

# Southend-on-Sea Borough Council

Agenda  
Item No.

Report of Executive Director (Children and Public Health)

to

Cabinet

on

13<sup>th</sup> January 2022

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

---

Reference from Council, 12 July 2021 – Independent Peer Review into SEND Provision

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

---

## 1. Purpose of Report

This report presents the findings and recommendations in full from the Local Government Association (LGA) Independent Peer Review Report into the SEND and Children with Disability (CWD) services. In addition, it indicates at a high level what the local authority is going to do to drive the necessary changes in order to improve services to residents and their families.

At its meeting on 27<sup>th</sup> July 2021, cabinet agreed to commission a review following the decision at Full Council meeting on the 12th July 2021 requesting a review into both services.

The full LGA report is attached as appendix 1 and a proposed high level implementation plan for the LA's SEND and CWD service, responding to the recommendations is attached as appendix 2.

## 2. Recommendations

### 2.1 Cabinet is asked to

1. Note the contents of the LGA report;
2. Accept all the recommendations made by the LGA peer review team (Appendix one, section two);
3. Agree the Implementation Plan (Appendix two) in response to the recommendations in the LGA peer report;
4. Refer the matter to the People Scrutiny Committee for consideration.

## 3. Background

- 3.1 Following the motion to the Extraordinary Council meeting on 12th July 2021, seeking an independent investigation of SEND/CWD services, the Cabinet asked officers at its meeting on 27<sup>th</sup> July 2021 to work with the portfolio holder and shadow portfolio holder for Children and Learning to commission an independent review. To ensure that the review had cross party support and

input, the portfolio and shadow portfolio holders agreed the scope of the review and agreed that the LGA should be asked to conduct the review.

- 3.2 Officers used the agreed scoping document to work with the LGA to commission the review. As a result of those discussions, it was agreed that the review would look into four areas of the work of the council:
1. The one residual area of joint commissioning from the OFSTED/CQC Written Statement of Action (WSOA) revisit in June 2021.
  2. The procedures and thresholds for assessment at the CWD Service.
  3. The procedures relating to education health and care needs assessment.
  4. The council's engagement with all parents and carers.
- 3.3 The review took place between 23<sup>rd</sup> and 26<sup>th</sup> November 2021. The review team of seven spent four days on site, and included significant professional experience as Executive Directors, Director of Children's Services, Education, SEND leads, health and social care senior officers, plus a Cllr/ Council Leader and a member of a Parent Carer Forum.

The robust process included scrutiny of documentation submitted in advance, data, and workshops and interviews with different stakeholders, including:

- Four separate sessions with different parent groups, the membership of which was selected by those groups.
  - Three sessions with elected members.
  - Three sessions with representatives from education settings.
  - Sessions with governance partnership boards for SEND.
  - Several meetings with relevant officers from appropriate teams.
  - Meetings with senior staff from CCG.
  - Scrutiny of documentation, policies, and procedures.
  - Observation of meetings.
  - Detailed scrutiny of cases.
- 3.4 Following initial verbal feedback at the conclusion of the review, the LGA presented their report in late December 2021, which is reproduced in full in appendix one.

#### **4 Summary findings from the full report (appendix one)**

- 4.1 The full report focussed on the four areas identified in the original scoping document, and in addition included comment on the leadership and governance of SEND. In summary, against the four areas, the team fed back during the week, and included in the report, recognition of the continued improvement in provision by the council (as part of the area SEND partnership).

The report recognised strong cross party political will to support further improvements in SEND services, and continued improvement since the initial inspection in 2018 and the subsequent 2021 WSoA SEND/CQC revisit report. In particular, reference was made to several of the council's SEND teams, such as SENDIASS and Educational Psychology, as well as commenting on effective processes in place for services such as EHCP panel, for example.

In addition, the team recognised that the area SEND partnership had confidence in the area leaders to move the agenda further forward.

The council, its elected members and officers, are both committed to and determined in their efforts to continue the improvements since 2018. As such we welcome the finding from this LGA peer review as a further way of ensuring that we are engaged in a continual process of self-improvement in order to provide better services to children and their families with SEND.

- 4.2 However, against the specific areas of focus, whilst the team broadly supported the work the council is undertaking, it did identify that the council could improve services further in a number of recommendations. Several of these formed “themes”, which are set out below.

### **How the council communicates**

- 4.3 The review team felt that from the perspective of parents and families, several of the policies and documents were over complex and not parent friendly. They recommended that the council should over time review how it communicates with parents through the use of a simpler, common language that made the complex processes involved with SEND more accessible and understandable. This includes the new, draft strategy, yet to be published.

As a result, the council will systematically work with parent groups to help the co-production of all existing and future policies, over time, to ensure that they are accessible, clear and understandable.

In this way, parents should be able to clearly see and understand what services are available and how they can access them simply and quickly.

### **Accessing higher threshold services (CWD/EHCP)**

- 4.4 The team were clear that when need reached the threshold for services accessed through either the CWD or through an EHCP the support provided was of a high quality.

However, the team also commented that where a child was not eligible for these services, the support available was unclear and inconsistent, especially in relation to the provision in schools. This relates to the point the team made about how well some schools promote, and how well parents understand, what the LGA team referred to as the “graduated response”. This is the incremental levels of support that should be available for a child in school in order to meet a child’s needs at the earliest opportunity, be that at SEN support or indeed prior to a need being formally identified.

Their view was that schools, supported by the local authority, should do more to ensure that the level of support, a graduated response, or ordinary available offer, is clear, understandable, and delivered as an entitlement.

As a result, the council will work with schools and other services to make clear to parents what is available to support their child’s needs within class through the ordinary available offer that should be accessible in all schools. We will work

with schools to ensure that parents are made aware of the “ordinary available offer” within their child’s setting, and how this is provided by the school.

In this way, parents can be assured that their child receives the appropriate and timely level of support that they need, at the earliest opportunity. That is, receiving the right support at the right time. This will mean that the child’s needs are met as part of the school’s provision, or, if the process of an application for an EHCP is already underway, that their child receives the appropriate support pending the formal adoption of an EHC plan.

### **EHCP needs Assessment**

- 4.5 The peer team scrutinised a wide range of evidence to consider the high level of “refusal to assess” in relation to EHCP needs assessment. Whilst it supported the overall processes involved, through a process of triangulation, the team concluded that as a council we refuse too many assessments in relation to our statistical neighbours. In some cases, the team felt that the decision on whether to assess or not is impaired due to a lack of evidence in the paperwork provided by either schools, health practitioners or parents to make the assessment.

Where it is apparent that evidence is missing ahead of the assessment panel, every effort is made to work with the relevant party to secure evidence within the allotted six week period. However, even though this lack of evidence is “procedural”, such as the evidence was not forthcoming in time for the meeting, without the relevant documentation the panel have no option other than to refuse to assess. In these cases, the council will continue to make best endeavours to contact the school, parent or health practitioner to secure the relevant evidence as soon as possible, and that the reapplication is fast tracked to the next available panel meeting. Whilst this will still result in a failed needs assessment, it is highly likely to be successful at the next meeting.

In addition, the council will conduct a review of the total process/flow involved leading up to the decision of assess/not assess for an EHCP. This will include the panel process, and in particular the situation where a lack of evidence precludes the processing of the assessment.

### **Engagement with families**

- 4.6 In relation to the councils work with all parents and families, the situation as seen by the team was mixed. A number of parents spoke positively about services, including those services provided by SSIF and SENDIASS.

However, the team found that a number of parents feel unsupported by services and their voices unheard. The review team identified that parents want to be equal partners, individually and strategically including in the co-production of EHCPs and at SEN Support level. In addition, a smaller number of parents remain angry and upset about their experiences, and the team urged the council to find ways of addressing this.

In part, they felt that this could be addressed through more accessible and clearer communication on what a parent can be entitled to, rather than being seen to have to “battle” to receive services.

As a result, the council will strengthen its engagement with both SEND parents groups, and individuals, in order to ensure that the experiences of all families receiving SEND and CWD support is positive, and that they are involved from the start as partners. In addition, we will review how the Council and its staff communicate with children and young people and their parent / carers, including through the local offer website, to ensure that messages are clearer and easier to understand that they are currently.

Although not appearing as a specific recommendation, the council will also strengthen its engagement to ensure that the voice of the child is loud and clear, including listening and acting upon their experiences a first-hand user. This will build on the early work already started with some of the school based pupil "councils" that have already informed some of the later work.

### **Training**

- 4.7 The team made several references to the challenges that councillors, ward members and officers face when dealing with constituent queries, especially where those are of a more challenging nature. They made reference to seeing things from a family's perspective, especially when there has been protracted dialogue previously.

As a result, the council will determine what the needs of elected members, and members of staff are, in order to respond to residents' queries more effectively, and put in place a rolling programme of training for current and newly elected members in order to better enable them to signpost to services and respond to queries quickly and simply.

### **Next steps**

- 4.7 The team made 15 recommendations, which, subject to cabinet approval, are accepted in full. Some of these recommendations are relatively quick to resolve, whilst others will require more time to develop and implement solutions.
- 4.8 In order to address and ensure that all recommendations are implemented in a timely way, a high-level implementation plan has been drafted, and will be implemented subject to cabinet approval. This implementation plan (appendix two) sets out the actions, success measures and timescales for each of the recommendations. If accepted, progress against the implementation plan will be monitored through the regular meetings of the Children's Services Improvement Board.

### **4. Other Options**

Not relevant

### **5. Reasons for Recommendations**

To allow cabinet to consider the findings from the Independent review and the proposed actions in response to the recommendations and the report.

## **6. Corporate Implications**

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

6.2 Financial Implications

Due consideration will be given to the report and its recommendations. Several elements of the report have implications for the current capacity of the council staff, and by inference that of the area partnership. Full scrutiny will be given to the report and subsequent work will be undertaken in considering any financial implications as a result.

6.3 Legal Implications

In addition to the scrutiny undertaken as part of the initial OFSTED/CQC revisit, and the particular focus of areas of the peer review (3.2.2-3), the team were asked to consider any legal implications of this work during the review. There were no legal implications raised as part of the review.

6.4 People Implications

None, other than the potential capacity issues above (6.2)

6.5 Property Implications

None

6.6 Consultation

N/A

6.7 Equalities and Diversity Implications

N/A

6.8 Risk Assessment

There is no requirement for formal risk assessment as part of the report. However, all aspects of SEND provision within the area partnership is risk assessed as part of its governance.

6.9 Value for Money

N/A

6.10 Community Safety Implications

N/A

6.11 Environmental Impact

N/A

## **7. Background Papers**

OFSTED/CQC SEND revisit letter June 2021  
<https://files.ofsted.gov.uk/v1/file/50164993>

## **8. Appendices**

Appendix one, LGA Peer review report (December 2021)  
Appendix two, High level recommendations implementation plan