

Divisions Affected – All

CABINET

17 OCTOBER 2023

REPORT OF THE PEOPLE OVERVIEW & SCRUTINY COMMITTEE: Local Area SEND Inspection

Cllr Nigel Simpson
Chair of the People Overview & Scrutiny Committee
October 2023

RECOMMENDATION

1. The Cabinet is **RECOMMENDED** to —
 - a) Agree to lead on developing a Local Area Partnership-level response to the recommendations contained within this report, and
 - b) Agree that relevant officers will continue to update Scrutiny for 12 months on progress made against actions committed to in response to the recommendations, or until they are completed (if earlier).

REQUIREMENT TO RESPOND

2. In accordance with section 9FE of the Local Government Act 2000, the People Overview & Scrutiny Committee hereby requires that, within two months of the consideration of this report, the Cabinet publish a response to this report and its recommendations.

INTRODUCTION AND OVERVIEW

3. As the report of the Local Area Special Educational Needs and Disabilities (SEND) Inspection had not been published when the People Overview & Scrutiny Committee ('the Committee') met on 14 September 2023, the Committee resolved to convene an extraordinary meeting to consider it.
4. The Committee met on 2 October 2023 and invited the Interim Executive Director: People, Transformation, and Performance, Stephen Chandler, ('the Interim Executive Director') and the Interim Corporate Director: Children's Services, Anne Coyle, (the Interim Corporate Director') to attend to present the cover report which set out the indicative action plan development process and proposed governance arrangements and to answer the Committee's questions.

5. The Committee was grateful that the Leader of the Council, Cllr Liz Leffman, ('the Leader') as well as the newly-appointed Cabinet Members for Children, Education, and Young People's Services and for SEND Improvement, Cllr John Howson and Cllr Kate Gregory, also attended.

SUMMARY

6. During its meeting, the Committee heard from several parents and one young person about their experiences of SEND provision in Oxfordshire and the Committee was grateful to them for sharing their very moving experiences.
7. The Leader introduced the report by thanking the public speakers and by acknowledging that the Council had consistently let down parents over a long period of time and that the Council accepted the report in full. The Leader expected to see significant improvements in a very short period of time and was grateful to the Interim Executive Director and the Interim Corporate Director for their work on the Priority Action Plan ('the Plan') for the Local Area Partnership ('the LAP') which was due to be submitted by 27 October 2023.
8. The Committee recognised that the inspection was of the Local Area Partnership as a whole and the Priority Action Plan is the plan of the LAP as a whole. The Committee noted that the Joint Health Overview and Scrutiny Committee ('HOSC') had considered the report at its meeting on 21 September 2023 and that its questions focused on the partnership and on the health-related aspects of SEND provision. The Committee focused its questions more on education matters and on the Council's provision.
9. The Committee was pleased to hear an unequivocal acceptance of the report and the apologies made on the Council's behalf and of the resolve and commitment to rapid and systemic improvement. The Committee welcomed the ongoing openness to scrutiny of the Interim Executive Director and the Interim Corporate Director. At the same time, the Committee was conscious of the fact that the core leadership team is largely made up of interim appointments and that stability and continuity would be of benefit.
10. The Committee heard, and noted in the Ofsted report, that "[l]eaders openly acknowledge the urgent need for a 'reset' to repair the fractured relationships with parents and carers and other stakeholders." The Committee agreed that was essential. The Committee also heard a commitment to improving culture. The poor communication cited in the report had hindered the building of successful relationships and an element of restorative thinking and of building anew successful partnerships with families and with other stakeholders was key. This should include a commitment to co-production and a preparedness to engage with suggestions made by those who did not necessarily have an official relationship with the Council but did have positive contributions to make. Timely, clear, and charitable communication would be essential and the Committee was pleased to hear of the quality assurance work being undertaken in the area of responses to complaints.

11. The Committee considered that one factor was the difference between the strategic ambitions and the operational happenings and that one important element that would be helpful in improving the culture would be to conduct an audit of training available and to consider whether and where improvements were needed. One area that should be considered was whether the right training was provided by the right people in the right place, particularly in relation to neurodivergence.
12. One challenge of which the Committee was aware was the difficulties for small groups and organisations of providing support for those with SEND in the community. Many make a real difference but the limitations of funding are such that continued engagement is problematic. The Committee noted the existence of the Connected Communities Fund and called on the Council to consider how seed-funding could be appropriately paid out to groups to enable growth and sustainability.
13. The Committee commended the effectiveness of the outreach work undertaken by special schools in the county and considered it would be valuable were the Council to work with them to consider how best that work could be strengthened and extended.
14. The Committee discussed the situation with Education and Health Care Plan tribunals and explored if it would be appropriate to recommend that all applications for tribunals should be paused. The Committee was pleased to hear that a number of control measures had been put in place which should ensure that the number of tribunals should reduce markedly and that no such application would be undertaken without the agreement of at least the Deputy Director.
15. The Committee was keen to explore how it could best work with HOSC to scrutinise Children and Adults Mental Health Services ('CAMHS'), the challenges it was facing, and the resultant impact on children and families.
16. The Committee was very conscious that the report was a result of the inspection of the Local Area Partnership as a whole. That meant there was a challenge in identifying who was ultimately responsible for leading and holding to account. One of the challenges for the LAP would be to ensure that its leadership and responsibility was clear. The Committee observed that it was very important to build strong relationships with key partners across the LAP.
17. The Committee established that the Priority Action Plan would be shared with Cabinet before it was submitted to the Department for Education. The Committee emphasised that it was imperative that members of the Committee but also of the Council more widely were aware of the content of the Plan at the earliest opportunity to enable appropriate oversight and engagement. The Committee recognised, however, that there would be a fluidity and flexibility to the Plan up to the point of submission. The Committee also recognised that the Plan would be a high-level one but that there would be detailed tracking of the actions thereafter.

RECOMMENDATIONS

18. The summary of the discussion above sets out the particular themes the Committee drew out in its discussion and the areas for recommendations it sought to make. It provides the context for the recommendations as made by the Committee.
19. As stated in the report to Cabinet from HOSC, these recommendations of the People Overview and Scrutiny Committee are made jointly with HOSC and are addressed to the LAP as a whole. The Committee would welcome the same responses being provided to each Committee.

Recommendation 1: For Leadership over the Partnership and of Children and Young People's SEND provision to be explicitly set out and communicated clearly to families and all stakeholders; as well as clear measures of how leadership will be developed and demonstrated at all levels, and to demonstrate how new ways of working with stakeholders will put families at the heart of transformation.

Recommendation 2: To ensure good transparency around any action planning and the improvement journey for SEND provision for Children and Young People, and to develop explicit Key Performance Indicators for measuring the effectiveness of improvements that are open to scrutiny. The committee also recommends for more comprehensive action planning after the publication of the initial action plan requested by Ofsted, and for this action planning to be made fully transparent.

Recommendation 3: For the Leadership to adopt restorative thinking and practices with utmost urgency so as to reassure affected families, and for this thinking to be placed at the heart of any coproduction exercises to help families feel their voices are being heard as well as for the purposes of transparency.

Recommendation 4: To ensure adequate and timely co-production of action planning to improve SEND provision, and for the voices of Children and their families to be taken into account in tackling the systemic failings highlighted in the report. The committee also recommends that the Partnership considers timely allocation of seed funding for the development of co-production involving people with lived experience; and for joint commissioning of training and alternative provision across Oxfordshire, involving multi-agency stakeholders, the voluntary sector and families.

Recommendation 5: To continue to improve working collaboration amongst the Local Area Partnership so as to integrate support mechanisms and services as effectively as possible, and for rapid improvements to be demonstrated on clear and efficient information and patient-data sharing on Children with SEND.

Recommendation 6: For every effort to be made for children and young people with SEND to receive the support that is specifically tailored toward and appropriate to their own needs and experiences; and for those involved in providing support services to be aware of the additional/alternative services available which a child may also need a referral to. It is also recommended that improvements in one-to-one communications with families should be prioritised by Oxfordshire County Council, using the budget agreed by cabinet immediately following the Ofsted report.

Recommendation 7: To consider the use of digital resources for enablement, including at an individual level; and to ensure EHCPs are up to date and that they constitute living documents for families.

NEXT STEPS

20. The People Overview & Scrutiny Committee will review the published Cabinet response to this report and its recommendations at the meeting of the Committee after Cabinet's response in accordance with part 6.2, 13(f), of the Constitution of the Council.
21. The Committee will be considering the progress made against the Priority Action Plan, and SEND Improvement more widely, at subsequent Committee meetings during the coming year.

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Annex: Overview & Scrutiny recommendation response pro forma