Dorset Health and Wellbeing Board
11 November 2020
LGSCO SEND progress update

Choose an item.

Portfolio Holder: Cllr A Parry, Children, Education, Skills and Early Help

Local Councillor(s):

Executive Director: T Leavy, Executive Director of People - Children

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Report Status: Public

Recommendation:

The committee receive and note the contents of the report.

Reason for Recommendation:

The report is a follow up to previously reported progress against the LGSCO SEND outcome.

1. Executive Summary

This report is an update to the actions following the LGSCO SEND report 18-016-599 dated 15 August 2019. This report followed an investigation undertaken by the LGSCO into the specific circumstances surrounding the provision arranged by Dorset County Council for one young person. This included several wider systemic issues that were highlighted in previous LGSCO cases in relation to the predecessor County Council. Local Government and Social Care Ombudsman decision summary https://www.lgo.org.uk/decisions/education/special-educational-needs/18-016-599

Previous LGSCO judgments had criticised the County Council for:

Delays in issuing EHCPs (Education Health and Care Plan) within the appropriate 20 week timescale.

Delay in securing school places or alternative provision when this was required.

The reports highlighted specific actions that were required.

In the specific case 18-016-599 the actions included financial compensation to the family, the award of specific funds to benefit the education of the young person which would be deployed through co-production work with the family. There was a further requirement to improve procedures and staff training in how to manage matters around the production of EHCPs and the associated provision of education places. The required actions, including an apology to the family were completed within the appropriate timescale set out in the judgement.

This report considers the subsequent work undertaken in Children's Serivces to improve the experience of families and young people who need SEND support.

2. Financial Implications

Adverse LGCSO judgements usually require a financial compensation to the young person and family, alongside the reputational risk to the council. Whilst the individual sums awarded are not large the consequential work necessary to provide the right support for a family can often be significantly larger than the sum required were the right provision in place from the start.

3. Climate implications

The circumstances of these cases illustrate why there are climate change implications to be considered in everything Dorset Council does. It is not possible to meet the additional needs of some children at schools close to their home. Appropriate provision can involve specialist placements necessitating a significant need to travel.

4. Other Implications

5. Risk Assessment

Having considered the risks associated with this work, the level of risk has been identified as:
Current Risk: MEDUIM
Residual Risk: MEDIUM

There are currently around 2800 open EHCPs for children in Dorset. Each one requires specific and itemised provision to be made. In addition, around 50 requests for new plans are received each month, requiring assessment and provision to be made in a specific timescale. With this scale of work and the need to work with partner agencies on provision there remains risk of not meeting either a specific milestone or quality of outcome.

It has been recognised by OFSTED (February 2019) and the DfE (October 2019) that time scales for EHCP plans have significantly improved, thereby reducing the delay in issuing EHCPs. The work done by Dorset Council was considered by Ofsted in their October 2020 visit where they were assessing the experience of young people during the Coronavirus pandemic. The formal feedback from this is awaited at the time of this report being written.

6. Equalities Impact Assessment

Children with Education Health and Care plans or those requiring additional support due to their special educational needs are disadvantaged without the correct and timely provision being available to them.

7. Appendices

8. Background Papers

9. Since the original judgement above was received Children's Services has undertaken a substantial change programme. The structure of the service has moved to a locality based model, seeking to work closer with families and young people.

10. Dorset Children Thrive is our new model for delivering Children's Services in Dorset, which started on 1 September 2020. The new model brings together many services and support for children and families into six integrated locality teams across Dorset, supported by a central team of specialist services.

11. The locality teams bring together colleagues from across Early Help, Children's Social Care, Educational Psychology, SEND and Inclusion services under the leadership of new Heads of Locality and Strategy that link together with our CCG Health partners. The areas reflect our existing Family Partnership Zones.

12. Through the new integrated structure, colleagues work in multi-agency integrated teams with a line manager for their locality. Matrix management arrangements (where staff report and consult with more than one person) are used so everyone in the team has access to the specialist support they need.

13. The key outcome for our SEND children and young people, is that the practitioner support they are receiving through our graduated approach is based locally, in a team that have closer familiarity with the educational settings and coordinated across education, health and care.

14. The new model in Children's Services commits to the following key areas:

a. Every child is different and unique - we will take a person-centred approach that emphasises the importance of working with our education community to enable children, young people and their families to enhance their learning. Person-centred planning is a cornerstone of our joint working approach and will enable us to work with children and their families to coproduce solutions that make a real difference.
b. We will ensure that children and young people can be supported within a school setting through an agreed graduated response and in an inclusive way that creates safe, engaging and exciting learning environments where they thrive.
c. We will strengthen our education system from early years through to Post-16 provision and strong transitions will be key to ensuring every child receives the best possible education. We will work together as an education community to ensure that every child receives a positive learning experience and makes progress.
d. Where children require an EHCP we will ensure this is of high quality, person centred and co-produced with children and their families.
e. We will strengthen our multi-agency working in our education community. Collaboration across our education community through a mutually supportive culture will be key to our success. The sharing of information and working together on strategies across our community has helped us target need to our most vulnerable children, in particular at a time of crisis, we want to build on this.
f. We will identify the need for support for children and young people early using a multi-agency approach will allow the right support to be delivered, at the right time. We know that bringing together the important networks in a child or young person's life with partner

agencies and our schools working together can achieve outstanding outcomes.

g. Building on our partnership work so far, we will develop and implement an Education and Inclusion Strategy focused on improving educational outcomes for all children and young people including vulnerable children and improving our offer to children and young people with SEND
h. We will continue to support the development and delivery of more vocational education courses including T levels to provide more options for young people. We will work with employers through our Post-16 Skill Plan to support the Post-16 curriculum.
i. We will promote Free School Meals to families and encourage those who are entitled to take up the offer.

15. Our Strengthening Services Plan

a. The Strengthening Services plan is driving forward the short and medium-term work to strengthen and improve our services for vulnerable children.

b. Our work in this plan sits alongside the Children, Young People and Families Plan.

c. This plan is presented in three sections following the continuum of need from early help, to services to protect vulnerable children, services for children in care and care leavers, underpinned by robust leadership, management and governance.

d. Strategic accountability for the delivery of our Strengthening Services Plan is through the Strengthening Services for Children and Families in Dorset Board, a multi-agency Board comprised of executive level senior leaders across the partnership and including Elected Members, chaired by the Chief Executive of Dorset Council.

16. Progress against the SEND Written Statement of Action

a. Ofsted and Care Quality Commission (CQC) revisited the local area of Dorset in February 2019. This was to decide whether the local area had made sufficient progress in addressing the areas of significant weakness detailed in the Written Statement of Action

(WSOA) issued on 23 June 2017. The four outcomes identified were:

b. A single system working together across education, health and social care for joint outcomes

c. Appropriate, effective and timely joint assessment, planning and review of need that is personalised to the child or young person with SEND

d. Talking, listening to and involving children, young people and parents and carers

e. Use effective monitoring and quality assurance to challenge, support and develop provision.

f. As a result of the revisit in February 2019 the inspectors judged that sufficient progress had been made against outcomes 1 and 2. There was more work to be done to deliver the improvements against outcomes 3 and 4. A further action plan was written to address the remaining actions, to be monitored by DfE SEND advisors.

17. Overview of progress towards outcome 3: Talking, listening to and involving children, young people and parents and carers

a. The actions for this priority have been completed and co-production with our parent carers is working well. There have been some excellent examples of listening to the voice of children, young people and their families through our co-production work and we recognise that this work must continue.

b. There are areas that we continue to work on with our educational settings; including that too few of the children and young people realise they have an EHCP and understand what that means for them. This will improve as we work more closely with our educational settings to build their capacity to support children with SEND through the annual review process, giving children and young people greater awareness and choice as their plan and provision is reviewed.

18. **Overview of progress towards Outcome 4: Use effective monitoring and quality assurance to challenge, support and develop provision.** There have been great strides to use data and audit to improve the position on quality and despite some of the challenges of delivering during Covid-19, quality improvement initiatives have continued and been implemented.

    a. The Council's quality assurance processes are now established and embedded and linked to the wider Children's Services Performance Framework. This emphasises the importance of children, young people and family involvement throughout the EHCP process. Pan-Dorset quality assurance meetings have continued, and learnings from the three cycles of audits to date have fed into practices and in the joint steering group for consistency and continuity.

    b. Quality improvement initiatives included redesign of the EHCP template and the annual review process. These areas are anticipated to significantly improve the quality of the plans and annual review processes leading to better educational outcomes achieved for our children and young people.

    c. In October 2019 the DfE carried out a monitoring visit at the midway point to assess progress. The resulting letter to Dorset Council in November 2019 recognised 'the local area's passion and determination to making sustainable improvements to services and to improving the lives of children and young people was clear.'

    d. Further, the DfE judged:

    e. *'You are taking a range of activity to strengthen accountability and joint working across the partnership, for example, by bringing together and standardising complex IT systems to make better use of data and reviewing your governance to ensure that there are clear lines of accountability running through your operational and strategic groups. We were reassured by the evidence that the SEND Implementation Board offers constructive challenge.'*

    f. Nonetheless, we recognise that further work was required:

g. to apply an evidence-led and impact-focused approach to continuous improvement and this should be a core thread throughout governance arrangements;

h. to continue to achieve and embed full co-production;

i. to strengthen the performance scorecard;

j. Ensuring that any changes to leadership or the outcome of the current review of the Council's governance arrangements does not have a detrimental impact to the SEND agenda and to update the risk register to reflect this.

k. Work completed in response to this includes:

l. A joint Education, Health and Social Care action plan, populated with lead officers from the local area tracking and updating progress with evidence of impact monitored by improvement board

m. Increase in co-production of improvement work including updated local offer sections, a new EHCP template, Let's Talk workshops, changes to process for annual reviews, development of the assessment tracker app, weekly parent newsletter and a weekly co-production meeting in place to discuss emerging issues with parents throughout the Covid-19 period

n. Performance scorecard redesigned and updated weekly

o. Risk register updated and routinely reviewed by SEND Board.

p. The actions within the Final Action Plan agreed with the DfE are now almost complete. Due to the pandemic situation, communication to all local areas with an WSOA was sent in June 2020, requiring governance to consider any milestones outstanding that had been impacted by the national situation and to extend timelines where necessary.

q. In response to Covid-19, some resources were redeployed to focus on urgent and immediate priorities related to closure of schools and restrictions on movement. The dependencies which were delayed as a result were:

r. the restructure and new way of working (Dorset Children Thrive), where the transition was delayed from June 2020 to September 2020

s. relationships and our joint working with health commissioners which were impacted due to urgent priorities in delivery

t. A pause during Covid-19 on the audit of cases using the Children's Services quality assurance framework cycle to ensure this did not detract Officers from the focus on responding to the pandemic alongside the challenges in getting children, young person and family feedback.

u. Through the work of the SEND Delivery Board (which will be superseded by The Best Education for All Steering Group in Autumn 2020), progress against the action plan continues to be overseen and scrutinised. It is anticipated that progress against the remaining actions will be complete by January 2021.

19. Leadership timeline of our response to Covid-19

a. The Dorset Council Children's Services Leadership Team works closely with systems leaders in other parts of the council; Dorset Clinical Commissioning Group; Public Health Dorset; educational settings; NHS health providers; police, fire and rescue; town and parish councils as well as the community and voluntary sector to deliver our ongoing response to the pandemic.

b. The leadership task throughout this period is four-fold: providing organisational responses to government advice, guidance and new duties; coordinating and participating in partnership responses; to deliver business continuity responding to questions and concerns about how employees could undertake their work and most importantly providing information to and responding to feedback on the impact of the pandemic on children, young people and families.

c. Throughout the pandemic we have refined our partnership approach to working together to meet the needs of children and young people to understand the impact of the changing service landscape and guidance changes on individual services and work

together to seek to minimise challenges that we faced. We instituted weekly partnership meetings to highlight and address risks and issues and following feedback from families on support for the youngest children local operational groups to prioritise and plan support for the most vulnerable. More recently we have worked as multi-agency partners to support the return to school through the provision of information, advice and support to those that may have found it more challenging.

20. Vulnerable children and young people tracker

a. In response to school closures we created and implemented a new system to track attendance and risk of 'Vulnerable Children'. The list of children was brought together based on the DfE definition of vulnerable children, in addition as an authority we chose to monitor all children with a Dorset EHCP in order to respond to changing circumstances as families adjusted differently to life in lock down.

b. This regular meeting of school cluster leads and link workers forum provided a key avenue for communicating with schools and helped to set up a successful monitoring process which included collecting attendance and risk judgement data from schools on a weekly basis to allow early intervention where issues were identified (such as low attendance of key cohorts).

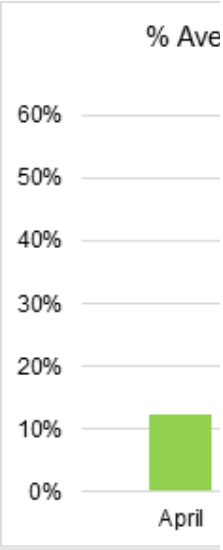
c. Progress across the county was shared back with schools at periodic intervals via the Cluster Lead meetings and a live online portal.

d. We also developed links with out of county schools and had internal Council departments link with different settings to collect weekly attendance and risk data.

e. Dorset were asked to be one of 3 LAs to provide an update to the Troubled Families National Local Authority Webinar in April 2020 organised by the Ministry of Housing, Communities & Local Government in recognition of our efforts to encourage attendance of vulnerable children and young people back to school. Particular focus was around the collection and use of this attendance and risk data.

f. Regarding our work with schools, we had particularly good responses from the Dorset special schools, with 100 percent response rate for every week of the summer term. In the final week of term for special schools, 61% of children attended school.

21. Attendance monitoring over the Summer term



22. Education Psychology Covid-19 parent helpline

a. At the outset of Covid-19 parents and carers of children and young people with SEND had increased worries about education and routines. Working together with the Dorset Parent Carer Council (DPCC) the service agreed to set up a telephone helpline to respond to queries they were receiving from parents, offering telephone consultations with an education psychologist five days a week morning and afternoon.

b. The helpline was clearly promoted both through DPCC but also through the Council's communications, website, the SEND newsletter and via schools.

c. Between 27th April – 26th August a total 115 telephone consultations took place

23. Risk assessments

a. From the outset of Covid-19 Dorset worked with the schools to establish a shared system for schools to share their evaluations

about the vulnerabilities of children and young people within their settings. This included those children and young people with an EHCP and specifically any SEN Support children the school felt required a risk assessment. Schools developed their own risk assessments based on the DfE guidance and we worked closely with schools to use their own professional judgements in partnership with the parents and carers.

24. Education, Health and Care Needs Assessments

a. The SEND service embraces a new performance culture which has moved to weekly operational performance monitoring. This performance culture underpins the use of business intelligence in relation to our cohort to inform both our current work with children and young people and informs our future planning.

b. EHCPs in Dorset Council are increasingly produced within statutory timescales. Whilst Covid-19 impacted the performance of our service, the resilience and agility of the team and proactive culture has been a strength.

c. The SEND service has seen a consistent flow of Education, Health and Care Needs Assessment Requests (EHNCA's) with approximately 17% of all requests in the year to date being received by parents. Covid-19 has not resulted in a reduction in the number of requests for assessment and our team has worked hard to sustain performance despite the challenges we have faced.

d. There were fewer requests for assessment in August 2020, which coincides with our schools preparing to return to school, we know from engagement with our schools that there may be an increase in requests through the Autumn term as schools return to assessment of children and identification of needs.

	2020								2020 (year to date)	2019 (full year)
	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Average per month	Average per month
Number of EHCP requests	41	53	54	53	66	56	56	8	**48** (*54 per month if August is excluded)	**55**
% of EHCP decisions made within 6 weeks	93%	89%	92%	91%	93%	97%	95%	100%	**94%**	**94%**
% of new ECHPs issued within 20 weeks	85%	86%	82%	88%	75%	93%	71%	61%	**80%**	**89%**

25. Annual Reviews

26. Annual reviews for the cohort this academic year will be different to previous years. Not only will this be an opportunity to work with our families and professionals to review the EHCP, this will also be a key point at which to measure the impact of Covid-19 on educational progress and ensure that the provision in place is meeting their needs.

27. We also recognise the, sometimes less visible, impact that Covid-19 has had on the siblings of children with SEND and we will continue to consider their needs through early help and targeted support.

28. Our new annual review strategy seeks parents' preference on how to hold the meeting to ensure our approach is inclusive and safe. We will also provide professionals 8 weeks' notice to ensure they can attend the annual review and offer additional advice if needed. Our annual reviews will ensure that every opportunity is taken to identify new needs in our children and young people with an EHCP so that we can coordinate our support across education, health and social care.

Footnote:

Issues relating to financial, legal, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.