

## **REPORT OF THE CABINET MEMBER, CHILDREN AND FAMILIES**

### **IMPROVING THE EXPERIENCES AND OUTCOMES FOR CHILDREN AND YOUNG PEOPLE WITH SPECIAL EDUCATIONAL NEEDS AND DISABILITIES**

#### **Purpose of the Report**

1. To inform Cabinet of the findings of the Ofsted/Care Quality Commission local area Special Educational Needs and Disabilities (SEND) [inspection](#) and seek approval of the approach to improving the outcomes for children and young people with special educational needs and disabilities in Nottinghamshire.

#### **Information**

2. Across the country, there are many challenges in the current system supporting children and young people with SEND. These include a lack of parental confidence that children's needs can be met in mainstream educational settings, delays in children's needs being assessed within the context of increasing numbers of requests for assessment of needs, and a lack of local, specialist provision enabling children's needs to be met within their local communities. These challenges have been recognised in the government's recently published [Special Educational Needs and Disabilities \(SEND\) and Alternative Provision \(AP\) Improvement Plan](#) (Department for Education, March 2023), which aims for children and young people to receive the right support, in the right place at the right time. The plan sets out a series of reforms to be implemented over the next three years, which include:
  - the development of new National Standards to ensure that the SEND system delivers consistent, clear and early support for children with SEND
  - the introduction of local SEND and alternative provision partnerships to bring together partners to plan and commission support for children and young people with SEND through local inclusion plans, and ensure that relevant information is easily accessible to families
  - funding to increase the availability of specialist educational settings
  - improved support for young people as they prepare for adulthood, for example increased numbers of supported internships
  - a focus on workforce planning and skills development, including increasing the capacity of specialists such as educational psychologists
  - strengthened accountability through national performance monitoring and a new Ofsted/Care Quality Commission local area SEND inspection framework
  - a range of actions in pursuit of achieving a financially sustainable system that delivers improved outcomes.

3. Inspections under the new [inspection framework](#) that is referenced in the SEND and Alternative Provision Improvement Plan commenced in January 2023, and Nottinghamshire was the first local authority in the country to experience inspection under this framework. The framework is broad in scope and aims to provide an “independent, external evaluation of the effectiveness of the local area partnership’s arrangements for children and young people with SEND”. The local area partnership refers to those in education, health and care with responsibility for the strategic planning, commissioning, management, delivery and evaluation of arrangements for children with SEND in the local area, with a particular focus on the joint work of the local authority and integrated care board (ICB).
4. The inspection framework focuses on the experiences and outcomes for children with SEND, assessed through a range of activity, including a survey of parent/carers, children and young people and stakeholder perspectives, a review of key documents and performance information, tracking of individual children’s experiences, discussions with senior leaders and practitioners, and visits to a range of educational and health settings. Following the fieldwork activity, inspectors make a judgement out of one of the following three outcomes:
  - a. the local area partnership’s SEND arrangements typically lead to positive experiences and outcomes for children and young people with SEND. The local area partnership is taking action where improvements are needed
  - b. the local area partnership’s arrangements lead to inconsistent experiences and outcomes for children and young people with SEND. The local area partnership must work jointly to make improvements
  - c. there are widespread and/or systemic failings leading to significant concerns about the experiences and outcomes of children and young people with SEND, which the local area partnership must address urgently.
5. The third judgement of significant concerns is reached when at least one priority area for action is identified through inspection, whilst the second judgement of inconsistent experiences and outcomes is where no priority areas for action are identified. In Nottinghamshire, the inspection concluded that there are two priority areas for action, meaning a judgement of widespread and/or systemic failings leading to significant concerns about the experiences and outcomes of children and young people with SEND, which the local area partnership must address urgently. The two priority areas for action are:
  - a. Leaders, NHS Nottingham and Nottinghamshire Integrated Care Board and education, health, and care providers should cooperate to urgently identify, assess and provide for the needs of children and young people with SEND. This includes assessment of needs, timely issuing of Education, Health and Care Plans and holistic oversight of these plans through annual reviews.
  - b. Leaders, including commissioners and providers, should act urgently to identify and address the delays and gaps in access to some health services, particularly speech and language therapy, neurodevelopmental pathways and equipment services. They should also ensure that they use available performance data to identify where gaps exist and whether actions taken to address these are effective.

6. The inspection report also identified other areas for development including:
  - a. improved use of the views of children and young people and their families in planning and evaluation of SEND services
  - b. improved quality of Education, Health and Care Plans
  - c. improved use of data by the partnership to inform the evaluation and joint commissioning of services
  - d. the need for improved governance arrangements for the partnership.
7. The report also identifies strengths including finding that:
  - a. all partnership leaders and professionals want the best for children and young people with SEND in Nottinghamshire
  - b. children and young people are positive about how their views and aspirations are reflected in their individual Education, Health and Care Plans and the support they receive
  - c. many young people with SEND receive effective support in securing employment, education, training and independent living as they become adults in Nottinghamshire
  - d. alternative provision is a positive experience for many children and young people
  - e. most children and young people awaiting a specialist placement receive suitable education in a timely manner.
8. The local area partnership is required to develop a priority action plan outlining how it plans to achieve the necessary improvements identified, for submission to Ofsted/Care Quality Commission within 35 working days of receipt of the inspection report. There will also be a requirement to publish the plan within 70 working days. It is proposed that Cabinet considers the priority action plan once it has been developed.
9. The local area partnership is committed to improving the experiences and outcomes of children and young people with SEND and this commitment is recognised within the inspection report. Leaders recognise that there are improvements that urgently need to be made and have therefore begun to develop a strengthened approach to achieving this.

## **Approach to Improvement**

10. In order to secure the necessary improvements in the experiences and outcomes of children and young people with SEND, it is proposed that a new SEND Partnership Improvement Board is established. Dame Christine Lenehan, Director of the Council for Disabled Children, has been approached and has indicated a willingness to act as Chair of the Board in order to bring independent oversight, support and challenge. It is proposed that membership of the Board will include:
  - senior representatives from the County Council
  - senior representatives from the Integrated Care Board
  - the lead for the Nottinghamshire Parent/Carer Forum
  - advisor(s) from the Department for Education
  - advisor(s) from NHS England
  - representatives from educational settings.

11. It is proposed that the Board will act as an oversight body in support of the statutory partners responsible for the delivery of SEND outcomes in order to ensure that improvements are made with the necessary pace and with a rigorous focus on the experiences and outcomes of children and young people with SEND. Given that the Chair and other members of the Board will want to influence the proposed terms of reference for the Board, it is proposed to bring a draft set of terms of reference back to Cabinet for future consideration. Local area partners, notably the County Council and Integrated Care Board, are resolved to making rapid progress through the improvement arrangements so that children, young people and their families experience more timely access to assessment and support.

### **Other Options Considered**

12. The Council and Integrated Care Board could have sought to drive forward improvements through existing partnership governance arrangements, however, they consider that the establishment of an independently chaired improvement board will better enable timelier improvements to be made to the experiences and outcomes of children and young people with SEND in Nottinghamshire.

### **Reason/s for Recommendation/s**

13. To ensure the necessary improvements are made to respond to the outcome of the local area inspection and to ensure oversight by an independently chaired body.

### **Statutory and Policy Implications**

14. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

### **Financial Implications**

15. Local authority costs associated with the improvement programme and associated partnership governance arrangements are in the process of being confirmed and will be subject to the relevant approvals by the Cabinet Member for Children and Families and the Cabinet Member for Finance.

## **RECOMMENDATION/S**

That Cabinet:

- 1) notes the findings of the Ofsted/Care Quality Commission area Special Educational Needs and Disabilities (SEND) inspection and agrees to receive and consider a draft priority action plan in response to the inspection findings at its June meeting.

- 2) approves the creation of the SEND Partnership Improvement Board and agrees to receive and consider draft terms of reference for the Board at its meeting in June.
- 3) endorses the appointment of Dame Christine Lenehan as the Independent Chair of the SEND Partnership Improvement Board.

**Councillor Tracey Taylor**  
**Cabinet Member, Children and Families**

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#### **Constitutional Comments (HD 10/5/23)**

16. Cabinet has the authority to consider the recommendations set out in the report and to agree the establishment of an improvement board as an oversight body to support the Executive with its responsibilities for the delivery of improved outcomes in respect of SEND.

#### **Financial Comments (KRP 16/5/23)**

17. As set out in the report there will be additional local authority costs associated with the planned programme and potentially impacts on High Needs Block funding in the DSG and SEND transport costs. Full details will be provided in the June report and will be subject to appropriate approvals.

#### **Background Papers and Published Documents**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

None.

#### **Electoral Division(s) and Member(s) Affected**

All.

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