

# Title of report: SEND Peer Review feedback

**Meeting: Children and Young People Scrutiny Committee**

**Meeting date: Tuesday 14 February 2023**

**Report by: Service Director, Education, Skills and Learning, Corporate  
Director - Children & Young People**

## **Classification**

Open

## **Decision type**

This is not an executive decision

## **Wards affected**

(All Wards);

## **Purpose**

To share the findings of the Local Government Association (LGA) Peer review of services for children with Special Educational Needs and/or Disability (SEND) in Herefordshire carried out in October 2022.

## **Recommendation(s)**

**That:**

- a) **The Children and Young People Scrutiny Committee receive this report, and alongside a separate report on the activity commenced since the peer review indicate any areas of practice or performance that would like to look at further in the year ahead.**

## **Alternative options**

1. There is no alternative to the recommendation.

## Key considerations

2. During the spring of 2022, and in the relative absence at that time of reliable partnership information and data, the Corporate Director for Children and Young People commissioned the Local Government Association (LGA) to undertake a peer review of services for children with special educational needs and/or a disability in Herefordshire, ahead of any specific SEND inspection (expected in 2023).
3. The peer review was carried out during the period 3-6 October 2022 and the peer review team was led by Deborah Glassbrook, an experienced former Director of Children's Services.
4. The agreed key lines of enquiry were as follows:
  - a. Are children and young people's needs identified accurately and assessed in a timely and effective way? As part of this we are also interested in the effectiveness of the systems (human/IT/etc.) supporting the SEN assessment and annual review functions.
  - b. Are children, young people and their families appropriately and consistently supported and enabled participate in decision-making about their individual plans and support?
  - c. Do children and young people receive the right help at the right time (including a view on whether the Herefordshire Graduated Response guidance is embedded in practice across the full age-range)?
  - d. Are children and young people well prepared for their next steps, and achieve strong outcomes? (including transitions to adulthood and support for primary to secondary school, and early years to primary transfer)
5. At the time of the peer team's visit Herefordshire Council Children's Services had been found to be inadequate following the Ofsted inspection in July 2022 and a children's commissioner had been appointed. Special Educational Needs and Disabilities (SEND) is included as part of the commissioner's areas for consideration.
6. The peer team prepared by reviewing a range of documents and information, in order to ensure they were familiar with the Council and the challenges it was facing. The team spent four days onsite during which time they:
  - a. Heard from 75 people, including children, young people, parents, lead members, chief executive, senior leadership tea, front-line practitioners and managers and partners.
  - b. Observed partnership meetings
  - c. Visited local teams
  - d. Read background documentation
  - e. Undertook visits to settings; observing, learning, and talking to professionals.
7. By its nature, a peer challenge is a snapshot in time. From the evidence gathered by the peer team it was clear though that action was required at pace from all partners to make the changes that are required to support improved outcomes for children with SEND and their families in Herefordshire.
8. The peer team found that at the time of the review there was no clear governance framework for SEND with an overarching partnership strategy or performance and quality assurance framework. This meant that the accountability for SEND and where this sits was not clear and

there was little line of sight from strategic leaders to frontline practice and the impact this has on children, young people and their families.

9. The teams main findings are outlined in paragraphs 11 – 39 of this report and the activity to progress these is to be co-ordinated by the work of the new SEND Strategy Group and monitored by the children's Improvement Board. In order to ensure that the work is not seen in isolation from the broader children's services transformation plan, the activity has been included in the Improvement Plan endorsed by Cabinet in December 2022.
10. The review team made four key recommendations, as follows:
  1. Produce a multi-agency strategy with short, medium and long-term priorities: There needs to be one, jointly agreed strategy involving all key stakeholders across the whole system to support children with SEND. From this a partnership scorecard should be developed with targets and impact data identified, so that all those involved can clearly see what is to be achieved, by when and what the impact has been.
  2. Establish the partnership governance and scrutiny arrangements at pace: To ensure the resources, service delivery and systems happen in a timely and coherent manner, you need to agree at a strategic level the organisations and representative individuals who will hold each other to account. Parent and carer representatives should be an integral part of the design, setting and oversight of the support arrangements for children with SEND. A strategic SEND Board would provide the necessary structure.
  3. Review the effectiveness of resources, service delivery and systems to meet the child's needs: and potential to meet the requirements of the SEND Green Paper. With partners, identify what it is that you, as a whole system, need to deliver to support children with SEND. Identify what resources the local area has to deliver this. Identify gaps and over-laps and jointly agree how these will be addressed through a clearly articulated joint commissioning plan
  4. Develop a robust performance and quality assurance framework for the local area with an immediate focus on all children with an EHCP open to Social Care and others with particular vulnerabilities: Set clear requirements for both quantitative and qualitative data gathering across the local area Conduct internal single-agency, multi-disciplinary and independent external audit and hold people accountable to ensure quality is being maintained.

## **Main Findings:**

### **Needs identified accurately and assessed in a timely and effective way**

11. The peer team visited early years settings and saw evidence that staff there have provided opportunities to identify children's needs and that they have supported the process for families to get these needs met, both within the setting and outside of it.
12. The peer team heard that the multi-disciplinary triage and assessment at the Child Development Centre was having an impact on getting the child's needs identified at an early stage in their development. This approach has been brought in as a way of managing waiting list times.
13. From the evidence seen by the peer team, it is clear that the model of delivery and the current capacity of the community paediatricians is leading to increased waiting times for assessment. The consequence of this is that for some children they are now receiving their assessment and diagnosis only three months before they start school.

14. Referral paperwork and processes are complex and extensive.
15. There are outdated service specifications for therapy services, including physiotherapy, audiology, dietetics and speech and language. This is leading to limitations on capacity and availability and lack of clarity about the way the services are working.
16. The team reviewed a small number of Education, Health, and Care Plans (EHCPs) and found limited inputs from health and from social care and challenged the partnership to introduce a robust process of challenge so that quality can be maintained and organisations held to account.
17. The annual review process for (EHCPs) was found to be not working as well as it needs to.
18. The peer team noted that there are two Graduated Response Guidance documents; one for early years – which is well used and understood – and one covering primary and secondary school age children – which was considered to be over-long and complex.

#### **Children and Young People and their families supported and enabled to participate in decision making**

19. The peer team saw no clear evidence of an inclusion and participation strategy and, in their view, there is a weak culture of including children, young people and their families. They did see pockets of practice but these do not constitute a cohesive approach across all those engaged in supporting children with SEND. They heard from parents and carers and their representatives that families are increasingly contributing to strategy and developments in the offer available to them. A parent carer charter has been created and representatives attend the SEND strategy group.
20. The recent appointment of an Engagement Officer was seen as a strength.
21. Families and young people are usually involved in their transition planning in preparation for adulthood. There was evidence that transition workers are helping families and young people consider their wider options and not to be constrained by historical preconceptions. The team also found that information to support preparation for adulthood across education, health and care could be improved.
22. The peer team heard from some parents that they feel misunderstood and at worst blamed for their children's behaviours.
23. The service was told that the early help and prevention offer needs to be more explicitly inclusive of SEND. Early help workers should have a greater understanding of what more targeted practical advice parents may require.

#### **The right help at the right time, including Herefordshire's Graduated Response**

24. The peer team saw no system-wide agreement on strategic priorities and saw this as an historical lack of ownership and oversight at the strategic leadership level across the partnership.
25. The majority of schools are Good or Outstanding in Herefordshire and the peer team recognised that 45% of children with an EHCP are in a mainstream school, which is reasonably close to the national figure of 50%. This provides a strong base from which to drive further improvements in an inclusive approach to ensuring children get the support they need in the settings that they are in and for improving attainment.

26. The pathway for hearing impaired children is strong with resources targeted at early identification, assessment and provision to meet children's needs. This was seen as an example of earlier intervention having a positive outcome.
27. The recent triaging of portage referrals had had a positive impact on waiting lists. This had been reduced to 17 and was ensuring that more parents and their children are getting the right support in a timely manner.
28. There is limited evidence of local area data sharing, analysis and application of the findings from the interrogation of data. This applies to ascertaining and monitoring impact on children, young people and their families. It also applies to identifying where improvements need to be made and to highlighting, celebrating and replicating good practice.
29. It is clear to the peer team that there are capacity issues in a number of service areas that limits what is on offer to meet the needs of children and their families and leads to increased waiting times. Other parts of the local area system do appear to have capacity and, in some cases, additional resource that is not required. The system as a whole needs to be reviewed so that collective decisions are made on what needs to be enhanced and where activities can be scaled down or stopped.
30. The peer team heard that short breaks provision is insufficient and that there is currently no over-night provision (for children with SEND) available locally.
31. From the visits undertaken, it was clear to the review team that the practitioners knew their children well and there was evidence of some good social work practice, including the Life Story book that was personalised to the child.

### **Children and young people are well prepared for their next steps and achieve strong outcomes**

32. There was evidence that early years managers work with their children until end of Reception. This approach helps the transition from early years into the primary setting and provides support to children and their families.
33. There was evidence that in mainstream settings and schools there is good planning and discussions for transition. This is both for children moving from year 6 to 7 and when they move to college and beyond.

### **Cross-cutting issues**

34. The peer team observed learners who appeared happy and engaged at school. This is important feedback and provided evidence of the passion and commitment that was seen not just in schools but across all agencies with whom the peer team had contact. The clear message was, "I'm in the job to make people's lives better". This forms the basis from which change and improvement can be driven, and local area senior leaders said that they want to see change and improvement happen at pace for children, young people and their families.
35. The team identified health differences in terms of statutory duties that are not being met, for example children who are looked after. Similarly, Public Health professionals identified wellbeing inequalities for children and young people with SEND, in that they were significantly more likely to feel/be bullied.
36. At the time of the peer challenge there was no identified Designated Clinical Officer.

37. There are training and development efforts being undertaken in the different organisations across the SEND support system. It is now timely to bring these together so that there is a consistent and planned approach to professionals' learning and development.
38. The peer team heard on numerous occasions that the IT systems were not fit for purpose and that there are systems that do not talk to each other, so data cannot be easily shared or compared. However, there may be parts of the existing systems that are not used to their full functionality. Ahead of any considered up-grade, or systems change, the existing systems should be reviewed to ensure that existing functionality is used to its full. Fundamentally, aligning data sets and considering what that tells you about the outcomes being achieved locally would help inform understanding and strategic oversight.
39. There are too many individual organisational strategies without clear implementation plans, and too many individual plans without clear links to an accompanying strategy. There needs to be one overarching strategy for SEND, with clear lines of governance, reporting and accountability.

## **Community impact**

40. The Ofsted inspection judgement of 'Inadequate' has a direct and indirect effect on the lives of both current and future children and families in Herefordshire.
41. The County Plan 2020–2024 includes the ambition to 'strengthen communities to ensure everyone lives well and safely together' and more specifically, the council aims to:
  - a) Ensure all children are healthy, safe, and inspired to achieve;
  - b) Ensure that children in care, and moving on from care, are well supported and make good life choices;

## **Environmental Impact**

42. There are no specific environmental impacts arising from this report..

## **Equality duty**

43. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to –

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

44. The Equality Act 2010 established a positive obligation on local authorities to promote equality and to reduce discrimination in relation to any of the nine protected characteristics: Age; disability; gender reassignment; pregnancy and maternity; marriage and civil partnership; race; religion or belief; sex; and sexual orientation. In particular, the council must have due regard to the public sector equality duty when taking any decisions on service changes.

### Resource implications

45. There are significant revenue resource implications identified at this time for the improvement work required. There are no expected capital resource implications.

### Legal implications

46. There are no explicit legal implications in respect of this report.

### Risk management

47. The SEND Strategic Board will consider risks and opportunities and manage these through relevant partnership governance structures.

### Consultees

48. There has been no public consultation in respect of the content of this report.

### Appendices

None.

### Background papers

None.

### Report Reviewers Used for appraising this report:

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Risk	Elizabeth Freedland	Date	02/02/2023

Approved by Darryl Freeman Date 02/02/2023