

To: **Overview and Scrutiny Commission**
6 October 2022

Overview and Scrutiny Review of Special Educational Needs and Disabilities
Statutory Scrutiny Officer

1 Purpose of Report

- 1.1 To present the Education, Skills and Growth Overview and Scrutiny Panel's report to the Commission following the Panel's review into Special Educational Needs and Disabilities (SEND).
- 1.2 To provide the advice of the Statutory Scrutiny Officer (SSO) to inform the Commission's decision whether to endorse the Panel's recommendations to the Executive.

2 Recommendation

- 2.1 That the Overview and Scrutiny Commission endorse the Education, Skills and Growth Overview and Scrutiny Panel's recommendations to the Executive, as set out in the Panel report (attached as Appendix A) and paragraph 5.5 of this report, taking into account the comments of the Statutory Scrutiny Officer.**

3 Reasons for Recommendation

- 3.1 It is the role of the SSO to advise the Council on any issues or concerns that may arise about the operation of the scrutiny function and the SSO may on occasion be required to make a determination about what the law says and how this should be applied to any particular situation. In carrying out this statutory role, there is a need to have a nuanced and meaningful understanding of the scrutiny function in order to accurately make judgments about its operation when disagreements or other issues arise.
- 3.2 The SSO is responsible for ensuring that the scrutiny function is adequately resourced and that service departments and partners are contributing sufficiently to reviews to ensure that they are effective.
- 3.3 The SSO is also responsible for providing advice to the Commission on whether the recommendations within review reports are robust, taking account of resource, legal, climate change, equalities, health and wellbeing and strategic risk implications.

4 Alternative Options

- 4.1 The Commission could decide:
- to endorse the recommendations to the Executive (and others) as set out in the Panel's report
 - to endorse the recommendations in part
 - to ask for further work to be undertaken before the report is submitted to the Executive recognising that this would delay the Panel's next piece of work

- to note the Panel report and not make any recommendations to the Executive (or others)

5 Supporting Information from the Statutory Scrutiny Officer

- 5.1 The Overview and Scrutiny Commission commissioned the Education, Skills and Growth Overview and Scrutiny Panel to carry out a review into Special Educational Needs and Disabilities as part of the overview and scrutiny four-year work programme, which has been developed to track themes within the new Council Plan.
- 5.2 In support of this review a broad range of witnesses gave evidence putting the Panel in a good position to use this intelligence to frame the review and produce insightful recommendations.
- 5.3 The Panel was supported by Louise Connelly, Governance and Scrutiny Officer who supported the Panel to draw up the scope of the review; prepare an evidence pack of relevant information; facilitate several Panel sessions to interview a range of contributors and visit early years' settings, schools and post-16 settings; draw out findings from the Panel's investigation, and to prepare a review report. This involved in the region of 800 hours of scrutiny officer time and 22 hours of Panel meetings.
- 5.4 In summary it is the Statutory Scrutiny Officer's view that this review activity had adequate resources and that service departments contributed effectively to the review. The bulk of review activity took place between January 2022 and May 2022. The start of the review was delayed due to the SEND Ofsted Inspection taking place as the review was due to begin so it was split into two parts. The comments from the relevant officers and partners set out below do not indicate any concerns with the proposed recommendations. Issues regarding finances are addressed below.
- 5.5 The recommendations are:
- Ensure Bracknell Forest Council SEND team deliver on their statutory responsibilities within agreed WSOA timescales. Embed culture change with health teams and the SEND team so better communication ensures we move away from crisis management and put the children and young people first.
 - The departmental structure of the SEND team should be reviewed to ensure accountability at all levels and monitoring of outputs and outcomes to meet statutory requirements is in place and consistent.
 - Strengthen and recognise voice of CYP and parents / carers in improving SEND service provision. Use co-production to form strategies, and forward planning.
 - Clarify what financial support is available to young people, parents/carers, schools, and provider and ensure it is well publicised.
 - Review the functionality of the Local Offer and information on the website to ensure it is presented clearly and includes more 'visual' aids so there is a clear pathway for parents and carers to access SEND help and advice.
 - Ensure all partners complete EHCP assessments within statutory timescales. Consider commissioning independent therapists if not possible due to shortage in current service provider.
 - Review current training offered to parents/carers of children and young people with SEND and training for professionals, including staff in early years' settings.
 - Review consistency of offer of a Carers Assessment to parents/carers/siblings. Ensure Carers Assessments are offered at the earliest opportunity and that support is offered according to eligibility criteria.

- ix. Review availability of Personal Budgets to support EHCPs with a view to all statutory partners supporting requests in the future.
- x. Explore the financial impact on the service of appointing a key worker to the family to help with crisis management i.e. admission to hospital and discharge.
- xi. Explore options to train therapists locally including liaising with Universities and schools to train staff locally in Bracknell schools. To promote 'Grow Your Own' opportunities in health and SEND team.
- xii. Review SEND provision in the borough to ensure it is sufficient and effective at addressing the needs of children and young people with special needs and disabilities in Bracknell. This includes annual reviews of Specialist Resource Provision located in schools, the offer in post 16 education and bespoke provision for children and young people with SEND.
- xiii. Explore option of an IT software platform which allows the Council and Frimley CCG to share information with children, young people, and parents/carers safely and be time sensitive. Also, carry out a feasibility study for a secure portal to share EHCP information with neighbouring Councils.

6 Commentary from Education, Skills and Growth Overview and Scrutiny Panel Chair, Councillor Mrs Gill Birch

- 6.1 There were several reasons we decided to carry out this review which forms part of our revised¹ four-year programme of scrutiny activity. Firstly, the national picture was that the number of pupils with Special Educational Needs and Disabilities (SEND) increased to 1.37 million in 2020. Secondly, during the Covid-19 pandemic the attainment gap between SEND and average attaining pupils increased by over 20% across all age groups, nationally. Locally, data indicated timescales for Education, Health and Care Plans (EHCPs) was not being met.
- 6.2 We undertook a lot of activity as part of this review, including visiting and fed back our findings to decision makers along the way to ensure swift action to address any issues we found. However, some issues require longer timescales and significant investment.
- 6.3 Our recommendations stated above are aimed at addressing the issues we uncovered during this review in order to strengthen services and support provided for children, young people and their families in the borough in the future.
- 6.4 I particularly found this review emotional hearing first-hand how parents and carers were dealing with the challenges of their children with special needs and how they struggled to cope.

7 Response from Executive Director: People, Bracknell Forest Council, Grainne Siggins and

- 7.1 *The development of the written statement of action was a comprehensive, coproduced piece of work exploring the key actions needed to improve Special Educational Needs and Disability Service in Bracknell Forest. It is vitally important that we aspire to achieve the high standards of support and provision for all of our families and that the actions within the written statement of action aim to deliver that for children and young people with SEN and their families. I welcome the scrutiny review and note the findings.*

¹ Bracknell Forest Council Overview & Scrutiny Commission revised its four year plan of scrutiny activity in November 2020.

- 7.2 **Response from Tracey Faraday-Drake, Executive Director and Senior Responsible Officer for Children and Young People, Learning Disabilities and Autism, NHS Frimley Clinical Commissioning Group**
- 7.3 *In response to Recommendation 6) In order to ensure that we have sustainability and consistency across health services it remains our preference to recruit into permanent job vacancies within the Berkshire Healthcare Foundation Trust Integrated Therapies Team and we have provided additional financial investment to strengthen and support this. We fully recognise this is not without its challenges as therapeutic services are nationally recognised as being difficult to recruit into, with particular emphasis on Occupational Therapists. We are actively working to reduce the current occupational therapy wait times, ensure advice and input to EHCNA's is within statutory timescales and explore the support offered to those who are waiting for Occupational Therapy. In order to achieve all of these key areas we are giving careful consideration to any wider elements of this plan which could potentially be suitably supported by the independent sector. We have made enquiries with health colleagues in Croydon to better understand the initiative referenced in this recommendation.*
- 7.4 *In response to Recommendation 11) This piece of work is underway as part of the NHS Long Term Plan: Children and young people with autism and/or a learning disability with the most complex level of need will have a key worker by 2024, implementing the recommendation made by Dame Christine Lenehan in 'These are our children'. Initially Keyworker support will be provided to children and young people who are in an inpatient setting (due to their mental health, autism and/or a learning disability) and also those considered at risk of going into an inpatient setting (due to their mental health, autism and/or a learning disability). Keyworker support will then also be extended to the most vulnerable children and young people with autism and/or a learning disability, this will include children and young people in care (LAC/CIC), children and young people who have been adopted and children and young people in transition between services.*

8 Consultation and Other Considerations

Legal Advice

- 8.1 The relevant legal issues are comprehensively addressed within the report. The report is focussed on the statutory responsibilities and duties of the local authority Education Department for SEND in their area.

Financial Advice

- 8.2 A number of the recommendations require further work to establish the extent of any financial implications. Where relevant, these will need to be considered as part of the normal budget setting process.

Equalities Impact Assessment

- 8.3 The review scope, activities and recommendations were all considered in the initial equalities screening attached at Appendix B.

Strategic Risk Management Issues

- 8.4 Adopting the recommendations contained in this report will enhance the support and service provision to children and young people with SEND and their parents/carers and show residents the importance Bracknell Forest Council and Frimley CCG have placed on ensuring SEND provision in the borough meets statutory obligations but, in

addition, goes beyond that and provides an excellent service. It should be noted 10 out of the 13 recommendations align with the Written Statement of Action which Bracknell Forest Council and Frimley Clinical Commissioning Group (CCG) were required to complete following the Ofsted SEND Inspection earlier this year. However, some of the timelines differ as these recommendations are ambitious. In addition, recommendation 13 regarding a new IT system will have a significant cost implication to the Council and CCG, so this will need to be explored to ensure finances are not being diverted away from other priority areas.

Climate Change Implications

- 8.5 The recommendations in Section 2 and 5 above are expected to have no impact on emissions of CO2 because there is no suggested increase in activity or travel that would generate a change.

Health & Wellbeing Considerations

- 8.6 Giving all children the best start in life and support emotional and physical health from birth to adulthood is one of the Council's priorities in its recently updated Health and Wellbeing Strategy. The recommendations support Bracknell Forest being one of the healthiest places to live. Residents will therefore experience better health, both physical and mental.

Background Papers

None

Contact for further information

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