

Report to: EXECUTIVE CABINET

Date: 28 September 2022

Executive Member: Councillor Leanne Feeley Executive Member (Learning, Achievement and Equalities)

Reporting Officer: Tim Bowman, Director of Education

Subject: SEND GREEN PAPER, WRITTEN STATEMENT OF ACTION UPDATE AND BUSINESS PROCESS REVIEW UPDATE

Report Summary: This report contains an overview of our response to the SEND Green Paper, an update on the progress of our Written Statement of Action including an updated position on the resources required to deliver the plan and a summary of the SEND Assessment Team Business Process Review and recommended next steps

Recommendations: That Cabinet take note of all updates and:

- (i) approve the requested resources as outlined in section 2.
- (ii) note the improvements to be followed as set out in the recommendations in the SEND Assessment Team Business Process Review at **Appendix 3**.

Corporate Plan: Early identification of high quality support for children and young people with special education needs and / or disabilities is a vital part of our living well and starting well objectives.

Policy Implications: None Identified

Financial Implications: Detailed financial work will need to be carried out to assess the outcome of consultation on the SEND Green Paper. The proposals on finance for national Top-up rates is welcomed. In Tameside we spend more on our top ups than our statistical neighbours and compared to national averages.

(Authorised by the statutory Section 151 Officer & Chief Finance Officer)

The WSOA agreed action plan requires additional financial resources to deliver in addition to those identified in March 2022 cabinet report.

No	Description	One Off	Continuing
3.2.1	Review of SEND offer content	9,000	2,250
3.2.2	Provision of Local Offer Website	40,700	22,500
7.1.3	SEND quality first teaching CPD		1,200
7.2	SEND Moderation of Practice	3,000	2,000
7.2.3	SEND/Inclusion reviews of practice	6,000	3,000
8.1.2	Provision of hard copy of Matching Provision to Needs document for all settings	4,000	
	Total Additional Funding	62,700	30,950

There is not sufficient budget within the service to pay for the above identified additional requirements.

As outlined in section 3, It is suggested that the review of caseworker’s workload with benchmarking covers both assessment and review in total the service has 9 SEND Caseworkers and 6 Education Health Care Plan writers supporting the whole process.

Legal Implications:
**(Authorised by the
Borough Solicitor)**

The report provides an update on 3 issues

- (a) send green paper;
- (b) written statement of action update; and
- (c) business process review update

It is important that in approving the additional request for budget members are satisfied that it will be delivered and represents value for money given there is little implementation detailed. The business process review needs to be implemented expediently and the Executive Member needs to have clear oversight so that where necessary further action can be taken.

Risk Management:

The drafting of the Written Statement of Action has been overseen by the SEND Improvement Group. This group, reporting to the Health and Wellbeing Board, includes senior officers from both the Council and CCG as well as Headteachers and Clinicians. The SEND

Improvement Group will continue to meet and will provide oversight of the delivery of this plan. In addition formal oversight will be provided by the Education Attainment and Improvement Board (EAIB) as well as via regular updates to Executive Cabinet. Effective use of data will be essential we will work closely with the Council's Transformation Team to achieve this.

**Background
Information:**

The background papers relating to this report can be inspected by contacting Charlotte Finch



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1. **LOCAL AREA RESPONSE TO THE SEND GREEN PAPER, CONSULTATION, “RIGHT SUPPORT, RIGHT PLACE, RIGHT TIME”**
- 1.1 The publication of the SEND green paper marked the start of a 13-week consultation process, which closed on 22 July 2022. All stakeholders, including Local Authority Special Education Needs and Disabilities teams (LA SEND), were encouraged to reflect on the proposals in the green paper and respond to the consultation. Tameside submitted a comprehensive consultation response to the green paper on 22 July.
- 1.2 The SEND review sets out the government’s proposals for a revised SEND system, intended to offer children and young people the opportunity to thrive, with access to the right support, in the right place, and at the right time, so they can fulfil their potential and lead happy, healthy and productive adult lives.
- 1.3 The review recognises that since the reforms to the SEND system in 2014, despite some examples of good practice, often the experiences and outcomes of children and young people are poor. Parents and carers report frustration at having to navigate an increasingly complex and adversarial system. Growing tension across the system is causing delays in accessing support and increasing financial challenges for local government. The Green paper sets out the government’s response to the widespread recognition that the system is failing to deliver for children, young people and their families.
- 1.4 The review identified 3 key challenges facing the SEND and alternative provision system:
1- Navigating the SEND system and alternative provision is not a positive experience for too many children, young people and their families.
2- Outcomes for children and young people with SEND or in alternative provision are consistently worse than their peers across every measure.
3- Despite the continuing and unprecedented investment, the system is not financially sustainable.
- 1.5 The review concludes that there is a need for much greater consistency in how needs are identified and supported, so decisions are made based on a child or young person’s needs in co-production with families, not on where they live or the setting they attend.
- 1.6 The green paper sets out a range of proposals to improve the experience of SEND children and their families, including measures to ensure consistent practice nationally, greater investment into the schools’ budget and a commitment to excellent practice, through excellent training and commitment to effective leadership and expertise.
- 1.7 The review sets out the intention to clarify the role of alternative provision and to make alternative provision an integral part of local SEND systems.
- 1.8 The green paper proposes a set of measures to clarify roles and responsibilities for all partners, across education, health, care and local government through the new national standards.
- 1.9 A more detailed overview of the green paper can be found by following the link. [Summary of the SEND review: right support, right place, right time - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/summary-of-the-send-review-right-support-right-place-right-time)
- 1.10 Tameside submitted our local area response to the Green paper on 22July. An overview of our submission is appended to this document, entitled “Tameside green paper Response.” (**Appendix 1**)
- 1.11 In responding to the green paper, stakeholders were asked to reply to 22 specific questions, exploring all elements of the review. Each question required a detailed response. In general, as an area we expressed support for the intentions and many of the proposals contained within the review paper. We also offered a range of our own suggestions to strengthen

systems and improve the experience of SEND children and their families, including the following:

- inspection regimes should link into the standards for all agencies, not just through SEND inspections but also in individual focussed inspections
- Detailed analysis of the impact of the covid pandemic on all SEND groups, and the consequent impact on the commission of provision for Low incidence high need SEND and indeed all SEND groups
- One national funding formula for all bandings, co-production of the new EHCP format with a clear intention to put the child's voice at the centre.

1.12 Whilst as an area, we were largely in agreement with the contents of the review paper, we expressed reservations and/ or concerns about some of the proposals. For example, the proposals around mandatory mediation could potentially add another layer into the system, creating another barrier to meeting need. We questioned whether this might create another "industry" around the SEND agenda rather than a restorative, co-production focus.

1.13 See the appended paper for response in full.

1.14 Later this year, following the completion of the consultation, the government will publish a national SEND delivery plan, setting out their response to the consultation and how the final proposals will be implemented.

2. UPDATE ON THE WRITTEN STATEMENT OF ACTION AND OUTLINES THE RESOURCES REQUIRED TO DELIVER THE PLAN EFFECTIVELY

2.1 Between 18 and 22 October 2021, Ofsted and the Care Quality Commission (CQC) conducted a joint inspection of the local area of Tameside to judge the effectiveness of the area in implementing the special educational needs and/or disabilities (SEND) reforms as set out in the Children and Families Act 2014.

2.2 We have received the findings report, published 11 January 2022, which is published and available publically. A link to the report is available [here](#) and from our [Local Offer webpage](#).

2.3 The outcome of the inspection was that a Written Statement of Action (WSOA) was required because of significant areas of weakness in the area's practice. Our initial WSOA was submitted on 12 April 2022, but unfortunately was not accepted. In a feedback session, Ofsted advised us how to improve the plan, emphasising the need to ensure the WSOA contained more measurable metrics and outcomes and that the outcomes clearly demonstrated how our work would have a positive impact on children and families. The WSOA was redrafted with this guidance and submitted on 17 June 2022. This second iteration was accepted on 1 July 2022. The local area were praised for the clear improvements noted in the second draft.

2.4 On 23 March 2022, we presented a paper to Executive Cabinet, asking that the Strategic Commissioning Board and Cabinet:

- Agree that the draft Written Statement of Action could be shared with DfE and NHS Improvement Advisors for final comment.
- Agree that a recommendation be made to Council for an additional investment of £275k
- Agree that a report be presented to the Strategic Commissioning Board seeking permission for an additional investment of £820k to provide adequate therapy provision and address waiting times for services including physiotherapy, occupational health and speech and language.

2.5 We also committed to return to the Strategic Commissioning Board with a further report following the submission of the Written Statement of Action outlining what if any further resource commitment is required to deliver the plan. Sections 2.3-2.8 below, set out the

identified additional resource required to deliver the WSOA. However, a full breakdown of all resources required, those already agreed and allocated from the CCG and TMBC, along with the additional resource requested via this report can be found in the appended document, entitled "Financial Implications". (**Appendix 2**)

- 2.6 Section 3.2.1 of the financial document appended relates to the local offer, and how it is helping to identify gaps in provision. Additional resource is requested to review the current content of the Local Offer with all partners and Parent and carer forum (OKE) to ensure it is fit for purpose, well publicised and accessible to parents, young people and professionals so that they understand what is on offer to meet their needs. An additional £9,000 is required for content review, consultation meetings with parents and carers, and travel expenses, with continued update and maintenance of content ongoing £2,250..
- 2.7 Also relating to the Local Offer, Section 3.2.2 of the financial document sets out the intention to develop proposals and business cases to move the local offer website to its own domain to allow for better search, tracking and reporting of use and gaps. In order to achieve this additional resources are required. A review of options for the website development is needed, however Market testing estimates the cost to be one off of £40,700 with an annual maintenance costs of £22,500.
- 2.8 7.1.3 of the financial document sets out the intent to deliver a joined up SEND Quality First Teaching CPD programme for classroom/subject practitioners. In order to achieve this an additional resource of £1,200 is required.
- 2.9 Section 7.2 of the financial document relates to best practice SEND provision and how it is identified and shared to ensure that children are prepared for the next stage of their education or life journey. To achieve this we aim to establish a model of 'moderation' of SEND practice and policy across all education settings. An additional resource of £5000 is required to deliver this, £3,000 in the first year with an annual maintenance cost of £2000. It is also in the plan to develop and establish peer SEND/Inclusion reviews of practice. An additional resource of £9,000 is required to deliver this aspect of the plan; the cost of developing the review process and training will cost £6,000, administration, £1,000 annually and training will cost £2,000 annually.
- 2.10 Section 8.1 of the financial document relates Thrive Matching provision to Need and our objective to fully embed it across Tameside. Specifically 8.1.2 sets out the aim to deliver training around the SEND Children Thrive: MPTN documents alongside the parent created leaflet. All educational settings will receive a hard copy of the MPTN document. An additional resource of £4000 is required for printing costs.
- 2.11 In total therefore, the request is for an additional funding to deliver the WSOA. £62,700 of this is required as a one off cost in the first year, with the remaining £30,950 recurring annually. As stated, a more detailed breakdown of all resources required to deliver the WSOA can be found in the financial document appended to this report

3. OVERVIEW OF THE SEND ASSESSMENT TEAM BUSINESS PROCESS REVIEW AND OUTLINES THE RECOMMENDED NEXT STEPS

- 3.1 Following the Local Area SEND report, and the development of the written statement of action, the service has commissioned a business process review to be undertaken by the Council's Transformation team. This is in recognition of the fact that robust effective processes, systems and digital enablers contribute to the service's overall effectiveness. The service highlighted their main concerns to be around volumes of work and associated backlogs, performance against statutory targets, management oversight and capacity and requested a clear process improvement action plan to be developed as an outcome to this review.

The final report, (full reported appended to this report and entitled “SEND Recommendations Report **Appendix 3**”) sets out an improvement action plan with recommendations around SEND operating systems, team structure and processes in order to provide a list of priority actions to ensure that statutory responsibilities can be met, to improve the customer journey and service provided. In line with the recommendations within the report, the next steps to immediately commence the improvement journey are set out below.

- 3.2 In the team, across both reviewing and statutory work, there are currently 4 caseworkers responsible for reviewing and monitoring EHCP’s annually and 3 EHC writers. With the current number of active EHCP’s if they were split equally across the team they would have approximately 270 cases each, which the report concludes is not a manageable workload. The recommendation therefore is to explore whether this is a reasonable workload, by completing a full benchmark and analysis exercise. Should those findings indicate that caseloads are untenable, it will be necessary to put forward a revised plan with any additional recommendations and identified solutions.
- 3.3 The administrative team is split into two admin assistants supporting the statutory side and two supporting the review team. Over the last 2 years the administrative team have been operating with three admin assistants and one temporary vacancy. This absence has had an impact on the workload and has meant that post review paperwork has not been processed in a timely manner. To improve the performance of the administrative team, it is recommended that focus should be made on system and process improvement rather than adding additional positions at this stage.
- 3.4 We estimate that completing this review has mitigated the introduction of 2 x grade C admin roles. This amounts to cost avoidance of £50,728.
- 3.5 Finally, the report recommends the following next steps
- ✓ *Communicate recommendations to service*
 - ✓ *Engage workforce to timeline, identify leads and deliver improvement plan*
 - ✓ *Establish monthly feedback process*
 - ✓ *Assess capacity with service after first quarter*
- 3.5 All recommendations are detailed in full within the appended recommendations report (**Appendix 3**).

4. CONCLUSION

- 4.1 Tameside submitted a comprehensive consultation response to the SEND green paper “*Right Support, right place, right time*” on 22 July, broadly expressing agreement with the intent and content of the paper, whilst also putting forward a range of improvement suggestions, and pointing out potential drawbacks, where appropriate.
- 4.2 The Written Statement of Action has now been approved by Ofsted and the CQC and the full delivery costs calculated. In total, the request is for an additional funding to deliver the WSOA. £62,700 of this is required as a one off cost in the first year, with the remaining £30,950 recurring annually.
- 4.3 The SEND Business process review has now been completed and recommendations and next steps identified. Permission is requested to proceed with the recommendations as set out in Section 3 above.

5. RECOMMENDATIONS

- 5.1 As set out at the front of the report.