

SURREY COUNTY COUNCIL**CABINET****DATE: 11 DECEMBER 2023****REPORT OF CABINET**

MEMBER: CLARE CURRAN, CABINET MEMBER FOR CHILDREN, FAMILIES AND LIFELONG LEARNING

LEAD OFFICER: RACHAEL WARDELL, EXECUTIVE DIRECTOR OF CHILDREN, FAMILIES AND LIFELONG LEARNING

SUBJECT: LOCAL AREA SPECIAL EDUCATIONAL NEEDS AND/OR DISABILITIES (SEND) INSPECTION OUTCOME AND ACTIONS

ORGANISATION STRATEGY PRIORITY AREA: NO ONE LEFT BEHIND / HIGH PERFORMING COUNCIL

Purpose of the Report:

The purpose of this report is to share the outcome of the Local Area SEND Inspection and to outline the actions to be taken by the Additional Needs and Disabilities (AND) Partnership in response to the inspection recommendations.

The Local Area SEND Inspection provides an opportunity to support the Area Partnership to strengthen its work on behalf of children and young people and for each statutory partner (Surrey County Council, NHS Surrey Heartlands Integrated Care Board (ICB) and NHS Frimley ICB) to improve experiences and outcomes for children and young people and their families in line with the Local Area ambitions. The inspection ensures Surrey County Council meet its duties, in collaboration with other partners, to provide services that support children and young people with additional needs and disabilities and their families to lead the best possible life. The education, health and social care services that were the focus of this inspection contribute to the Council's ambition that no one is left behind by providing support to children and young people with additional needs and disabilities to improve their experiences and outcomes.

Recommendations:

It is recommended that Cabinet:

1. Notes the outcome of the Local Area SEND Inspection.
2. Supports the actions that are being taken by the Additional Needs and Disabilities Partnership in response to the inspection recommendations.
3. Oversees the Council's work as part of the AND Partnership and its delivery of the Inclusion and Additional Needs Strategy.

Reason for Recommendations:

The Local Area arrangements to support children with additional needs and disabilities were inspected by Ofsted and the Care Quality Commission (CQC) from 11 to 29 September 2023. [The outcome of the inspection](#) was published on 24 November 2023.

The inspection outcome is that the local area partnership's arrangements lead to inconsistent experiences and outcomes for children and young people with special educational needs and disabilities (SEND). Ofsted and CQC require the local area partnership to work jointly to update its existing strategic plan based on the recommendations set out in the [inspection report](#).

The recommendations and proposed responses are set out in this report.

Executive Summary:

Background

1. In 2023, Ofsted and CQC launched a new joint inspection framework focusing on the effectiveness of local area partnerships' arrangements for children and young people with SEND. All local areas will receive a full inspection at least once every 5 years.
2. The possible outcomes of the inspection are:
 - a) The local area partnership's SEND arrangements typically lead to positive experiences and outcomes for children and young people with SEND. The local area partnership is taking action where improvements are needed.
 - b) The local area partnership's arrangements lead to inconsistent experiences and outcomes for children and young people with SEND. The local area partnership must work jointly to make improvements.
 - c) There are widespread and/or systemic failings leading to significant concerns about the experiences and outcomes of children and young people with SEND, which the local area partnership must address urgently.
3. The local area partnership is defined as "those in education, health and care who are responsible for the strategic planning, commissioning, management, delivery and evaluation of arrangements for children and young people with SEND who live in a local area".

Current position

4. The Additional Needs and Disabilities (AND) Partnership was notified on 11 September 2023 of the start of Surrey Area SEND inspection. The inspection period ran for 3 weeks, with a week of fieldwork from 25 to 29 September, in line with the inspection framework; [Area SEND inspections: framework and handbook](#).

5. The [outcome of the inspection](#) was published on 24 November 2023. The inspection outcome is that the local area partnership's arrangements are judged to lead to inconsistent experiences and outcomes for children and young people with SEND. Ofsted and CQC require the local area partnership to work jointly to update its strategic plan based on the recommendations set out in the inspection report.
6. The report details a number of areas that are already effective and a number of areas where the local area can do better. The report found that partnership working led to innovative improvements in joint commissioning and noted strengthened multi-agency working had led to improved early identification of the needs of young people. Co-production was recognised as a "shining beacon", with members of the 'Accept, Teach, Listen, Access, Support' (ATLAS) participation group of children and young people seen to be involved in "many of the recent positive changes across the Local Area" and "helping partnership leaders to understand and respond well to the current situation of inconsistency". The report also acknowledged that leaders have been creative in addressing the rising mental health needs of children and young people in Surrey.
7. In relation to the domains where the local area can do better, there are four recommendations contained within the report where follow up action is required. These recommendations are:
 - a. The partnership board should further develop their strategic evaluation of all partnership projects and interventions to improve their ability to monitor the impact and outcomes on children and young people at a system level.
 - b. Leaders across the partnership should improve communications from SEN case officers and practitioners to parents and carers so that all stakeholders are supported to understand the system, decision making and feel fully involved in the journey with their child or young person.
 - c. Leaders across health, social care and education should ensure that improvements continue in line with their recovery plan in respect of:
 - Reducing waiting times for health assessments
 - Increasing timeliness and quality of needs assessment
 - Increasing timeliness and quality of EHCPs and annual reviews.
 - d. Leaders in education should continue to review the breadth and offer of alternative provision in order to inform commissioning so that alternative provision meets children and young peoples' needs and improves their outcomes.
8. Surrey Additional Needs and Disabilities Partnership published a co-produced strategy in January 2023 which sets out the strategic plan and priorities to 2026; [Surrey Inclusion and Additional Needs Partnership Strategy](#). The strategy identifies seven priority areas of work:
 - co-production,
 - early intervention and support,

- inclusion in education and the community,
- joint commissioning,
- preparing for adulthood,
- systems and practice, and
- leadership, accountability and governance.

4

9. The improvement work towards each of these priorities is set out as an action plan and identified actions are overseen and driven forwards by a subgroup of the wider partnership. Progress towards the agreed priorities is measured by a joint set of key performance indicators (KPIs), which are monitored regularly at the partnership board meeting. Partners hold each other to account and jointly problem solve to remove barriers to achieving these outcomes.
10. In line with feedback from inspectors from Ofsted and CQC, the recommendations arising from the inspection report will be incorporated into an updated and co-produced strategic plan, which is designed to deliver improvement and will be monitored via existing governance and accountability mechanisms.

Next steps

11. A partnership board workshop took place on 23 November and considered how the recommendations arising from the Local Area SEND Inspection can be incorporated into a refreshed strategy and action plan for year 2 of the strategy.
12. The Local Area Inspection Strategic Plan is required to be published by 4 January 2024, incorporating all the recommendations for improvement from the inspection report in an update to the partnership's current plan.
13. The inspection report has identified the following areas for improvement:
 - a) The partnership board should further develop their strategic evaluation of all partnership projects and interventions to improve their ability to monitor the impact and outcomes on children and young people at a system level.

The local area partnership understands that evaluating the impact of partnership actions and demonstrating the difference the partnership is making to children, young people and families is critical to building sustainable trust and confidence in the SEND system in Surrey. The Additional Needs and Disabilities partnership will:

- i. further strengthen its governance, so it has a clear line of sight on the impact these strategic initiatives are having on the experiences and outcomes for children and young people with SEND. The approach will place greater emphasis on evaluating the outcomes of projects and interventions by asking the question "how do we know if it has made a difference for our children and young people with SEND?"
- ii. review the current quantitative Key Performance Indicators (KPIs) for the strategy with all stakeholders, to develop them to detail clear input,

- output, outcome and impact measures. This will be in place by April 2024.
- iii. monitor the KPIs at every partnership board meeting. In addition, a range of mechanisms are being developed to harness a wider range of user and stakeholder feedback and views to qualitatively evaluate the impact of these initiatives for children and young people at a cohort and system level.
 - iv. review existing projects and overall programme of activity to ensure it provides a clear, connected, and coordinated series of improvement activities designed to improve the outcomes and experiences of children, young people and their families.

b) Leaders across the partnership should improve communications from SEN case officers and practitioners to parents and carers so that all stakeholders are supported to understand the system, decision making and feel fully involved in the journey with their child or young person.

This area of work had previously been incorporated into the wider 'systems and practice' priority workstream, however following the inspection, communication has been identified as a key standalone priority workstream within the refreshed strategy. The AND Partnership will:

- i. appoint and maintain a lead officer with responsibility for this area of improvement with a focus on embedding relational working, co-production and improving the experiences of parents and carers and all stakeholders. Resources will be allocated to support this work aligned with the Cabinet report approved in July 2023: [25th July 2023 Cabinet report](#)
- ii. develop a co-produced and restorative action plan specifically for engagement and communication with families and other stakeholders over the Autumn 2023 and Spring 2024 terms setting out the priorities, accountabilities and how progress and impact will be measured and monitored.
- iii. support practitioner communication and engagement with system-wide communications strengthened by input from a dedicated communications professional.
- iv. continued dedicated training of all staff in the SEND teams on restorative practice and relational working.
- v. continue to work with our user voice groups and partners to develop a communication plan to improve the experience of families as they navigate the SEND 'system'. This will include videos, printed materials, digital content and in-person events. To enable us to work at pace on improvements to communications, we have secured more resource to work specifically on stakeholder experience and communications, which will include a dedicated officer to review and develop the content of the local offer website.

c) Leaders across health, social care and education should ensure that improvements continue in line with their recovery plan in respect of:

- Reducing waiting times for health assessments
- Increasing timeliness and quality of needs assessment

- Increasing timeliness and quality of EHCPs and annual reviews

An EHCP recovery plan is in place, with additional resources allocated to support the work. Educational Psychology capacity has been doubled and this has resulted in a reduction in the backlog of EP advices by half since May 2023. A SEN needs assessment team is now in place, working towards a target of over 60% timeliness by the end of May 2024. Work is also underway to complete all children and young people's annual review records by the end of December 2023, with the percentage of annual reviews completed or in process for our vulnerable children and young people now at 98%. The quality of EHCPs will continue to be monitored by regular auditing to inform an enhanced training program so that improvements can be implemented and embedded.

Health providers are working with local authority teams to further improve timeliness. A task and finish group is in place to understand the issues further and agree actions that can be taken to improve the position overall and develop a sustainable model. There will be additional financial support in 2024/25 to help with statutory assessment and delivery in community health services. There will also be more business and digital support to help providers keep track of requests and timeliness for returning assessment advice.

The AND Partnership will update the strategy to include this dedicated focus of work and ensure it is delivered in line with the existing plans, set out in the [25 July 2023 Cabinet report](#) and [2 October 2023 Select Committee report](#).

- d) Leaders in education should continue to review the breadth and offer of alternative provision in order to inform commissioning so that alternative provision meets children and young peoples' needs and improves their outcomes.

An Independent Alternative Provision (AP) Framework goes live in April 2024. The current Independent AP Directory has been an interim measure with our existing provider base, whilst we are developing this new framework, transitioning from the Independent AP Directory to a fully commissioned offer. This Framework will widen the provider base and offer to provide key education and /or other support services to a child or young person. Throughout the development of the new Framework a key focus has been on raising and ensuring the quality of provision and subsequent impact on measurable outcomes with a new suite of KPIs.

Additional capacity has been agreed to support the implementation and maintenance of the Framework through the creation of two new posts to administer and quality assure the providers and provision and support the development of a wider 'AP gateway' to manage AP pathways and ensure appropriate provision is arranged for children and young people who require AP. There will be regular reviews of the breadth and offer in the light of the intelligence and information gathered including outcomes,

experiences and changing needs. This will include the voice of children and young people at the heart.

Following the recommissioning and introduction of Service Level Agreements for our Pupil Referral Units (PRUs), a PRU working group will work with leaders to monitor the provision to ensure good outcomes for their pupils and positive destinations. This will be established in January 2024.

Cabinet has approved a significant investment of £43M of capital investment to transform our five PRUs from 2024; this will increase the number of available places by 41 overall and provide state of the art facilities for the approximately 281 PRU pupils in total. The And Partnership will focus on delivery of this investment within the timescales agreed and annually review the sufficiency of provision.

The strategy and action plan will be updated to reflect the strengthened activity in this area and monitor its impact.

Building on the past

14. In October 2016, an Ofsted and the Care Quality Commission (CQC) inspection identified five areas of significant concern in the local area arrangements for children with SEND and Surrey County Council and the Clinical Commissioning Groups were required to publish a written statement of action. In March 2019, Ofsted and the Care Quality Commission (CQC) revisited Surrey and noted that local leaders had made sufficient progress in four out of the five areas of weakness. Findings are detailed here: [Joint local area SEND revisit in Surrey](#).
15. After the 2019 inspection and following a substantial SEND transformation programme with four key aims: early joined up identification, response and provision, children thriving in their local communities, better experiences for families and financial sustainability and better use of resources, the Department for Education and NHS England determined that sufficient progress had been made on the final area of weakness outstanding at the 2019 inspection and discharged the requirements of the original Written Statement of Action in January 2021.

Risk Management and Implications:

16. The key risk is the non-delivery of works to address areas of improvements for children/young people with additional needs and disabilities and their families. This could have an adverse impact on long term outcomes for children and families. This is being mitigated through the AND Transformation Programme which is designed to ensure that all projects and programmes associated with improvement remain on track and to resolve barriers and issues as they arise.

17. If there is an increase in demand for services, there will be resource and capacity implications that could compromise the delivery of the improvement works; these may also have financial implications. This is being mitigated through strengthening work in respect of early identification and support at the earliest point to ensure that resources are used effectively to improve children and young people's outcomes.
18. The availability of Educational Psychologists and other occupations with shortages of professionals may impact delivery through a lack of sufficient resources. To mitigate this risk, £15m of Council funding has been allocated by Cabinet over the next 3 years to improve the timeliness of annual reviews and EHC Needs Assessments.
19. There are obligations within the Safety Valve Agreement (SVA) that are linked to potential funding received from the Department for Education. If this DfE funding is not delivered in full, this will compromise our ability to deliver improvement works and ensure that the overall funding for children with SEND is sustainable within the High Needs Block. See further detail on the SVA in the Financial and Value for Money Implications section of this report.
20. Potential risk also relates to meeting the deadlines that have been set out by Ofsted, the Care Quality Commission and the Department for Education in terms of post-inspection activities including updating our strategic improvement plans; if deadlines are not met this could cause reputational damage. Work has commenced early within the partnership to ensure these deadlines can be met.
21. Risks will be mitigated further by a well-planned partnership approach to delivering on the improvements that are identified in the report.
22. The robust accountability and governance measures that are in place for the strategy through the Additional Needs & Disabilities Partnership Board will ensure full oversight of the improvement works. Regular oversight, review of KPIs and progress measures will ensure progress is made towards outcomes and there is evidence of impact. Partners will hold each other to account and jointly problem solve to remove barriers to achieving these outcomes.

Financial and Value for Money Implications:
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23. Surrey County Council is currently in the second year of reporting to the DfE on the Safety Valve Agreement. Regular monitoring reflects the position set out in our reporting to DfE that Surrey remains on track to achieve a £0 DSG deficit at the end of its Safety Valve Agreement, and on track to achieve its Safety Valve Agreement in the current year 2023/24. This means that by the end of the 2023/24 financial year, the Council will have received £73m of the £100m DfE contribution to reduce the deficit on the High Needs Block. This

includes £40m paid upfront (2021/22) and £11.5m brought forward into year one (2022/23).

24. The Council continues to invest in expenditure to support children and young people with additional needs including £43m of capital investment to transform our five PRUs from 2024, £220m of capital investment in specialist school provision and £15m over three years targeted additional resources to support the EHCP Recovery work.

25. There are no direct additional cost requirements coming out of the report for Surrey County Council; the plans for SEND improvement are already captured in the medium-term financial strategy. Continually monitoring of the plan and the delivery of outcomes against the cost containment targets ensures the programme is running on course to its financial plan.

Section 151 Officer Commentary:

26. Significant progress has been made in recent years to improve the Council's financial resilience and the financial management capabilities across the organisation. Whilst this has built a stronger financial base from which to deliver our services, the increased cost of living, global financial uncertainty, high inflation and government policy changes mean we continue to face challenges to our financial position. This requires an increased focus on financial management to protect service delivery, a continuation of the need to be forward looking in the medium term, as well as the delivery of the efficiencies to achieve a balanced budget position each year.

27. In addition to these immediate challenges, the medium-term financial outlook beyond 2023/24 remains uncertain. With no clarity on central government funding in the medium term, our working assumption is that financial resources will continue to be constrained, as they have been for the majority of the past decade. This places an onus on the Council to continue to consider issues of financial sustainability as a priority, in order to ensure the stable provision of services in the medium term.

28. As such, the Section 151 Officer supports the recommendations of this report.

Legal Implications – Monitoring Officer:

29. This report has been prepared to note the outcome of the SEND Inspection and, as a consequence, there are no legal implications.

Equalities and Diversity:

30. The Equalities Impact Assessment (EIA) for the Inclusion and Additional Needs Strategy has not identified any potential for discrimination or negative impact, and all opportunities to promote equality have been undertaken. The EIA will be reviewed as the Strategic Plan is updated and this will be signed

off along with the Strategic Plan itself as set out below. Once the Strategic Plan has been approved by the Department for Education, the EIA will be republished along with the Strategic Plan.

31. The governance and accountability for the inspection improvement work will be held in line with our existing arrangements with the Additional Needs & Disabilities Partnership Board. The Inclusion and Additional Needs Strategy 2023-26 [Inclusion and Additional Needs Strategy 2023-2036](#) focuses on enabling Surrey children and young people aged 0 to 25 with additional needs and/ or disabilities to lead the best possible life.

Other Implications:

32. The potential implications for the following Council priorities and policy areas have been considered. Where the impact is potentially significant a summary of the issues is set out in detail below.

Area assessed:	Direct Implications:
Corporate Parenting/Looked After Children	47% of children who are looked after have additional needs or disabilities, therefore this work will directly improve the outcomes and experiences of these children.
Safeguarding responsibilities for vulnerable children and adults	The improvement work that has been identified will enable the local area partnership to deliver our ambition that children with additional needs or disabilities lead their best possible life.
Environmental sustainability	Not applicable in this instance
Compliance against net-zero emissions target and future climate compatibility/resilience	Not applicable in this instance
Public Health	Prevention, early intervention and support will enable children and young people to achieve positive outcomes and have a positive impact on a wide range of social benefits and outcomes. This includes improved social wellbeing, mental health, physical health and life expectancy. There is intended to be a positive impact on employability, social inclusion and life experiences which in turn impact on health.

What Happens Next:

33. An update to the Local Area Strategic Plan is required to be published by 4 January 2024, incorporating all the recommendations for improvement from the inspection report. This is to be submitted to Ofsted, the Care Quality Commission and the Department for Education to be approved.
34. Following the updated plan being submitted there will be engagement meetings held to update the Department for Education and NHS England on the areas of improvement identified.
35. The Strategic Plan will be signed off by Rachael Wardell, Executive Director of Children, Families and Lifelong Learning, Clare Stone Surrey Heartlands ICS Director of Multi-Professional Leadership and Chief Nurse and Tracey Faraday-Drake, Director for Children and Young People NHS Frimley Integrated Care Board

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Ellen Duke, Head of Transformation, Children & Young People – Frimley ICS
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Annexes:

Annex1: Ofsted and CQC Report: [Area SEND inspection of Surrey Local Area Partnership Inspection dates: 25 to 29 September 2023](#)

Annex 2: Equalities Impact Assessment (EIA) for the Inclusion and Additional Needs Strategy.

Sources/background papers:

[Ofsted and CQC Area SEND inspections framework and handbook](#)

Surrey's [Organisation Strategy 2023 to 2028 including Community Vision for Surrey in 2030](#) describes Surrey County Council's (and others) ambition for all Surrey children and young people with additional needs and/ or disabilities and their families.

[Surrey's Joint Commissioning Strategy 2022](#) Joint Commissioning across the NHS and County Council enables us to work together to improve outcomes for children, young people and their families in a seamless, yet targeted way. It also maximises the use of our resources and reduces duplication. When we get this right as public sector agencies, we see it making a real difference to Surrey families.

[Surrey County Council's Sufficiency Strategy](#) provides an important overview as to how the council intends to respond to increasing demand for services and provision for children and young people with additional needs and disabilities.

[Surrey's All-Age Autism Strategy 2021 to 2026](#): details the plans for Surrey to be a more autism friendly county in education, health, social care, work and in its communities.
