

To: **The Executive**
September 2023

SEND Written Statement of Action implementation update Executive Director People

1 Purpose of report

- 1.1 To update the Executive on progress made to the end of June 2023 on the SEND Written Statement of Action (WSOA) implementation, following the third review meeting with Department for Education (DfE) and NHS England.

2 Recommendation(s)

That the Executive: notes

- 2.1 the progress made on implementing the SEND WSOA to improve services to children and families and the feedback from the DfE and NHS England since the end of June 2023.
- 2.2 the invitation from the DfE to participate in the Safety Valve intervention programme 2024-25 for local authorities with high Designated Schools Grant (DSG) deficits.

3 Reasons for recommendation(s)

- 3.1 When the WSOA was produced it was agreed that the executive would have updates on progress made on implementation of the plan, following the DfE and NHS England reviews.

4 Alternative options considered

- 4.1 None.

5 Supporting Information

- 5.1 The third review meeting with the DfE and NHS England took place on 10 July 2023. Written feedback provided by the DfE after the review meeting acknowledged that there has been a great deal of activity since the last review meeting that has moved the local area on at pace..
- 5.2 In the introduction the DfE was advised that the executive had agreed £350,000 for staffing investment, with some of these additional posts already filled. Activity to improve processes is also underway, along with a staff training and development programme of activity.
- 5.3 The review meetings take each of the nine improvement areas of significant weakness identified in the Ofsted and Care Quality Commission (CQC) inspection, and review progress made, the impact of the work on children, young people and families, and next steps. These are listed below under the nine headings.

Area 1: the lack of a clear, coproduced strategy for improvement

- 5.4 The new SEND Strategy 2023-26 was signed off by the executive in June 2023 and a communication plan is in place to promote the strategy. DfE officials commended this, having heard positive feedback from schools and parents on their involvement. LA officers notes that the all age integrated carers strategy 2023-28 is to be signed off by the council's executive, and that the new personal budgets policy is coproduced.

Area 2: parents' lack of confidence in opportunities for children with SEND

- 5.5 All posts within the new SEND structure are now filled, with a robust induction system in place and the new leadership team implementing iterative improvements to all processes. A focus on improving communication is beginning to have an impact, with anecdotal positive feedback from the Parent Carer Forum (PCF). There has been an increased focus on mediation; a new approach to EHCP assessments, with coproduction meetings; an emphasis on systems, which has improved the quality and timeliness of assessments; and a much more efficient use of Kennel Lane places, with most vacant places being filled by BF children.

Area 3: lack of coproduction with and their families and with fellow professionals

5.6 The DfE recognised that there has been a fundamental shift in the way of working and that coproduction is now the default position. Families report that short breaks support is much better and communications with children has improved. Within the Integrated Care Board (ICB) there is an apprenticeship role available for a young person to support the youth board. The next step is to develop a SEND youth forum.

Area 4: the lack of specialist education places

5.7 There are 34 more specialist places agreed for September 2024, which will rise to 117 as the provisions grow through the school years. A process document has been co-produced with schools and the PCF to outline the decision-making process and requirements for specialist provision. A strategic plan proposing a further 40 primary and 125 secondary specialist places, plus a primary school 'hub' for children with SEMH needs is currently being prepared for the council's executive.

Area 5: the lack of support available while waiting to access occupational therapy

5.8 Waiting times for OT services have continued to reduce since the last review meeting. Waiting times for triage for children and young people who are referred to the OT service is now down to two weeks and there is a reduction in the number of children and young people awaiting a sensory processing workshop. Positive feedback has been received from families in relation to the triaging process. All three local authorities remain committed to the joint commissioning of integrated therapies and the project completion date is now planned to be September 2024.

Area 6: the lack of mental health support for children who have a mental health crisis

5.9 A report of the findings and recommendations of the Bracknell Forest Safeguarding Children Board's 'children in crisis' case study review is expected in September 2023. Delivery of trauma informed training for school staff to support them in managing social, emotional and mental health (SEMH) needs has continued. In addition, funding has been made available to upskill and train GPs so that they know what reasonable adjustments can be made for children with presenting autistic spectrum disorder (ASD) needs, without needing an EHCP.

Area 7: no established, effective panel arrangements for the graduated approach

5.10 The analysis of the current use of the graduated approach has been completed, covering the graduated approach model, ordinarily available provision and my support arrangements. An inclusion task and finish group has been established to support delivery of all inclusion actions, as well as lead on the coproduction of graduated support standards, to be piloted within a few schools before full implementation (see the attachment to this report for an explanation of the graduated approach)

Area 8: insufficient long-term planning for young people as they move into adulthood.

5.11 Since the last review meeting, the new approaching adulthood policy has been completed and uploaded to the local offer website. Frimley ICB has published its remit and criteria for personal health budgets and the council has agreed to established supported internships for young people with SEND. A Preparation for Adulthood senior officer joined the council, and it is anticipated that between now and the next DfE and NHS England review meeting, work will continue at pace with a focus on ensuring a positive impact for children and young people.

Area 9: parents' lack of awareness of available advice, support and provision

5.12 Since the last review meeting, the local offer and council websites have been updated to ensure information about how to access advice, support and an assessment form children's social care is easily accessible. A review of all content on the local offer website has been undertaken to ensure information is accurate and up to date. Mapping of extracurricular activities across the borough, along with details on how accessible they are, has taken place and the next steps are to involve parents, carers, children and young people in identifying gaps in provision.

Points of discussion at the meeting

- 5.13 DfE officials noted in their report that there was more positive feedback from parents and that there is a very positive relationship with the PCF, which is giving appropriate challenge. The chair and vice chair of the PCF advised at the meeting that they feel they have been involved in every area, that they are listened to and that their opinion and contributions matter.
- 5.14 School leaders provided positive feedback about the changes that have taken place, and in particular their involvement in developing the new SEND strategy. However, leaders advised that there is still some way to go to develop new specialist provision and to feel the impact within schools of all the work that is taking place.
- 5.15 Both school leaders and the PCF raised concerns about the delays in providing funding to schools (where this has already been agreed), which is leading to delays in children and young people accessing the support that they need. The new leadership team are working to respond to this feedback to ensure that processes are improved, single points of failure within the SEND team are addressed, and the backlog of payments is cleared.
- 5.16 DfE representatives indicated that the next review meeting is likely to take place in December 2023. The DfE reminded the partnership that that the local area will have an inspection within the first 3 years of the new framework, which has a stronger focus on how improving practice leads to improved experiences for stakeholders and improved outcomes for children and young people.
- 5.17 On 18 July 2023 the council's chief executive received an invitation from the DfE to participate in the Safety Valve intervention programme 2023-24. The aim of the programme is to agree a package of reform to improve the performance of our high needs system and ensure it is delivered in a sustainable way, for the benefit of children and young people, whilst bringing our dedicated schools grant (DSG) deficit under control. This will build on the work already completed through the Delivering Better Value in SEND (DBV) programme.
- 5.18 The programme requires local authorities to develop substantial plans for reform to their high needs systems, with support and challenge from the department, to rapidly place them on an effective and sustainable footing. If authorities can demonstrate sufficiently that their DSG management plans create lasting sustainability, including reaching an in-year balance as quickly as possible, and will provide improved support for children and young people, then the department will enter into an agreement with the authority, subject to Ministerial approval.
- 5.19 If an agreement is reached, local authorities are held to account for the delivery of their plans via quarterly reporting to the Department. So long as DfE representatives are confident that adequate progress is being made, authorities will receive incremental funding to eliminate their historic deficits, spread out over the lifetime of the agreement (generally five financial years).
The council has confirmed its intention to participate in the Safety Valve (SV) programme and will submit its current DSG management plan, SEND strategy and the work generated through the DBV programme to the DfE by the deadline dates.
- 5.20 Signing a SV agreement commits the council to undertaking to control and reduce the **cumulative (total) deficit** in line with a financial plan we must submit to the DfE. The council must submit an initial proposal comprising a DSG management plan and accompanying narrative by **15 December 2023** for review; and the final proposal by **12 January 2024**. The submission will be resource intensive, requiring additional resources and prioritisation over other work.
- 5.22 The chief executive and executive directors for people and resources will attend an initial meeting with DfE representatives in early October to discuss the council's current situation and plans. Following that meeting the council will be required to work on the DSG management plan and proposals for reform over a period of three months, which will be discussed and challenged by the DfE in regular meetings.

5.23 The DfE will hold a final meeting with the council in February 2024 to confirm whether the proposal is sufficient for a recommendation to be made to the Secretary of State advising an agreement. If the proposal is approved, an agreement will be entered into. The DfE will publish all agreements made in 2023-24 in March 2024.

6 Consultation and other considerations

Legal advice

6.1 The relevant legal issues are addressed within the body of the report.

Financial advice

6.2 The financial implications will be considered when resourcing requirements are identified and at the point that delivery projects are identified. Through its participation in the Safety Valve programme, the Council will need to agree and implement a robust plan to reduce spending on high needs block expenditure down to the level of grant provided through the Dedicated Schools Grant over a period of around five years and will likely require council resources.

Other consultation responses

6.3 The report was shared with members of the SEND Improvement Partnership Board and with the DfE and NHS England at the review meeting. Feedback is incorporated into this report.

Equalities impact assessment

6.4 There are no specific equalities issues relating to the update on the WSOA as this was considered when the WSOA was produced.

Strategic risk management Issues

6.5 There are no specific strategic risk management issues relating to the update on the WSOA as this was considered when the WSOA was produced.

Climate change implications

6.6 There are no specific climate change implications relating to the update on the WSOA as this was considered when the WSOA was produced.

Health and wellbeing considerations

6.7 There are no specific health and wellbeing considerations relating to the update on the WSOA as this was considered when the WSOA was produced.

Background papers

DfE progress review meeting slide deck July 2023

Bracknell Forest WSOA Review July 2023

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