

<b>Report title</b>	SEND Inspection Outcome Written Statement of Action	
<b>Decision designation</b>	RED	
<b>Cabinet member with lead responsibility</b>	Councillor Dr Mike Hardacre Education, Skills and Work	
<b>Key decision</b>	Yes	
<b>In forward plan</b>	Yes	
<b>Wards affected</b>	All Wards	
<b>Accountable Director</b>	Emma Bennett, Executive Director of Families	
<b>Originating service</b>	SEND Inclusion and Empowerment	
<b>Accountable employee</b>	Brenda Wile	Deputy Director of Education
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<b>Report to be/has been considered by</b>	Joint Children's Leadership Team	9 December 2021
	Cabinet Member Briefing	14 December 2021
	Strategic Executive Board	16 December 2021
	Children, Young People and Families Scrutiny Panel	6 January 2022

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### Recommendation for decision:

The Cabinet is recommended to approve:

1. The Local Area Written Statement of Action (WSOA) that is required to be submitted to Ofsted by the 16 February 2022 in response to the outcome of the Joint Inspection of the Local Area Special Educational Needs and Disabilities (SEND) services and provision conducted by Ofsted and the Care Quality Commission (CQC) between 20 and 24 September 2021.

### Recommendations for noting:

The Cabinet is asked to note:

- 1 That the Written Statement of Action requires some final detail to be added following feedback from Parent/Carer surveys, the Clinical Commissioning Group. The Written Statement of Action will be prepared as a final designed document prior to submission to Ofsted by the 16 February.

2. That the Written Statement of Action will also need sign off by the Clinical Commissioning Group governance structures as it is required to be developed as a co-produced document including input from a range of stakeholders following their engagement in the process through focus groups and surveys undertaken since the publication of the Inspection report and the DfE Senior Officials meeting with Local Area Leaders on the 29 November 2021.
3. The '6 Focus Areas' which will outline the actions to be taken to address the 'Areas of Significant Weakness' as identified in the SEND inspection report in Appendix 1.
4. The Joint SEND Strategy developed by the Wolverhampton SEND Partnership Board in 2020 and approved by the Cabinet and the Children and Families Together Board sets out the vision and key priorities of the Council and partners in the city to improve the lives of children and young people with SEND. Additional actions to those set out in the WSOA are also being closely monitored
5. The Strategy reflects the vision that Wolverhampton is an inclusive City where we work with children, young people, and their families with SEND so that they can achieve their full potential. It recognises that all children with SEND are individuals with aspirations to lead their own lives. While life for a child or young person with SEND and their family is anything but ordinary, the ordinary life principles are what extraordinary achievements are built on.

## **1.0 Purpose**

- 1.1 The report is presented to Cabinet to provide assurance to Ofsted and the DfE that the Written Statement of Action developed as the Local Area response to the SEND Inspection outcome has the support of the City Council.
- 1.2 The report also provides assurance to families that the Local Area is committed to improving services and provision for children, young people and families with SEND.

## **2.0 Background**

- 2.1 Between 20 and 24 September 2021, Ofsted and the Care Quality Commission (CQC) undertook an on-site inspection of Local Area SEND services in Wolverhampton to judge the effectiveness of the area in implementing the disability and special educational needs (SEND) reforms as set out in the Children and Families Act 2014.
- 2.2 Inspectors spoke with children and young people with SEND, parents and carers, and local authority and NHS officers. They visited a range of providers and spoke to leaders, staff and governors about how they were implementing the SEND reforms. Inspectors looked at a range of information about the performance of the area, including the area's self-evaluation. Inspectors met with leaders for health, social care and education. They reviewed performance data and evidence about the local offer and joint commissioning.
- 2.3 The report of the findings was published on the 12 November 2021 (Appendix 1).
- 2.4 As a result of the findings of this inspection and in accordance with the Children Act 2004 (Joint Area Reviews) Regulations 2015, Her Majesty's Chief Inspector (HMCI) has determined that a Written Statement of Action (Written Statement of Action) is required because of significant areas of weakness in the area's practice. HMCI has also determined that the local authority and the area's clinical commissioning group (CCG) are jointly responsible for submitting the WSOA to Ofsted.
- 2.5 The WSOA will outline how it will tackle the following areas of significant weakness:
  - a) weaknesses in identifying SEND when difficulties emerge for those at primary and secondary-school ages
  - b) the lack of accuracy in Education, Health and Care (EHC) plans and the delays in assessment, writing and review of those plans
  - c) the underdeveloped arrangements for jointly commissioning and providing the services that children and young people with SEND and their families need
  - d) weaknesses in implementing strategically planned co-production at every level when evaluating provision
  - e) weaknesses in the planning and support of transitions both within statutory school age and from statutory school age to post-19 and post-25

f) weaknesses in how the area shares information, including regarding support systems and the local offer.

- 2.6 It should also be noted that the inspection reported a significant number of strengths in the local area's provision of SEND services including how well the local area leaders were able to accurately self-evaluate these services and know what needs to be done to ensure timely improvements in the areas of weaknesses, building on existing action plans that were already in place prior to the inspection.
- 2.7 An initial meeting with the DfE was held on the 29 November to outline the requirements of the local area in producing the WSOA as well as the monitoring arrangements following Ofsted's agreement to the plan which is expected in early March 2022. Following approval of the WSOA the local area will work through the actions in the plan over a period of 18 months by which time there should be sufficient evidence for the regulators that the weaknesses have been addressed. The DfE will regularly monitor progress of the WSOA throughout the duration of the 18 month plan.
- 2.8 There may or may not be a further inspection visit to assess the local area arrangements as the DfE has not yet determined arrangements for monitoring of local areas with WSOA's when the current inspection framework expires in April 2022. This will be determined by central government with Local Areas advised by the DfE on next steps.
- 2.9 This item was considered as pre-decision scrutiny on 6 January 2022 by CYP Scrutiny Panel and will therefore not be available to call in once a decision is made by Cabinet.

### **3.0 Progress, options, discussion, etc.**

- 3.1 Cabinet are asked to consider if they accept that the actions outlined in the WSOA are those that will lead to an improvement in SEND services and provision in the Local Area.
- 3.2 Consultation with children, young people and families as well as schools and other stakeholders has been undertaken throughout the development of the WSOA through focus groups and surveys.

### **4.0 Evaluation of alternative options**

4.1 Example wording could be as follows:

- Option one would be to agree to the content of the WSOA. This would result in the WSOA being submitted to Ofsted by the required date of the 16 February 2022.
- Option two would be to not agree to the content of the WSOA and request further detail to be included. This could result in a delay to the submission of the WSOA to Ofsted.

## **5.0 Reasons for decision(s)**

- 5.1 The benefits of a favourable decision would provide confidence in the Local Area's determination to improve services and provision for SEND as outlined in the SEND Code of Practice and the SEND reforms as set out in the Children and Families Act 2014.
- 5.2 Risks in not taking the decision include increased oversight by Ofsted, the DfE and the CQC and a lack of confidence in the council and the CCG by parents, carers, children, young people and schools.

## **6.0 Financial implications**

- 6.1 At this stage there are no financial implications as the Written Statement of Action has been drafted by officers already employed by the Council and the CCG. Some local areas have opted to contract external consultants to undertake this work due to the time-consuming nature of the task however this was not considered necessary for Wolverhampton local area.
- 6.2 As the WSOA plan is delivered there may be a requirement for additional financial support for the procurement of a fit-for-purpose SEND IT system and an automated QA audit programme for EHC plans and annual reviews, in addition to that which may be available through the High Needs Block funding stream. The cost of replacing the overarching IT system has not yet been quantified as various system demonstrations and options are currently being appraised. The CYP Scrutiny panel have requested that they would fully support investment in a fit-for purpose IT system for SEND.
- 6.3 The cost of the QA audit programme for EHC plans and annual reviews including licence fees will be £25k per annum  
[TS/21122021/Q]

## **7.0 Legal implications**

- 7.1 The WSOA is necessary and in accordance with relevant legislation, under the Children's Act 2014 and Children Act 2004 (Joint Area Reviews) Regulations 2015, following the recent SEND inspection.  
[TC/10012022/A]212021/A]

## **8.0 Equalities implications**

- 8.1 There is not a requirement for the Written Statement of Action to have an Equality Impact Assessment however during the development of the plan advice will be sought from the Equality & Diversity service within the local authority. This is particularly important since the purpose of the Written Statement of Action is to address weaknesses in provision in the local area for a vulnerable and protected group. These SEND CYP are often disproportionately affected through exclusions and can also be considered as 'hard to place' in respect of school admissions and in other areas of school and wider life opportunities. For this reason we place additional focus on the monitoring of

performance data against all areas for development within the service areas ensuring that where there are gaps there are mitigations to address these.

## **9.0 All other implications**

9.1 The WSOA outlines some key appointments that will be made to address the issues that led to the Key Areas for Development and these will be funded through the High Needs Block funding stream or health funding provided by the CCG.

## **10.0 Schedule of background papers**

10.1 [Special Educational Needs and Disabilities in Wolverhampton CYP Scrutiny Presentation](#)  
13 October 2021.

10.2 [Children, Young People and Families Scrutiny Panel Paper](#), 6 January 2022

## **11.0 Appendices**

11.1 Appendix 1: The report of findings by Ofsted of the Local Area's effectiveness in delivering SEND support and provision.

11.2 Appendix 2: Wolverhampton Local Area Written Statement of Action