



**ST HELENS**  
BOROUGH COUNCIL

## Childrens and Young People Scrutiny Committee

**6 September 2023**

<b>Report Title</b>	<b>Update on OFSTED SEND Local Area Inspection Preparation Activity</b>
<b>Cabinet Portfolio</b>	Children and Young People
<b>Cabinet Member</b>	Councillor Nova Charlton
<b>Exempt Report</b>	No
<b>Reason for Exemption</b>	N/A
<b>Key Decision</b>	No
<b>Public Notice issued</b>	N/A
<b>Wards Affected</b>	All
<b>Report of</b>	Thomas Howard Team Manager, SEND and Inclusion <a href="mailto:thomashoward@sthelens.gov.uk">thomashoward@sthelens.gov.uk</a>
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Ensure children and young people have a positive start in life	X
Promote good health, independence, and care across our communities	
Create safe and strong communities and neighbourhoods for all	
Support a strong, thriving, inclusive and well-connected local economy	
Create green and vibrant places that reflect our heritage and culture	
Be a responsible Council	X

## **1. Summary**

- 1.1 This report highlights the key areas from the previous OFSTED SEND Local area inspection, gives an overview of the new inspection framework following its publication earlier this year, explains the inspection preparation that has already taken place and highlights the current risks that have been identified.

## **2. Recommendation for Decision**

Scrutiny committee is recommended to:

- i. Note the findings of the report and progress made.

## **3. Purpose of this report**

- 3.1 The purpose of the report is to ensure that Scrutiny members are aware of the strengths, the areas for development and the changes in the new inspection framework.

## **4. Background / Reason for the recommendations**

- 4.1 Between 29 January 2018 to 2 February 2018, Ofsted and the Care Quality Commission (CQC) conducted a joint inspection of the local area of St Helens to judge the effectiveness of the area in implementing the disability and special educational needs reforms as set out in the Children and Families Act 2014.

- 4.2 The findings of the inspection are contained in the Ofsted report attached. These were split across three general categories, which judged the effectiveness of the local area in:

- Identifying children and young people's SEN and/or disabilities.
- Meeting the needs of children and young people who have SEN and/or disabilities.
- Improving outcomes for children and young people who have SEN and/or disabilities.

### **4.3 Progress against these areas:**

- 4.4 There has been significant progress since the previous inspection.

- 4.5 The local authority has addressed the data profiling issue by compiling a SEND Data Dashboard, which draws on existing datasets to provide 'at a glance' real-time information for leaders against a number of agreed metrics. These include the number of statutory assessment requests and their source the volume of EHCPs issued, the timeliness of professional contributions, the timeliness of the overall assessments. This also gives the facility for the identification of data trends and data profiling to support effective strategic planning.

- 4.6 Health and Social care information are now both routinely sourced in the production of Education Health and Care Plans and a co-produced Quality Assurance Framework is now in place to judge EHCPs against five agreed quality assurance standards. This framework has been attached for consideration. A Multi-Agency audit of 10 randomly selected EHCPs takes place every term, with findings fed back to the respective services

to drive up improvements in quality. This regular audit considers both newly produced and reviewed EHCPs.

- 4.7 The local authority prioritises effective communication and engagement with parents. During COVID lockdown, a 'SEND Helpline' was established, so parents could ring with general queries or to ask for support. This helpline has been retained due to its effectiveness. The 'Listen 4 Change' Parent Forum (L4C) are also key stakeholders and have membership on a number of boards and strategic oversight groups including the SEND Partnership Board, the Family Centres Strategic Group and the Neuro Developmental Pathway, (NDP) Steering group. There is also a regular multi-agency 'Keep in Touch', (KIT) meeting for which L4C produce the agenda.
- 4.8 The roles of Designated Clinical Officer, (DCO) and Designated Social Care Officer, (DSCO) are now established in St Helens. The ICB have informed the partnership that the current arrangement of DCO supported by a Deputy DCO is set to be reduced at the end of June to a single 0.6 FTE DCO post. This reduction in capacity represents an operational risk, especially given the local area was criticised for "dragging its heels" in the appointment to the post by OFSTED.
- 4.9 The current Short Breaks Offer remains limited and so is an area of risk/concern. The local area was criticised in the previous inspection as there appeared to be few activities available in the local area specifically for children and young people with SEND. In particular, a shortage of personal assistants and scarcity of overnight respite care was observed by OFSTED. A multi-agency working group has been established to address this, the progress of which will be monitored by the inspection oversight group.
- 4.10 The local authority has articulated its ambitions for young people with SEND in St Helens through both the St Helens Borough Strategy and the SEND Strategy, ('A Life of Equal Chances') 2021 – 2024. The latter sets out the ambition for young people with SEND to "be able to live an ordinary life, a life with equal chances to shape their future, be active members of their community, be healthy, have choices and be able to make independent decisions".
- 4.11 Provision for young people aged 18 – 25 has progressed. Both colleges based in St Helens have worked collaboratively with the KS5 special school in the borough to develop education pathways that related directly to Preparation for Adulthood. Curriculum is delivered against: Daily Living Skills, Community and Leisure and Practical and Vocational Skills.
- 4.12 St Helens and Knowsley College Group, (SKCG) provides a curriculum for young people with complex needs from the Knowsley campus, which is on the border of St Helens. The provision at SKCG has recently been re-classified as good in the most recent Ofsted inspection, with Carmel college rated outstanding.
- 4.13 St Helens has developed an effective supported internships programme for young people with EHCPs to support pathways into employment. Supported Internships (SI) are a structured study programme based primarily at an employer. They enable young people aged 16-24 with an Education, Health and Care plan to achieve sustainable paid employment by equipping them with the skills they need for work, through learning in the workplace.
- 4.14 At the time of writing, 33 students have completed the programme, 9 of whom have secured full-time employment as a result. There are 11 students in this year's cohort, one of whom has already secured an employment offer.

## 5. New Ofsted SEND Local Area Inspection Framework.

5.1 Ofsted updated the SEND Local Area Inspection Framework in April 2023. The new framework is significantly different to the previous version and so will require a different response from the partnership, as outlined below.

Inspection activity has been increased to take place over three weeks and inspectors will require access to pupil-level data and individual casefiles. The inspection team will select 6 cases from the 1604 young people with EHCPs, the 4,708 with SEND Support and those pupils attending Alternative Education.

### 5.2 The new inspection reports:

5.3 Following a full inspection, inspectors will report on the effectiveness of the local area partnership's arrangements for children and young people with SEND. The report will include:

- The Inspection Outcome
- What it is like to be a young person with SEND in the local area
- What the local area partnership is doing well and what needs to be improved.
- Recommendations for improvements
- Whether any areas for Priority Action have been identified and which area partners are responsible for addressing them.
- The type and timing of the next inspection activity.

### 5.4 Inspection Outcomes:

5.5 There are 3 possible full inspection outcomes, leading to different subsequent inspection activity:

<b>Inspection Outcome:</b>	<b>Meetings and Inspection Activity:</b>
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.	Engagement Meetings Full inspection within 5 years
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.	Engagement Meetings Full Inspection within 3 years
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.	Engagement Meetings Submission of priority action plan, (Area SEND) Monitoring Inspection within 18 months Full re-inspection within 3 years

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## 5.6 **Alternative Provision**

5.7 Inspectors will also evaluate the local authority's commissioning and oversight of alternative provision for all children and young people in placements directly commissioned by the local authority.

This includes evaluating how the local authority ensures that placements:

- Meet the needs and aspirations of children and young people.
- Provide the support they need.
- Prepare them for their next steps.
- Enable them to feel valued and included in their community.

## 6. **Inspection Preparation**

6.1 A considerable amount of work had already been undertaken in preparation for a potential OFSTED inspection. The publication of the new framework has required the partnership to take swift action to ensure preparedness, as the new requirements differ considerably from the previous framework.

6.2 In response to the publication of the new framework, the SEND Partnership has organised and established an OFSTED preparation oversight group. This group is currently being chaired by the Interim Head of Service for Children with Disabilities and Children in Care with support from the Assistant Director for Education and Learning and the Team Manager for SEND and Inclusion. Meetings take place on a four-weekly basis and involve all key stakeholders from Education, Health and Social Care as well as the 'Listen 4 Change' Parent Forum.

6.3 Meetings are recorded and an action log produced to ensure accountability. The action log is circulated by the chair in advance of each meeting, with a requirement for the membership to update on their actions.

6.4 Further to this, a central 'MS Teams' channel has been established to which all partners have access, allowing the storing of data and information in a single area. Numbered folders have been created which correspond to the inspection data requirements. The oversight group has produced a comprehensive list of documentation and evidence, each has been assigned to an appropriate 'named' member who will populate the respective folders. Each folder has been assigned a 'RAG' rating, which is dependent on the level of evidence available for each area. This will ensure all information required by the inspection team is available immediately upon request.

6.5 In addition to the evidence folders, nine specific task and finish groups have been established to address key inspection areas. A lead officer has been assigned responsibility for each of these groups. This will ensure that progress against all key inspection areas can be monitored, and crucially impact can be demonstrated.

These areas are as follows:

- Alternative Education
- Short Breaks
- Neurodevelopmental Pathway
- Multi-Agency Audit

- Self- Evaluation Framework, (editing group)
- Data Quality and Case lists.
- EHCP Timeliness / Quality
- Experience of Children and Families
- Participation and Decision Making.

- 6.6 Each lead officer has been tasked with preparing an action plan for their area. An action tracker is being used by the oversight group to ensure that this work progresses swiftly. This tracker is reviewed at each oversight group meeting.
- 6.7 The oversight group has also produced a risk register which highlights the current areas the partnership feel are likely to influence an inspection outcome.

## **7. Current Risks**

- 7.1 The inspection preparation group have highlighted the current areas of risk on the SEND Inspection Risk Register.

These are set out below:

### **1. Accessibility of the Disabled Children's Register**

It is a statutory requirement that each local authority maintains a Disabled Children's Register, which is a voluntary register that parents to join. While there is a register currently maintained by St Helens, it is currently only accessible to families who have an open involvement with the Children with Disabilities Social Care Team. This has implications for one of the Annex A datasets, which currently cannot be returned in the format requested by OFSTED. The Interim Head of Service for Children With Disabilities is currently addressing this issue and plans to make database registration available via an interactive portal on the current SEND Local Offer site should resolve this issue.

### **2. Short Breaks Provision**

This was identified as an area for development following the initial 2018 inspection and remains an area of concern. A consultation with key stakeholders and providers is currently underway, organised by the commissioning manager, public health. This consultation will facilitate the development of a wider offer, particularly for young people with complex needs. While this represents positive progress, development in this area has been slow. This has been identified as an area of particular frustration and dissatisfaction by parents and young people, which is likely to influence the inspection outcome given the new framework's emphasis on the experience of the young person and their family.

### **3. Current EHCP Performance**

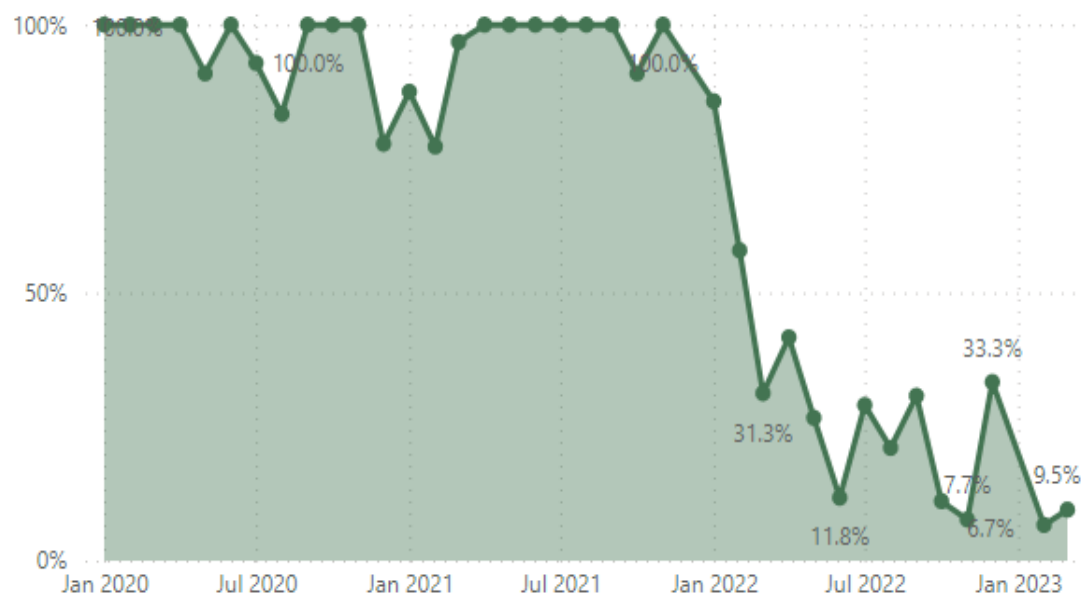
Following the previous SEND Local Area Inspection, both performance and quality of EHCPs improved considerably and consistently and St Helens was ranked as one of the best performing local authorities in the country, and best performing authority in the North West Region in both 2020 and 2021, (See Office for National Statistics Dataset, published 8<sup>th</sup> June 2023).

While there is evidence from the multi-agency audit of EHCPs that overall quality has continued to improve, there has been a significant deterioration in timeliness of assessment from 96% in 2021 to 28.9% in 2022. While the national average has also dropped by almost 10% over the same period, (from 59.9% to 50.7%) the St Helens

average deteriorated by almost 60% and has continued to decline. This is indicated in figure 1 below:

**Figure 1: Timeliness of EHCP assessment from 2020 – 2023:**

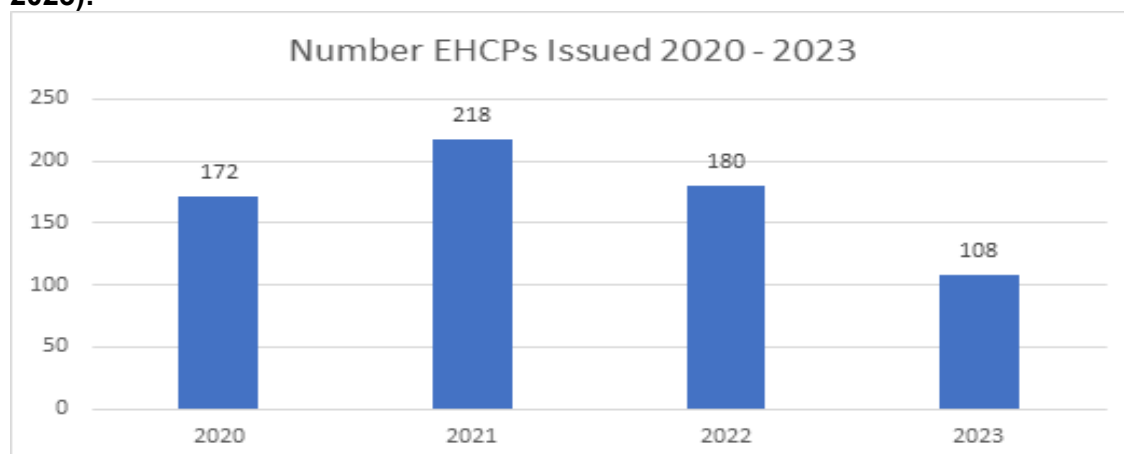
Rate of EHC plans excluding exceptions issued within 20 weeks



This deterioration in performance has been caused by a significant reduction in the capacity of the SEND Team due to a high number of resignations in 2022, which reduced the team from 9 FTE members of staff to 3.5. This also compounded a further capacity issue in the Educational Psychology Service. While the authority has had a successful programme of re-recruitment to these roles, the team is now working through a backlog of 200 overdue assessments in addition to the new assessments that are added to the caseload on a fortnightly basis. The department have shared a recovery plan, which has been approved by the DfE, and recruitment to the vacant posts has been positive. Parents and other key stakeholders are also being kept briefed on progress however it is likely that this current drop in performance will present a risk to the outcome of any inspection, due to the impact on customer satisfaction.

Due to the successful programme of recruitment and resultant capacity increase, the number of final EHCPs issued by the team is increasing steadily. In the first 6 months of 2023, the team have issued an equal number of plans to first 6 months of the 2021 Calendar year, (see figure 2). This suggests a recovery to the previous level of performance is likely to be achieved. This improvement is currently following a similar trajectory to that experienced by the service between 2019 and 2020, suggesting that EHCP timeliness will return to above the national average within a 12 month period.

**Figure 2: Volume of Final EHCPs Issued by Calendar Year, (Including Jan – June 2023):**



EHCP performance can be tracked and monitored via the SEND Data Dashboard, with the Team Manager, SEND and Inclusion providing analysis and updates to the SEND partnership board.

#### **4. Educational Psychology Capacity.**

There are significant capacity demands in the Educational Psychology Service, which are impacting the team's ability to contribute professional advice to the statutory assessment process in a timely manner.

243 requests for psychological advice have been made to date in 2023. 78.6% of these have been allocated to a psychologist and 4.1% have been returned to the SEND team within the 6 weeks allowed for this process. This continues impact on EHCP timeliness.

The Principle Educational Psychologist currently prepares a month report on performance which is shared with key stakeholders.

The service are currently taking the following actions:

- Recruiting to vacant Educational Psychologist Posts and recruiting additional 'Associate EPs' where possible; This is in the context of a national shortage of EPs and a highly competitive market to secure Associate EP services.
- Recruitment of a Year 3 trainee EP, starting in September 2023.
- Continued monitoring and analysis of service capacity to build in additional capacity and flexibility against any variations in demand anticipated throughout the year.

#### **5. Co-Production.**

In the previous inspection, a key area of strength identified by the inspection team was co-production, as they observed that "Across the local area parents, professionals, children and young people are working effectively together to devise and implement improvements". There has been a recent lack of representation from the parent carer forum on several steering groups, including the Inspection preparation group. The local authority has been advised that the Carers Centre are initiating a recruitment drive in September in order to identify new parent representatives to ensure the voice of parents is represented.



## **6. SEND Cohort School Attendance.**

In November 2022, the Children's Commissioner published their ambitions for the SEND system, which set out what local area partners would be required to do to ensure children with SEND had equitable outcomes.

A key area was attendance goals and challenged professionals working with children to set realistic goals for school attendance, integrating these with EHCPs to make sure children are receiving a level of support and education which matches their ambitions. This document "A SEND system that works for every child, every time", is attached. National Data shows that in the autumn term 2021, overall absence for pupils with an EHCP was 11.6%, up from 9.4% the previous year. In St Helens, current figures show that the overall absence rate for pupils with EHCPs is 13.9%, higher than the national average.

This has been prioritised as an area of work for services across the Education and Learning Department.

As a result, the number of pupils with SEND who are 'persistently absent', (meaning they have missed 10% or more of possible school sessions) is slightly lower than the national averages: 36% of pupils with an EHCP are persistently absent nationally, compared to 35.4% in St Helens.

Nationally, 31% of pupils receiving SEND support are persistently absent compared to 26% in St Helens:

## **7. Reduction in DCO Capacity.**

The DCO provides the point of contact for local authorities, schools and colleges seeking health advice on children and young people who may have SEN or disabilities.

In St Helens, the DCO quality assures all of the advice received from health providers before it is incorporated into Education, Health and Care Plans and sits on the decision-making panel that reviews all applications for statutory assessment.

The DCO also acts as an initial point of contact for the local authority should concerns arise regarding the timeliness of professional advice received, which can impact the EHCP process.

The ICB have informed the partnership that the current arrangement of DCO supported by a Deputy DCO is set to be reduced at the end of June to a single 0.6 FTE DCO post. This reduction in capacity represents a risk to the operational functions described above. It is currently unclear whether the local authority can influence this decision.

## **8. Legal Implications**

- 8.1 All activity undertaken by the partnership in preparation for the local area inspection is lawful and complies with the Council's constitution. While there is no direct legal risk to a poor inspection outcome, there is potential for reputational damage to all partners. The inspection outcome report will be available in the public domain.

## **9. Equality Impact Assessment**

- 9.1 While this report speaks to the work being undertaken to ensure the Local Area Partnership is ready for inspection, the work being undertaken continues to have an ongoing impact on the St Helens community.

## **10. Social Value**

- 10.1 The activity currently being undertaken as part of the preparation for adulthood strand around supported internships is enabling local young people with disabilities to gain paid work with local employers.
- 10.2 This will also sustain and improve the community, as it is helping to provide purposeful work, volunteering and learning opportunities which will allow local young people with disabilities to build individual self-worth and improve health and well-being, as well as fostering community cohesion.

## **11. Net Zero and Environment**

- 11.1 By improving on the current levels of inclusivity in local mainstream schools, as well as bringing on-line more local specialist and resourced educational provision, we will reduce the reliance on out-of-borough provision and the associated transport requirements to these providers. This will reduce vehicle emissions as young people will be able to access education in their local area. This in turn will improve air quality.

## **12. Health and Wellbeing**

- 12.1 Young people engaging with the partnership will have their health needs identified in an accurate and timely manner, so supporting access to the appropriate specialist services at the right time where necessary.
- 12.2 High quality Education, Health and Care Plans will help support the mental health and wellbeing of young people with SEND and their families by ensuring that they are afforded the same access to opportunities as their non-disabled peer group.

## **13. Equality and Human Rights**

- 13.1 This is an inspection of existing services, several service providers from the partnership that will be scrutinised as part of the inspection have carried out equality assessments as part of their service delivery plans. There may be reputational damage for these partners depending on the inspection outcome.

## **14. Customer and Resident**

- 14.1 This is an inspection of existing services, however there will be a reputational impact for the local area dependant on the inspection outcome.

## **15. Asset and Property**

- 15.1 There are no asset and property implications.

## **16. Staffing and Human Resources**

- 16.1 There are no workforce implications.

## **17. Risks**

17.1 The currently identified risks in relation to inspection are outlined in para 7.1 above. In addition, there is a potential reputational risk for the local authority and its wider partners depending on the outcome of the inspection.

## **18. Finance**

18.1 There are no implications for revenue / capital as this report highlights work that is currently being undertaken by council services and wider SEND partners as part of discharging their statutory function.

## **19. Policy Framework Implications**

19.1 Any recommendations in this report are in line with current council policy and reflective of the statutory duties of the respective services.

## **20. Impact and Opportunities on Localities**

20.1 This is an inspection of existing local area services. There may be a reputational impact for some service providers based in particular localities dependant on the inspection outcome.

## **21. Background Documents**

21.1 N/A

## **22. Appendix**

1. Outcome of Joint local area SEND inspection
2. St Helens EHCP Quality Assurance Framework