tribunals over the past 36 months and a view of the council's policy and practice in this area.

- 3.5. How the area has engaged with all families of children with SEND to ensure that their voice is both heard and informs the area partnership work more generally.