

Report to Children's Services and Education Scrutiny Board

11 November 2024

Subject:	SEND Transformation Programme
Director:	Director – Children's Services and Education Sally Giles
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1. Recommendations

- 1.1 That the Board receive and consider the update on the SEND Transformation Programme underway across the Sandwell Special Educational Needs and Disabilities (SEND) Local Area Partnership (LAP);
- 1.2 That the Board receive and consider the SEND system improvements following the Ofsted / CQC inspection in July 2023 and ongoing improvement plans, set out in section five, and improvements related to SEND Home to School Transport, in section six;
- 1.3 That consideration is given for the programme of work being delivered by the Local Area Partnership in driving the necessary improvements leading up to the next inspection due in Summer 2026.

2. Reasons for Recommendations

- 2.1 The aim of this report is to inform the Board of the SEND Transformation Programme that is underway across the Sandwell Special Educational Needs and Disabilities (SEND) Local Area Partnership (LAP).
- 2.2 This report concentrates on SEND system improvements in train or planned as a consequence of the Ofsted / CQC inspection in July 2023 (set out in section 5 onwards) and improvements related to SEND Home to School Transport (detailed in section 6).

3. How does this deliver objectives of the Council Plan?

Growing Up in Sandwell	The SEND Transformation Programme has been established to ensure all children and young people (CYP) with SEND can access high quality local services when they need them.
Living in Sandwell	The Sandwell partnership is ambitious for local CYP with SEND. The programme aims to create an environment that enables their full potential.
Healthy in Sandwell	The Local Area Partnership is making use of the support and challenge provided by the Care Quality Commission, CQC and National Health Service England, NHSE, to improve the timeliness and quality of the SEND health offer for the betterment of CYP's lives.
One Council One Team	The Transformation Programme will directly support the 'One Council One Team' approach through the implementation of the 2014 SEND reforms, which support collaboration and effective joined up working by their very nature.

4. Context and key issues

- 4.1 Sandwell was awarded a category two outcome, the middle of three possible outcomes, following the Ofsted / CQC inspection in July 2023. This meant that the area partnership's arrangements facilitated 'good, yet inconsistent experiences and outcomes for local CYP with SEND'. The LAP would therefore be subject to routine monitoring six monthly visits, led by Senior Officials from the Department for Education (DfE) and NHS England (NHSE). Sandwell LAP was required to work jointly, to make improvements, with support from the DfE, within agreed timeframes, and to publish these in a local area inclusion plan.
- 4.2 Recent, independent reports into the national SEND context, by the ISOS¹ and the National Audit Office², found that the SEND system had reached breaking point and was in urgent need of reform. The identification of need had increased exponentially, outstripping other large European nations. The growth in Education, Health and Care Plans (EHCP) is nationwide, with no obvious correlation to deprivation or geography.
- 4.3 Nationally, there are more CYP than ever before whose needs are not being met in mainstream education. A 60% increase in the number of students placed in state funded special schools and a staggering 132% increase in Independent Non-Maintained Special Schools placements, means that expenditure has outstripped increases in funding. The national high needs deficit has risen from £300m in 2018/19 to ≥ £3.16bn currently. The recent increased expenditure has failed to deliver better outcomes, attainment, or family experiences; it has however led to a more adversarial SEND system. The number of Tribunal appeals rose by 334% between 2014/15 and 2022/23.
- 4.4 Alongside capital investment for the DfE, the Chancellor of the Exchequer, Rachel Reeves has pledged a funding uplift of £1bn for SEND services as part of her Autumn Budget. Improvements for Alternative Provision are also

¹ <https://www.isospartnership.com/publications>

² [Support for children and young people with special educational needs - NAO report](#)

in scope, which suggests that the government will push forwards proposals made in the previous government's SEND and AP Improvement Plan³.

5. Progress following the Ofsted / CQC inspection in July 2023

5.1 System leads from Sandwell LAP, including representatives from Education, Health, the Children's Trust, and the Parent Carer Forum, attended the DfE and NHSE's most recent routine monitoring visit on 8 October 2024. The purpose of the visit was to review the progress the partnership had made on the three areas of improvement, identified at the Ofsted / CQC inspection in July 2023, as set out in 5.2.

5.2 At the meeting, the DfE and NHSE acknowledged the progress that had been achieved over the last six months, including:

- The establishment of a new SEND leadership team across the partnership, along with a strengthened governance structure.
- The progress of transformational work, including a range of improvements facilitated by an external improvement partner (Newton Europe).
- Political commitment had been galvanised and remained an ongoing commitment.
- School colleagues had clear lines of communication with Sandwell MBC and had been invited to speak to the Scrutiny Board to provide feedback.
- A SEND Strategic Alliance had been established to drive forward the improvements identified by Ofsted / CQC and enable stronger partnership working.
- A Joint Commissioning Workshop had taken place. Whilst formal governance needed to be established, toolkits and audits were available to ensure progress at pace.
- Sandwell had been accepted into the UNICEF Child Friendly programme.

³ <https://www.gov.uk/government/publications/send-and-alternative-provision-improvement-plan>

5.3 It was acknowledged that changes to leadership within the Council's Inclusive Learning Service and a series of new appointments had impacted on the pace of Sandwell's transformation. Going forward, Sandwell would be required to provide further evidence of progress against the three areas for improvement, as identified in July 2023, which were:

- Multi-agency working across the partnership between education, health, and social care, so that CYPs' needs are identified and assessed in a more efficient and timely manner.
- Area leaders should develop co-production with CYP with SEND at a strategic level, so that CYP play a key role in developing improvement strategies and plans.
- Area leaders should increase the number and range of short -break opportunities to support the needs of all CYP with SEND, including those with complex needs and post-16 young people.

5.4 In addition, the DfE would expect to see Sandwell progress the following areas:

- To structure and progress the various programmes of work currently being undertaken, with clear timelines, to drive improvements and improve partnership working, to ensure co-production is at the heart of everything you do.
- Continue to grow and establish a stronger, wider system partnership approach, to address the areas of improvement identified by Ofsted / CQC in the Area SEND Inspection, and to improve communication and accessibility.
- To embed the new SEND system governance structures, including workstream delivery plans and effective reporting mechanisms.
- To strengthen and finalise the Improvement Plan, to enable the partnership to hold themselves to account against clear and accessible KPI's, mitigations and BRAG status.
- To articulate how you are capturing the voice of children and young people with SEND and how this informs strategic decisions, and that the voice of children and young people is effectively heard in strategic discussions.

- To produce a data dashboard to provide clear and accessible information.
- To establish a multi-agency panel in relation to short breaks to ensure a broad focus.
- To explore a peer review.
- To improve EHC Plan timeliness and quality.
- To capture examples of good practise and consider how these should be shared.

5.5 It was agreed that the next post-Ofsted / CQC inspection review meeting would take place in three months, as opposed to the usual six months, to enable Sandwell's new leadership team and the partnership to demonstrate progress at an earlier stage.

5.6 In addition to the above, the LAP has a plan to deliver a range of other activity within its transformation programme which include actions to:

- Embed the new SEND Strategic Alliance, that provides a weekly forum in which key leads across health, education, social care, and the Parent Carer Forum can drive improvements at pace.
- Embed the EHC Team reorganisation, which launched in September 2024, to provide more equitable spans of control, improve timeliness and quality, and dedicate resource to address the backlog of overdue assessments, with a focus on additionally vulnerable CYP.
- Strengthen collaboration, with parents, carers, and stakeholders alongside stronger communication through the development of a clear communications strategy. This will include publication of a half-termly newsletter, a regular letter to Head Teachers from the Director of Children and Education Services (the first of these has been sent out, with a focus on SEND), the establishment of a Head Teacher Reference Group, and development of a SENCO network.
- Develop an e-portal for submitting Education, Health, and Care Needs Assessment (EHCNA) requests to the Local Authority. This platform will enable schools and parent carers to submit EHCNA requests online and receive automated updates at each stage of the process; streamlining the process from start to finish.

- Introduce the new EHC plan template which is being implemented nationally. This is being used by the current pathfinder Authorities with much success. This change aims to improve the quality and consistency of our EHC plans across all schools and settings.
- Finalise a Needs Assessment, to inform a Sufficiency Strategy, that upholds the principles of equity and transparency, and allows the Local Authority to effectively discharge its' statutory duties regarding special needs place planning⁴
- Strengthen data, dashboard reporting, and management information to improve performance, oversight, and assurance, as well as forecasting and resource allocation for the betterment of family experiences and CYP's outcomes.
- Finalise a co-produced Inclusion Strategy to reflect Sandwell's high aspirations, setting out key priorities and the steps to be taken to ensure that more children with SEND can remain supported by mainstream settings.
- Develop a co-production strategy to enable CYP and families with SEND to inform service development and delivery, in a meaningful way.

6. SEND Home to School Transport

- 6.1 As previously outlined to the Board, the ongoing review of SEND Home to School Transport has already introduced several improvements to support delivery of the service and established key actions for short- and medium-term attention.
- 6.2 On 29 May 2024, Cabinet resolved to extend any contracts under the previous DPS (referred to as SEND 2), which continued to provide value for money for the council: to close the DPS to any future contract opportunities: and establish a new Flexible Purchasing System (FPS) for all new SEND transport work from 1 September 2024 (Decision No.56/24).

⁴ Sandwell Council has a statutory duty under section 14 of the Education Act (1996) to ensure that there are sufficient school places available to meet the needs of all children living in Sandwell. This includes securing provision for children and young people (CYP) with Special Education Needs and Disabilities (SEND). Requirements are also placed on local authorities by the Children and Families Act (2014) and the SEND Code of Practice 0-25 (2015). The Code of Practice provides that "All CYP are entitled to an appropriate education, one that is appropriate to their needs, promotes high standards, and the fulfilment of potential."

6.3 Progress since Cabinet on 29 May 2024 has included:

- Operators were offered extensions to selected existing contracts, though not all accepted the invitation. That work was added to the new procurement exercise through the FPS.
- New contracts were awarded under a new FPS for 955 passengers with effect from 1 September 2024. The new approach resulted in smaller operators being successfully appointed to the FPS.
- During the first half of this school autumn term, an additional 127 CYP have been assessed as requiring home to school transport, which will inevitably present further budget challenges to the council. However, through savings achieved to date, and re-procurement during the latter end of this academic year, provision should still be achievable from within the agreed transport budget.

7. Procurement of an External Partner

7.1 Following the diagnostics and bridging exercise completed by Newton Europe, Cabinet have approved the appointment of an external partner to support the council in the delivery of its wider transformation of SEND.

7.2 Through the diagnostic work Newton have identified a number of areas requiring focus to support the council's programme for transformational change and inform the specification for appointment of an external partner.

7.3 Procurement of an external partner will be undertaken shortly, with the specification of what is required being finalised. It is expected that the external partner will focus on the continued delivery of transformation work linked to the provision of transport but also work with Inclusive Learning Services to improve engagement with service users via the Local Offer website and the overall EHCP pathway.

The specification includes the following areas for review and implementation:

- Increased CYP independence in preparation for adulthood, e.g. travel training
- Review of the council's Post 16 offer

- Optimising use of the internal fleet to support Home to School Transport
- EHCP pathways – review and design statutory process from the front door through to provision, including travel assistance
- Review of existing council policies for its local SEND Offer
- Review and move to automation of the application process for travel assistance
- Collaboration with parents / carers to look at alternative ways for travel, to develop new means of travel to school
- Review existing cost management arrangements and pricing structure for transport
- Investigate options to strengthen tendering processes for new work.

8. Implications

<p>Resources:</p>	<p>Cost savings have already started to be realised through re-procurement of SEND Home to School Transport.</p> <p>The appointment of an external partner to support the wider review of the council's SEND Local Offer can be met from within existing budgets.</p> <p>There are no direct staffing implications relating to this report.</p> <p>There are currently no associated land / building implications relating to this report. It is clear however, that additional capacity for SEND school places needs to increase, and as the Transformation Programme continues to develop, sufficiency requirements will be identified to deliver additional local places to support children and young people.</p>
<p>Legal and Governance:</p>	<p>Requirement for local area partners to take joint ownership and responsibility for co-producing and delivering the local area plan in order to achieve the expected outcomes.</p>
<p>Risk:</p>	<p>Close monitoring of progress on key priorities will continue to ensure that the expected impact is achieved and can be evidenced. Any necessary adjustments will</p>

	be made to the local area inclusion plan to support the priorities.
Equality:	Meeting needs and ensuring reasonable adjustments of the 0-25 population with SEND needs and adhering to the Equality Act 2010.
Health and Wellbeing:	Improved educational outcomes, gained through the best quality provision, contribute to the improve emotional wellbeing, attendance and resilience of children and young people (CYP).
Social Value:	Improving outcomes for vulnerable CYP at transition points between 0-25 will enhance community connection, and increase potential of successful education, training and employment experiences.
Climate Change:	There are no implications for climate change outcomes or for any potential impact on the environment as a result of this report.
Corporate Parenting:	Improving provision and outcomes for Children Looked After to reduce vulnerability.

9. Appendices

N/A

10. Background Papers

N/A