

Divisions Affected – All

CABINET

17 October 2023

Local Area Partnership SEND Report 2023 Report of the Oxfordshire Joint Health Overview and Scrutiny Committee

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.
 - b) Agree that the Leader; the Cabinet Member Children, Education and Young People's Services; the Cabinet Member for Special Educational Needs and Disabilities (SEND); and relevant officers will continue to update HOSC for 12 months on any progress made against these recommendations in light of some of the systemic failings highlighted in the Local Area Partnership SEND report published by Ofsted and the Care Quality Commission (CQC).

REQUIREMENT TO RESPOND

2. The Health and Social Care Act 2012 and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 provide that the committee may require a response from the responsible person to whom it has made the report or recommendation and that person must **respond in writing within 28 days of the request.**

INTRODUCTION AND OVERVIEW

3. The Joint Health and Overview Scrutiny Committee considered a report that was published by Ofsted and the CQC on Special Educational Needs and Disabilities (SEND) provision for children within Oxfordshire during its meeting on 21 September 2023.
4. The Committee would like to thank the Leader Cllr Liz Leffman; Cllr Liz Brighouse, the then Deputy Leader and Cabinet portfolio holder for Children, Education and Young People's Services; Stephen Chandler (Executive Director for People, Transformation, and Performance); Anne Coyle (interim Director for Children's Services); Rachel Corser (BOB ICB's Chief Nursing

Officer); and Daniel Leveson (BOB ICB Place Director for Oxfordshire) for attending and answering questions in relation to the report.

5. The Committee recognises the successes highlighted in the Ofsted/CQC report in relation to looked after children, disability services, early years, and SENDIASS; and notes the work involving the Oxfordshire Parent Carer Forum.
6. The Committee recognises the extent and depth of the Ofsted report, and feels that the appointment of a Cabinet Member with a specific SEND remit is an illustration that Oxfordshire County Council recognises the importance of tackling the failures highlighted by the report 'head on'; and that it plans to do so openly.
7. This report was also scrutinised by the People and Overview Scrutiny Committee, which has a constitutional remit over Children and Educational services, whilst HOSC scrutinised this in line with its remit over Health for all ages. The rationale behind HOSC's scrutiny of this Ofsted/CQC report (and on the broader aspect of Children's SEND provision more generally) is threefold:
 - HOSC has a constitutional remit over the Health of children, and this includes healthcare services provided to children.
 - The Local Area Partnership includes the BOB Integrated Care Board, which, as an NHS body, is a constitutionally-mandated subject of scrutiny for HOSC.
 - Children with SEND tend to experience a variety of challenges including; living with learning disabilities; having social and emotional wellbeing needs; as well as having difficulties with communication and interaction. Many children with SEND also have EHCPs; and can essentially be more at risk of mental as well as physical health deterioration.

SUMMARY

8. As part of this item held on the 21 September 2023, the Committee heard from public speakers, which included parents of children with SEND who have expressed that they experienced challenges relating to their needs as well as in relation to the SEND services available. The Committee also heard from a spokesperson for Oxfordshire SEND Parent Action, who also expressed concerns around the experience of parents of children with SEND; and read out a list of actions which they had sent to the leader of the Council and that they wished to see implemented.
9. The Committee thanked the parents for speaking, and many of the members and officers present spoke about the powerful nature of these accounts. The Committee conveyed its apology for the system failures identified in the report.

10. The Committee Chair then initiated the item's discussion with a key overarching question of how the Leadership felt about the Ofsted/CQC report as well as how it planned to respond to the systemic failings highlighted by the Ofsted/CQC report. The Chair also enquired as to what reassurances the Committee could receive now, and on the publication of the action plan, to demonstrate that the co-production sought by families with lived experience will be at the heart of meaningful and timely improvements, and how trust will be rebuilt.
11. The Leadership of Oxfordshire County Council outlined a commitment to addressing the challenges and failings highlighted in the report. The Leader of the Council, Cllr Liz Leffman, stated that elected representatives had a responsibility to residents of the County to make sure that not only are they heard, but that they receive the services that they require, including in relation to SEND provision. The Leader also stated that whilst there were nationwide challenges with SEND provision, that does not take away the responsibility of the County Council to ensure that improvements to SEND services for children are made.
12. The Leadership of the Local Area Partnership also apologised over how affected families have had difficult experiences, and at how people have had difficulty in receiving good communication. It was cited that good leadership was key, particularly through ensuring good coordination with NHS partners also. It was noted that the cabinet had agreed an additional budget of £500,000 to immediately tackle communication failings. The BOB ICB Chief Nursing Officer also apologised and accepted that waiting lists for CAHMS were unacceptable. The Committee were assured that the NHS were planning to accelerate efforts to resolve the impact of an IT outage at Oxfordshire Health, and that they were looking at alternative support for children on waiting lists. The Chief Nursing Officer also highlighted the importance of good communication and openness.
13. It was also highlighted by the Executive director for People, Transformation and Performance that the CQC and Ofsted have asked the Local Area Partnership to produce a priority action plan within thirty working days of the publication of their report, and that the Partnership was committed to doing so as part of the action planning around this report's publication.
14. It was also emphasised to the Committee that since the publication of the report, the Local Area Partnership has agreed a series of workshops to produce the priority action plan; and that these workshops would include key stakeholders, initiating with the Parent and Carer Forum, which is independent from the local authority.
15. In regards to the role of leadership, the Committee was informed that the responsibility for the drafting of the action plan was jointly shared by BOB ICB's Chief Nursing Officer as well as by the Executive Director for People, Transformation and Performance. Additionally, the Parent and Carer Forum had worked on the Ofsted report and would be represented across the governance structures for the action plan.

OBSERVATIONS AND AREAS OF CONCERN:

16. This section highlights some key observations and concerns that the Committee has in relation to SEND provision for Children in Oxfordshire. Much of these concerns are centred around systemic failings that have been highlighted in the Ofsted/CQC report. These observations and areas of concern were also expressed during the formal meeting on 21 September 2023.

Importance and role of leadership: The Committee is seeking reassurances about clearly identifiable leaderships, and for a clearly identified single point of responsibility for EHCPs. The Committee also feels that reassurances of good leadership all the way down to the key points of contact across the system for the child and the family are crucial, and would like to see consideration of the development of SEND champions who have influence within their particular professional setting.

Confusion and information sharing: The Committee noted that the report highlighted that for most children, young people and their families who are affected by SEND, their experience can often be one of confusion. The Committee feels that it is imperative that we understand where this confusion is stemming from, particularly if this is due to a lack of clarity and clear availability of information on available services and how to access them. It needs to be ensured that children and their families are aware of the services available to them, and that they are aware of how to go about accessing these services, be they provided by Oxfordshire County Council, by schools, or by the NHS. The Committee also agrees with the report's emphasis that poor information-sharing could result in important knowledge of children, young people and their families not being connected across services efficiently and effectively. The Committee therefore wishes to see further improvements in how information is shared, and for it to be ensured that knowledge of children, young people and their families is connected across services more effectively and cohesively.

Waiting times: In light of the Ofsted/CQC report's reference to how childrens' and young peoples' needs are not consistently identified accurately or assessed in a timely and effective way right from the start, the Committee feels that there needs to be greater clarity on what measures will be taken to ensure swift diagnoses of SEND for Children who may be suspected of exhibiting this. Lengthy waiting times for help, which has also been highlighted in the report is also a significant issue which can result in further deterioration in the mental or physical health of Children with SEND as well as their families. The Committee wishes to see greater reductions in waiting times, and that it is pivotal for clear timeframes to be created for reducing any backlogs.

Listening to the voices of children and families: The Committee recognises that children and their families may feel frustrations that the views they express have not been listened to or taken into account. It is therefore crucial that people's voices are adequately taken into account

when designing as well as providing support services for children with SEND. Again, this is particularly important given that by not listening to the voices of affected children and their families, this can result in not merely a sense of hopelessness for such residents, but in greater deteriorations in their overall health and wellbeing. Additionally, it is crucial that any action planning or designing of improvements for SEND services takes lived experience into account so as to enable the services to be as personalised and effective as possible. The Committee also believes that there are inequalities implications if the voices of children and their families are not taken into account, as some children and their families may not be in a position to strongly advocate their experiences or case for support, and could, by implication, ultimately experience disproportionate disadvantages. Hence, the importance of listening to the voices of affected residents is relevant in two contexts. Firstly, this should be at the heart of any co-production exercises undertaken as part of action planning to improve children's SEND services overall. Secondly, affected children and their families should be listened to when providing specific services or support to them, so as to ensure personalisation of support as well as a stronger understanding of the specific kind of support that they require. Furthermore, the Committee was informed that the NHS was looking at the potential for the redesigning of pathways, and that this needed to be undertaken with staff across partners in the County and the University. On this matter, the Committee would expect co-production with families with lived experience to be at the heart of this work also.

Agency cohesion: The Committee understands that one area of improvement that was required, as highlighted by the Ofsted/CQC report, was that agencies within the Local Area Partnership work more cohesively overall to help achieve support for children at the right time. It is important that cohesion amongst agencies in the partnership is strengthened so as to ensure the smooth functioning of important aspects of SEND provision including; swifter diagnoses of SEND, support that is appropriate to a child, and good information-sharing amongst the partnership. Therefore, the Committee wishes to see greater cohesion amongst member agencies, and for there to be clear and evident steps of how this is being pursued, as well as any positive outcomes of such increased cohesion. Additionally, reassurances are also required on a timely resolution of the impact of the IT outage during 2022 at Oxfordshire Health.

Staff training: That staff should receive training that is adequate as well as timely is crucial for the efficacy of SEND services. The Committee is concerned about the statement in the report that within schools, staff are not always well supported to understand and meet the different needs of children and young people with SEND. If there any particular reasons as to why or how staff are not being sufficiently supported in this regard, then this needs to be looked into as an urgent matter. If there are any statutory obligations on training for staff, then these obligations should be met, and mechanisms should be erected by the Partnership to facilitate this. It is crucial that school staff (or any other staff involved in children's SEND provision for that matter) are supported and trained for early identification

and intervention of SEND; as this will also be conducive to avoiding any potential negative outcomes on the mental and physical health of affected children in the long-run.

17. As such, the Committee believes that there is a need for clear action planning, that is both short-term and long-term in nature, so as to tackle all of the systemic failings highlighted in the Ofsted/CQC report. It is also crucial to note that action planning should be as transparent, as co-produced, and as holistic and joined-up as possible; with adequate input from lived experience and affected residents and families. The report highlighted multiple failings, and if either of these failings are not adequately addressed and resolved, then this could lead to a domino effect that would impact on the efficacy of any of the other aspects of children's SEND provision.

RECOMMENDATIONS

18. Given that this Ofsted/CQC report relates to an area that sits within the remit of two Scrutiny Committees, the recommendations highlighted below are separated into two lists. The first list contains a series of overarching recommendations aimed at the Partnership as a whole, and have been jointly developed by both HOSC and the People Overview and Scrutiny Committee. For completeness, both the HOSC and People Overview and Scrutiny Committee have included copies of these recommendations in their reports. The same responses should be provided to both Committees on the list of overarching recommendations below. The second list contains a series of recommendations made specifically by HOSC, taking into consideration the specific remit of HOSC over health. The second list is therefore centred around more health-related themes and a response need only be made to HOSC.

Overarching Recommendations (issued by HOSC and People's Scrutiny Committee):

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.
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.
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 co-production exercises to help families feel their voices are being heard as well as for the purposes of transparency.

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.
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.
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.
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.

HOSC Recommendations:

1. For SEND commissioning to be developed using the Ofsted report as a baseline, and to place person-centred mental and physical health of children and their families with SEND at the centre of decisions on how funding is spent to maximise social value. The Committee also recommends for the Local Area Partnership to map all funding sources available for, and to explore joint commissioning of services and training that could improve the overall health and wellbeing for children with SEND.
2. To ensure that there is clarity of information on any physical or mental health services for children with SEND, so as to reduce the risk of confusion and lack of awareness of such services amongst parents, carers or families of children who require support for their mental or physical health.
3. To exercise learning from how other Counties and Systems have provided well-coordinated and effective SEND provision; particularly where

measures have been adopted to specifically reduce the tendency for poor mental or physical health amongst affected Children and Young People.

4. To ensure that staff involved in Health, Care, Education, and any relevant Voluntary Sector organisations are sufficiently trained and aware of children that may be neuro-divergent, have a learning difficulty or a disability (SEND); and for such staff to be adequately aware of the support and resources available, and the processes for referring such children for any relevant mental or physical health services that they might require.
5. For HOSC to continue to follow this item and to evaluate the impact of any changes or improvements made, with specific insights into the following; the Partnership's Action Plan as requested by HMC1; the overall measures taken to address the concerns raised by the Ofsted/CQC inspection; the progress made by CAMHS in reducing waiting times for treatment of children with SEND who require mental health support; and on how the NHS is working to increase the overall acquisition and availability of data on SEND childrens' mental health from key mental health providers.

NB The following recommendation was also made by the Committee, but specifically relates to NHS services. It is included for information and no response is required by Cabinet concerning it.

6. To work on reducing waiting times for CAMHS services for children with SEND who may show signs of worsening mental health, and to recognise and provide support to such children and their families whilst they are awaiting treatment.

FURTHER CONSIDERATIONS

19. The Committee intends to maintain ongoing scrutiny of the action planning and improvements being made by the Local Area Partnership in order to address the systemic challenges with SEND provision for Children highlighted by the Ofsted/CQC report. The Committee would like to be updated with and to receive evidence of the measures taken as part of relevant action planning. Clear evidence will also be sought for effective co-production and for the measures taken to ensure input from affected residents and families.

LEGAL IMPLICATIONS

20. Under Part 6.2 (13) (a) of the Constitution Scrutiny has the following power: 'Once a Scrutiny Committee has completed its deliberations on any matter a formal report may be prepared on behalf of the Committee and when agreed by them the Proper Officer will normally refer it to the Cabinet for consideration.
21. Under Part 4.2 of the Constitution, the Cabinet Procedure Rules, s 2 (3) iv) the Cabinet will consider any reports from Scrutiny Committees.

22. The Health and Social Care Act 2012 and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 provide that the committee may require a response from the responsible person to whom it has made the report or recommendation and that person must **respond in writing within 28 days of the request.**

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Annex: 1 Scrutiny Response Pro Forma

Background papers: None

Other Documents: None

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