



Health and Wellbeing Board

14th July 2022

Title	Special Education Needs and Disability (SEND) Local Area Ofsted Inspection and Action Plan plus: Policy update from the Department for SEND Green Paper.
Report of	Chair of the Committee, Councillor Alison Moore
Wards	All
Status	Public
Urgent	No
Key	No
Enclosures	Appendix A – SEND Inspection Letter Appendix B – Post SEND Area Inspection Action Plan Appendix C - Post Inspection Congratulatory Letter from Will Quince MP (Parliamentary Under-Secretary of State for Children and Families)
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Summary

Between 17 and 21 January 2022, Ofsted and the Care Quality Commission (CQC) conducted a joint inspection of the local area of Barnet 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 and wrote a report of their findings.

In March 2022 the DfE its consultation Green Paper entitled "Right Support, Right Place, Right Time".

The purpose of this report is to give members of the Health and Wellbeing Board an understanding of these documents and the implications for health, education and social care service for Barnet.

Officers Recommendations

That the Health and Wellbeing Board:

- 1. Note the outcome of the SEND Local Area inspection by Ofsted and the CQC attached at Appendix A**
- 2. Note the Action Plan agreed at CES attached at Appendix B**
- 3. Note the Congratulatory Letter attached at Appendix C from Parliamentary Under-Secretary of State for Children and Families**
- 4. Note the contents of the DfE Green Paper “Right Support, Right Place, Right Time” and the potential implications for health, education and social care services in Barnet.**

1. Why this report is needed.

Between 17 and 21 January 2022, Ofsted and the Care Quality Commission (CQC) conducted a joint inspection of the local area of Barnet 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 and wrote a report of their findings. This paper reports those findings. The Government has launched a Green Paper on SEND and the Health and Well-Being Board need to consider its implications.

SEND Local Area Inspection

- 1.1 It is important that the members of the Health and Well-Being Board understand the outcome of the inspection and are clear about the proposed actions to achieve further improvement.
- 1.2 The inspection was led by one of Her Majesty’s Inspectors (HMI) from Ofsted, with a team of inspectors, including an HMI and a children’s services inspector from the CQC. As part of the inspection:
 - Over 400 parent carers completed the Ofsted/CQC survey
 - There were visits to 3 primary schools, 2 secondary schools, a special school and Barnet and Southgate College
 - Plus, conversations with 2 Out of borough schools (Suffolk and Gloucestershire)
 - Meetings with staff and voluntary groups working in the Early Years
 - The Inspectors audited a sample of EHCPs which they selected
 - An Inspector met with BING (Barnet Inclusion Next Generation – a group of young people with SEND who regular meet to discuss issues and give feedback on SEND services)
 - We sent them the SEF (Self Evaluation Framework), our large Evidence store (or over 200 documents) and some supplementary information
 - They met staff from BELS, Family Services and Health staff

Having gathered all the evidence, the inspection team wrote a report outlining their findings. The full report can be found at Appendix A.

- 1.3 22 Strengths and 7 Areas for Improvement were identified in the Report from Ofsted and the CQC. Due to the positive outcome, the area was not required to write a Statement of Action.

Summary of Strengths identified by the inspection team

- 1.4 The inspection confirmed that our self-evaluation was accurate and that we have a good understanding of our strengths and have prioritised the areas for improvement accurately. It also confirmed that we manage services effectively across education, health and social care.
- 1.5 They reported that children with SEND in Barnet enjoy their time in education and outside of school and that they like to live in Barnet and are well supported. Parents and carers are “typically positive about their children’s experiences in schools and colleges” and that the “education, health and care (EHC) plans make a positive difference in assessing and meeting their children’s needs.” Parents feel respected and valued as part of strategic and operational teams and our co-production work was highly praised. They saw that our Special Educational Needs and/or Disabilities Information and Advice Service (SENDIAS) was well established and effectively used and that parent/carers, children and young people and schools found the Local Offer website useful.
- 1.6 They reported that school and college leaders were complimentary about the leadership of SEND in Barnet and that they received the support needed. Our support throughout the Covid-19 period was praised. The multi-agency training offer was also very well received. The report recognised the improved collaboration between colleges, post-16 settings and secondary schools to assess young people’s needs making the move from secondary schools to post-16 providers more effective.

Summary of Areas for Improvement identified by the inspection and plans in place for improvement

- 1.7 Six of the seven Areas for Improvement were related to health services. An Action Plan has been formulated to address the areas for improvement which is shown in Appendix B
- 1.8 The one education related area for improvement related to outcomes in some EHC plans which do not “typically focus on the steps needed to help children and young people realise their wider hopes and ambitions.” To improve the Outcomes written in EHCPs to better reflect the aspirations of the children and young people we have:
- Amended the EHCP template to include the aspirations of the children and young people at the top of Section E (Outcomes) of the plan
 - Ensured there is a focus from professionals in their reports on transition to adulthood from Year 9 including outcomes related to helping children and young people achieve their ambitions
 - Ensured that there is input at SENCo training on purposeful transition, driven from children and young people's aspirations

- 1.9 One area for improvement related to antenatal contact with some expectant parents not being offered support. For all expectant parents to be offered an antenatal review so their health needs can be identified, the following actions will be put in place from September 2022:
- Parents to receive the full midwifery antenatal offer as part of the healthy child programme. Currently, the Health Visitors only offer a review to targeted parents identified as being vulnerable. A full antenatal review by a health visitor needs to take place.
- 1.10 One area for improvement related to waiting times for essential home equipment for children with SEND. To address this:
- The equipment pathway will be reviewed in order to expedite provision to patients
- 1.11 One area for improvement related to the wait time for specialist child and adolescent mental health (CAMHS) services and specialist autism assessments. To improve access to CAMHS services:
- Mental health community services are carrying out a review to determine priorities for each Borough in North Central London (NCL) which will include a gap analysis
 - Development of a patient treatment list across NCL to ensure that patients waiting for treatment can be identified by borough and service line to better target resources
- 1.12 The remaining four areas for improvement related to the availability of therapeutic provision in Barnet and the increased wait time for therapies. This has been mainly due to recruitment challenges across health services. This was a challenge for the previous provider, North East London Foundation Trust (NELFT), and is continuing to be a challenge with the new provider, Whittington Health. However, the following actions are being put into place to improve recruitment:
- New recruitment campaign underway [Join our Children and Young People's Services \(whittington.nhs.uk\)](https://www.whittington.nhs.uk) including use of social media
 - Developing an apprenticeship programme within Whittington Health
 - Whittington Health have invested in two new additional senior clinical posts
 - Shadowing opportunities within Whittington Health to grow their own and provide development opportunities
 - Increased banding (salary scale) for hard to recruit posts
 - Working with Whittington Health boroughs (Barnet, Haringey, Islington, Camden) to link up vacant posts
 - 'Golden Hello' to make posts more attractive
 - Attending job fairs at local universities
 - To work with schools and consistently communicate the offer available in order to improve the school working environment for therapists

Since taking over the contract Whittington Health have been successful in filling seven vacant posts with a further eight appointed to and going through the normal appointment

processes. This leaves seven posts currently vacant, some of which are being covered by agency staff.

In addition there are also actions in place to improve the retention rate of staff including support for well-being, staff surveys, buddy system, exit interviews, training needs analysis etc

1.13 **Monitoring of Action Plan**

The Action Plan will be monitored, evaluated and updated (where necessary) at the termly SEND Development Board Meetings and the SEND Partnership Board Meetings

DfE SEND Green Paper

1.14 In March 2022 the DfE published its consultation green paper entitled “Right Support, Right Place, Right Time”. The consultation closes on 22 July 2022. This Green Paper sets out a vision for a single, national SEND and alternative provision system that will introduce new standards in the quality of support given to children across education, health and care.

The green paper can be found at the below link:

[SEND Review - right support, right place, right time \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/consultations/send-review-right-support-right-place-right-time)

1.15 The Green Paper identifies three key challenges facing the SEND system. These are:

- That outcomes for children and young people with SEND or in alternative provision are poor
- Navigating the SEND system and alternative provision is not a positive experience for children, young people and their families
- And that despite unprecedented investment, the system is not delivering value for money for children, young people and families

Overview of proposals in the SEND and alternative provision green paper

1.16 Setting new national standards across education, health and care to build on the foundations created through the Children and Families Act 2014, for a higher performing SEND system

1.17 A simplified Education, Health and Care Plan (EHCP) through digitising plans to make them more flexible, reducing bureaucracy and supporting parents to make informed choices via a list of appropriate placements tailored to their child’s needs, meaning less time spent researching the right school

1.18 A new legal requirement for councils to introduce ‘local inclusion plans’ that bring together early years, schools and post-16 education with health and care services, giving system partners more certainty on who is responsible and when

1.19 Improving oversight and transparency through the publication of new ‘local inclusion dashboards’ to make roles and responsibilities of all partners within the system clearer for parents and young people, helping to drive better outcomes

- 1.20 A new national framework for councils for banding and tariffs of High Needs, to match the national standards and offer clarity on the level of support expected, and put the system on a financially sustainable footing in the future
- 1.21 Changing the culture and practice in mainstream education to be more inclusive and better at identifying and supporting needs, including through earlier intervention and improved targeted support
- 1.22 Improving workforce training through the introduction of a new SENCo NPQ for school SENCos and increasing the number of staff with an accredited level 3 qualification in early years settings; and
- 1.23 A reformed and integrated role for alternative provision (AP), with a new delivery model in every local area focused on early intervention. AP will form an integral part of local SEND systems with improvements to settings and more funding stability.
- 1.24 The proposals are backed by new funding to implement them, worth £70 million. This will build on the £9 billion government investment in local authority high needs budgets next year and £2.6 billion for new places for children with SEND over the next three years.
- 1.25 The emphasis is on providing the right support to children in the right place and at the right time by:
 - Boosting confidence in the system and raising standards all over the country
 - Changing the culture of mainstream education, putting it on a par with specialist settings
 - Streamlining the system from the early years to post-16 so that every pupil receives a good foundation in support all the way through their education
 - Requiring the different services involved in providing support for children with SEND, from schools and councils to healthcare providers, to work more closely together increasing accountability and scrutiny
 - Ensuring the SEND system is financially sustainable by making sure funding is targeted where it makes the most difference.

Implications for Barnet

We are already well placed to respond to the ambition of the SEND Green Paper. The corporate ambition of the Education and SEND Strategies sit firmly within the Green Paper. Our recent SEND Area Review carried out by Ofsted confirmed that outcomes were strong for children with SEND in Barnet and provision was generally highly effective.

Mainstream Schools

1.26 New National Standards

Proposed new national standards will set out “when needs can and should be met effectively in mainstream provision” and what support should be available. The government will “steward and regulate” the system.

1.27 **Contextual Information**

School performance tables will also be updated to consider “contextual information” about a school alongside its results data. This will “make it easier to recognise schools” that are “doing well for children with SEND”.

1.28 **Alternative Provision**

Mainstream schools will have a “clear, tiered package of support” for Alternative Provision. 3 tiers of support:

- “targeted support” for children whose needs “lead to behaviour that disrupts theirs or others’ learning”
- “time-limited” placements in AP for those who need more “intensive support” to address behaviour or anxiety and “re-engage in learning”. Pupils would be dual-registered, and “supported to return to their original school as soon as is appropriate”
- transitional placements for children who won’t go back to their old school, but will be supported to transition to a different school “when they are ready, or to a suitable post16 destination”

We welcome the focus on Alternative Provision within the Green Paper and we propose to carry out a full evaluation of our alternative provision in Barnet to ensure that it meets the requirements of the Green Paper.

Barnet LA

1.29 **National SEND standards**

Under the proposals, the government would introduce national SEND standards, standardised education, health and care plans (EHCPs) and national funding bands.

1.30 **Single National Formula**

Rather than councils setting “notional” special educational needs budgets for their schools, the Department for Education would instead use a “single, national formula”. The government will decide who pays for support and how councils set funding levels, but it plans to consult on whether some “local flexibility” is required. We understand the rationale for the single national formula but would seek some local flexibility regarding implementation.

1.31 **Mediation**

Families and councils must engage in mediation on disputes over EHCPs before registering an appeal in the first tier tribunal. We welcome these proposals if they reduce the number of tribunals.

1.32 **Tailored List of settings**

Parents will also be offered a “tailored list” of settings for their child. Councils will allocate the “first available place” in order of the parents’ preference, but the settings “may be

outside” the council region. We await further details of this proposal and how the “tailored list” will be decided upon.

1.33 **DfE Regions Group**

The DfE’s new “regions group” – the rebranded regional schools commissioners – will be responsible for holding councils and trusts to account on delivering for children and young people with SEND.

Health Implications from the Green Paper

1.34 **Integrated Care Boards**

From July 2022, under the Health and Care Act, the majority of functions currently performed by clinical commissioning groups (CCGs) will be conferred to newly constituted Integrated Care Boards which sit within Integrated Care Systems. We note the proposal in the paper to provide ‘statutory guidance to Integrated Care Boards (ICBs) to set out clearly how statutory responsibilities for SEND should be discharged’ including that ICBs must identify an Executive Lead for SEND who will sit on the Board.

ICBs will also have a duty to cooperate with local authorities and proactively provide input and shape local strategic planning and be responsible for funding and delivery of local health provision to meet the needs of children and young people with SEND. The Health and Care Bill also provides intervention powers for NHS England where ICBs are found to be failing.

1.35 **Designated Officers**

There will be greater clarity on the ‘strategic and operational functions’ at both borough and Integrated Care System level of the role of Designated Clinical Officers (DCOs) and Designated Medical Officers (DMOs). This will be reflected in the revised SEND Code of Practice and the revised title of ‘Designated Health Officer’.

Data Sharing

The paper signals that work is underway with NHS England to develop and introduce tools that will facilitate improved data sharing across education and health partners. This will enable data to be shared safely and effectively with relevant partners, such as healthcare practitioners and early years settings.

1.36 **Workforce**

There will be analysis commissioned to better understand the support that children and young people with SEND need from the health workforce in order that this can inform and ensure a focus on SEND in health workforce planning.

Barnet response to the specific challenges identified in the Green Paper

1.37 **Challenge 1: outcomes for children and young people with SEN or in alternative provision are poor**

- Children in Barnet with SEN do well comparative to nationally, however, detailed investigation of data for vulnerable groups (including those in alternative provision) would be advantageous to consider how we could do even better for all children and young people in Barnet with SEND i.e. Black African/Caribbean boys, children and young people known to REACH
- Preparing for Adulthood – we need to ensure we have sufficient support for the transition from Post 16 into Employment, Education and Training (EET.)

1.38 Challenge 2: navigating the SEND system and alternative provision is not a positive experience for children, young people and their families

- We will continue to work with Barnet Parent Carer Forum (BPCF) and other parent groups in Barnet to ensure continued parental confidence in the SEND system in Barnet
- The good percentage of parents who respond to the Education Health and Care Needs Assessment (EHCNA) survey provides us with useful feedback
- We plan to introduce half-termly zoom drop-in sessions for parents whose children are having an EHC needs assessment in order for them to ask questions and share any concerns or worries

1.39 Challenge 3: despite unprecedented investment, the system is not delivering value for money for children, young people and families

As a result of concerns about SEN funding in mainstream schools, ten Barnet headteachers met with the Director of SEND and Inclusion earlier this year to form an SEN Funding Working Group to look at some options for additional funding for mainstream schools in certain circumstances. Comparison top-up rates from other local authorities were looked at by the group, with the conclusion that Barnet's top up rates are roughly at a midpoint when compared with other local authorities.

£526,774 were budgeted in the 2022/23 Budget to cover the costs of the recommendations.

The recommendations from the group, which were accepted by Schools Forum, were as follows:

- **Fair Share and SEN Notional Funding.**
Where the funding for EHCPs in a mainstream school is 60% or more of the SEN notional funding and the school has a deficit budget, the school will be given additional funding. The amount of funding will be determined by the number of EHCPs and the banded funding rates for the EHCPs, taking account of the school's SEN Notional funding and deficit budget.
- **Full funding of pupils in mainstream schools awaiting specialist placement**
The Schools Forum agreed the following criteria:
Funding would be from the term after the specialist placements panel where it is agreed that a specialist placement is appropriate. This is for pupils who have an EHCP and who have Banded funding of 'D' or above. The maximum top-up funding a school could receive would be £18,000.

- **Exceptional Circumstances Funding for pupils in the process of receiving an EHCP**

The Schools Forum agreed the following criteria:

This would only be applied to pupils where the school's provision map shows a need for Banded funding of 'D' or above. Schools will need to request this and provide the evidence to support the request for early funding. EHCP top-up funding to start 6 weeks early (i.e. at 14 weeks of the process), after the decision to issue has been made.

- **Wording of the EHCP**

The final recommendation does not include additional funding for mainstream schools, but it does enable schools to use their SEN funding more flexibly, whilst at the same time ensuring that EHCPs are compliant with the SEND Code of Practice, ensuring that provision is individualised to the needs of the child, specific and quantifiable. Currently, the wording in the EHCP is: "The funding will support X amount of hours a week based on Banding TA hours. To be provided to ensure that all needs are met and (child's name) makes measurable progress". The agreed change to the wording in the EHCP is: "The funding will support X amount of hours a week based on Banding TA hours. This could be delivered in a range of ways, according to the needs of the child, including small group work, paired work, or short bursts of targeted 5 intervention with an adult. The support provided will be designed to ensure that all needs are met and (child's name) makes measurable progress.

2. Reasons for Recommendations

- 2.1 The Report informs the committee of the main findings from the SEND Ofsted and CQC Inspection of the Local Area. As the regulatory bodies for our SEND provision, it is appropriate for the committee to note the strengths and areas for improvement and to reassure themselves that appropriate actions are planned to make the necessary improvements.
- 2.2 The Report informs the committee of the main aspects of the Green Paper to begin to plan our response.
- 2.3 Barnet is already well placed to respond to the ambition of the Green Paper. There is already a very strong sense that we do already undertake our role as the 'Champion of Children' and have a strong system of challenge and support to all schools. The corporate ambition of the Education Strategy and SEND Strategy sits firmly within the Green Paper.
- 2.4 Barnet is also well placed in the following ways:

Strong teams in BELS and Children's Services:

- The reputation of the BELS and Children's Services teams is high across all schools and settings in Barnet with good collaboration across services and schools. These teams are well placed to respond to the implementation of the Green Paper

Strong partners within Barnet.

- Established partnership between education, social care and health
- We have strong partnership boards in existence to oversee the Green Paper
- Our strategies are robust, regularly reviewed and co-produced

3. Alternative options considered and not recommended

3.1 None

4. Post decision implementation

- 4.1 The Green Paper will be discussed with schools at upcoming meetings in the Summer Term, following agreement from this Committee.
- 4.2 The SEND Inspection Action Plan will be implemented in line with the timescale outlined within the document and will be monitored by the relevant Boards.

5. Implications of decision

5.1 Corporate Priorities and Performance

- 5.1.1 The quality of the education offer in Barnet is at the heart of Barnet's continuing success as a place where people want to live, work and study. It plays a crucial part in making Barnet a popular and desirable place with many families attracted to the area by the good reputation of Barnet's schools.
- 5.1.2 Excellent educational outcomes and ensuring children and young people are equipped to meet the needs of employers are key to delivering the Council's strategic objectives set out in its Corporate Plan, Barnet 2024, based on the core principles of fairness, responsibility and opportunity to make sure Barnet is a place:
- of opportunity, where people can further their quality of life
 - where people are helped to help themselves, recognising that prevention is better than cure
 - where responsibility is shared fairly
 - where services are delivered efficiently to get value for money for the taxpayer
- 5.1.3 The London Borough of Barnet's Education Strategy 2021-2024 sets out that good leadership and governance is a key driver to the achievement of the improvement of schools and educational outcomes.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 At this stage the resources required to respond to all the elements of the Green Paper are unknown but will become clear once the consultation period is over and SEND delivery plan has been produced by the government. The work to maintain and improve services and implement the SEND Strategy (2021 – 2024) is delivered from within existing resources of the council and partner organisations.

5.3 Legal and Constitutional References

- 5.3.1 Article 7: Committees, Forums, Working Groups and Partnerships of the council's constitution states that the committee has responsibility for all matters relating to children, schools, education and safeguarding.
- 5.3.2 Section 7 of the Education Act 1996 places a duty on parent/carers of children of compulsory school age to ensure that their children receive an efficient full-time education suitable to their age, aptitude and ability and any special educational needs they may have either by regular attendance at school or otherwise.
- 5.3.3 The Council has duties under the Children and Families Act 2014 in relation to children with special educational needs and disabilities (SEND). There is a statutory requirement for the Council to have a SEND Strategy and to keep it under review.

5.4 Insight

- 5.4.1 N/A

5.5 Social Value

- 5.5.1 Public Services (Social Value) Act 2013 requires people who commission public services to think about how they can also secure wider social, economic and environmental benefits. Before commencing a procurement process, commissioners should think about whether the services they are going to buy, or the way they are going to buy them, could secure these benefits for their area or stakeholders.

5.6 Risk Management

- 5.6.1 The Risk Register for the education service includes a risk that poor forward planning means that adequate high quality provision is not in place for children and young people with Special Educational Needs resulting in a failure to meet their needs locally. To control against this risk, the SEND Strategy 2021-2024 includes priorities for planning provision and making improvements and future provision planning is regularly updated through the Barnet Special Educational Places Plan.

5.7 Equalities and Diversity

The Council has a duty contained in section 149 of the Equality Act to have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it

The protected characteristics are:

- age
- disability
- gender reassignment

- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

In reviewing the arrangements for the education of pupils with special educational needs and for the use of pupil referral units and the education of children otherwise than at school, ensures that the particular needs of vulnerable children and young people are championed.

5.8 Corporate Parenting

A disproportionate number of looked after children have special educational needs. Ensuring provision is strong in our schools and appropriate arrangements are in place for children and young people with special educational needs and disabilities will thus be of clear benefit to significant numbers of looked after children

5.9 Consultation and Engagement

The Green Paper is a consultation document

5.10 Environmental Impact

N/A

6. Background papers

- 6.1 The DfE SEND Green Paper – March 2022 [SEND review: right support, right place, right time - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/send-review-right-support-right-place-right-time)
- 6.2 Ofsted and CQC Report on Barnet Local Area [50179970 \(ofsted.gov.uk\)](https://www.ofsted.gov.uk/reports/50179970)
- 6.3 Post SEND Inspection Action Plan spreadsheet Appendix A
- 6.4 Barnet Education Strategy 2021-2024
https://www.barnet.gov.uk/sites/default/files/01_barnet_education_strategy_2021-2024.pdf
- 6.5 Schools and Settings Improvement Strategy 2021-2024
https://www.barnet.gov.uk/sites/default/files/02_barnet_school_and_settings_improvement_strategy_2021-2024.pdf
- 6.6 SEND Strategy 2021-2024
https://www.barnet.gov.uk/sites/default/files/send_strategy_2021-2024_.pdf
- 6.7 Pupil Place Planning Strategy
https://www.barnet.gov.uk/sites/default/files/04_barnet_school_place_planning_report_30.11.20.pdf