

Divisions Affected – ALL

**CABINET**  
**20 June 2023**  
**SEND SUFFICIENCY AND LGSCO FINDINGS REPORT**

**Report by**    **Executive Director – People, Transformation and Performance**

**RECOMMENDATION**

1. The Cabinet is asked to note the contents of the report setting out the updated SEN sufficiency strategy and the learning from the recent Local Government and Social Care Ombudsman decision reference 22 000 090.

**Executive Summary**

2. The Council has a duty for the provision of sufficient school places, including those for children with special educational needs. All Councils must keep its educational provision under review to ensure the provisions available are sufficient to meet the needs of its children and young people. The Council has recently updated its Special Educational Needs' School Places Sufficiency Strategy, [SEN Sufficiency Strategy March 2023 \(pdf format, 2.3Mb\)](#).
3. The Council's Special Education Needs service during 2021 and 2022 was delayed in its handling of the production of a child's education, health and care plan. Also during that period the child was not provided with education between April 2022 and December 2022. The service, following the intervention by the Local Government and Social Care Ombudsman, addressed the handling of the request for the child's school place and has identified points of learning and service improvement opportunities which are identified later in this report.

**Introduction**

**Sufficiency Plan.**

4. The Council has been delivering the following additional provision;
  - I. A rolling programme of special school expansions over the last ten years has added over 270 places, including through the rebuilding of two Oxford schools. The next phase of planned expansions will add at least 60 further places across four schools.
  - II. A new ASD school (aged 9 – 19) for the most complex needs, providing 32 places, was opened in 2014.
  - III. Two further new schools are underway, due to open 2024 / 2025, with funding already allocated through previous successful Department for Education Free School applications, supplemented by Section 106 funding secured by the council namely:
    - a. Bloxham Grove Bloxham, SEMH/ASD, 118 places
    - b. A new special school in Faringdon, SEMH/ASD, 118 places.

5. Also, OCC bid to establish two further new special schools applying to a DfE Capital Fund in December 2022. Those bids were unsuccessful, but steps are being taken to deliver both those new schools using other funding provided by the DfE.
6. OCC published its SEND Sufficiency Strategy, which covers the period 2018 to 2027. That Strategy document has been updated in 2023, please see [Annex A](#).

### **Service Improvement and Learning**

7. The Local Government and Social Care Ombudsman (LGSCO) handled a complaint from an Oxfordshire County Council school parent about the provision of a child's school place under reference 22 000 090. The LGSCO findings were as follows; "Ms X complained about delays in the annual review process for her daughter, Y, that the Council was not providing Y with suitable education and about poor complaint handling. The Council is at fault. It has not provided Y with suitable education between April and December 2022, delayed finalising Y's Education, Health and Care (EHC) Plan and handled Ms X's complaint poorly. It will now finalise Y's EHC Plan and pay Ms X £1800 in recognition of Y's lost educational provision and £500 for distress caused to her. It should also act to improve its services."
8. The original decision was provided on 18 January 2023 and actions are typically required within 3 months of the decision date. The Ombudsman is aware of that, and understands why, the action to discuss the findings of this case at an appropriate committee or cabinet meeting is taking place outside the prescribed timescales.
9. The service has provided the payments to Ms X. Her child's EHC plan was finalised in January 2023 naming her local mainstream primary school.
10. There is an established service improvement regime which has arisen from a strategic overhaul of the issues with meeting statutory timeframes within the Education Health and Care Needs Assessment process. Between January and May 2023 the service processed almost 500 new requests for an EHC Needs Assessment. During that period timeliness in undertaking the assessments improved from 13% to 34% and this continues to improve. In 2022 the national figure was 60%. There is still further improvement to be delivered to ensure the Oxfordshire service to children and families at least equals or exceeds the nationwide service measure. As stated the service has already started to improve in this area and has further plans utilising additional funding for improvement agreed by Cabinet and received initially in February 2023. The focus will be on improved staffing levels, retention of experienced staff, workforce remodelling and improved processes and timeliness.
11. The case led to Y having a period of time out of education. The department has taken the opportunity of team, service and department wide meetings to deliver training that highlights the duty under Section 19 of the Education Act

1996 (Section 19 of the Act). Section 19 of the Act states, local authorities shall make arrangements for the provision of suitable education at school, or otherwise than at school, for those children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them. New standard operating procedures to address Section 19 of the Act, co-produced by all teams with the involvement of children not accessing education, have been rolled out within the department.

12. In handling complaints, the SEND service has been working closely with the Customer and Culture Team to improve response times in order to meet corporate timescales. Also, the wider improvements identified in paragraph 10 are ensuring that fewer families have a reason to follow a complaints process. Providing additional school places in more and better locations throughout the county will facilitate access to suitable placements and reduce the home to school journey.

### **Financial Implications**

13. The delivery of new special educational needs places is through capital funding from the Department for Education when it meets 'basic need' thresholds and there have been opportunities for specific funding bids to the Department. Also, some funding is achieved from Section 106 agreements. The Council has full oversight of any expenditure in this area through its Capital Programme.

Comments checked by: Danny Doherty, Interim Finance Business Partner,  
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### **Legal Implications**

14. The Council has been required to consider the outcome of an Ombudsman Investigation decision as it would pertain to a Report in accordance with s31(2) Local Government Act 1974. This report fulfils that requirement.

Comments checked by: Paul Grant, Head of Legal and Deputy Monitoring Officer, paul.grant@oxfordshire.gov.uk

### **Equality & Inclusion Implications**

15. There are no impacts for equality and inclusion.

### **Sustainability Implications**

16. There are no impacts for sustainability.

**Risk Management**

17. The changes arising from the LGSCO decision and learning from this case

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## **Annex A**

### **Local Area SEND Strategy**

The Local Area SEND Strategy for children and young people aged 0 – 25 years. Strategic overview

Oxfordshire has developed a Local Area SEND Strategy for children and young people aged 0 – 25 years who have Special Educational Needs or/and Disability (SEND). It sits alongside our Health and Wellbeing Strategy, which in turn is informed by our Joint Strategic Needs Assessment (JSNA).

It was produced by the SEND Strategy Development Group, with representatives from Oxfordshire County Council (education and social care), NHS Oxfordshire Clinical Commissioning Group, education settings and Oxfordshire Parent Carers Forum.

A public consultation on the Local Area SEND Strategy ran from mid-January to mid-March 2022. The responses to the consultation indicated overwhelming support for the five strategic objectives. A report summarising the consultation will be published by mid-June 2022.

Implementation plans will take into account parental feedback, will be developed in coproduction, and remain consistent with the strategic objectives. In addition, impact measures for the Local Area SEND Strategy are in development in order to help us to monitor our progress.

**[Oxfordshire Local Area Special Educational Needs and Disability \(SEND\) Strategy 2022-2027 \(.pdf format 7.07 MB\)](#)**

### **Oxfordshire SEND Sufficiency Delivery Strategy 2022/23-2026/27**

This strategy sets out Oxfordshire County Council's planning framework for the delivery of additional school-based capacity to meet the needs of children and young people with Special Educational Needs and Disabilities. It complements the Oxfordshire Local Area SEND Strategy and is aligned with the DfE Delivering Better Value (DBV) Programme.

**[SEN Sufficiency Strategy March 2023 \(pdf format, 2.3Mb\)](#)**