

STATUTORY DIRECTION TO SLOUGH BOROUGH COUNCIL IN RELATION TO ITS SPECIAL EDUCATIONAL NEEDS AND DISABILITY (SEND) SERVICE PROVISION, UNDER SECTION 497A(4B) OF THE EDUCATION ACT 1996

WHEREAS:

1. The Secretary of State for Education (“the Secretary of State”) has carefully considered the Joint Ofsted and the Care Quality Commission (CQC) Report in respect of Slough Borough Council (“the Council”) of its initial inspection carried out between 27 September and 1 October 2021. The inspection report outlined that a Written Statement of Action was required because of 7 significant areas of weakness in the local area’s practice in relation to its Special Educational Needs and Disability (SEND) service provision.
2. The Secretary of State has also carefully considered reports from the Department for Education appointed Commissioner (“The Children’s Services Commissioner”) and Department for Education Professional SEND Adviser (“DfE SEND Adviser”). These reports evidence the lack of progress to date towards the Written Statement of Action since it was approved in March 2022.
3. The Secretary of State is therefore satisfied that the Council is failing to perform to an adequate standard in some or all of the functions conferred upon the Council under Part 3 of the Children and Families Act 2014 (“the 2014 Act”) (“the SEND functions”) to which s.497A of the Education Act 1996 (“the 1996 Act”) applies.
4. The Secretary of State will be extending the remit of the Children’s Services Commissioner in accordance with, and for the purposes of, the terms of reference (“the Terms of Reference”) set out in the Annex to this direction.
5. The Secretary of State, having considered representations made by the Council, considers it expedient, in accordance with his powers under section 497A(4B) of the 1996 Act, to direct the Council as set out below to ensure that all of the Council’s SEND functions are performed to an adequate standard.

NOW THEREFORE:

6. Pursuant to her powers under section 497A(4B) of the 1996 Act, the Secretary of State directs the Council as follows:
 - a. To comply with any instructions of the Secretary of State or the Children’s Services Commissioner in relation to the improvement of the Council’s exercise of its SEND functions and provide such assistance as either the Secretary of State or the SEND Commissioner may require;

- b. To co-operate with the Children's Services Commissioner, including, on request, allowing him at all reasonable times access to:
 - i. any premises of the Council;
 - ii. any document of, or relating to, the Council; and
 - iii. any employee or member of the Council,

which appear to him to be necessary for achieving the purposes of and carrying out the responsibilities set out in the Terms of Reference.

- c. To provide the Children's Services Commissioner with such amenities, services, and administrative support as he may reasonably require from time to time for the carrying out of his responsibilities in accordance with the Terms of Reference, including:
 - i. providing officers' time or support;
 - ii. providing office space, meeting rooms or computer facilities.
7. To engage with the Department who will undertake reviews of progress against the Written Statement of Action at least every four months, and more regularly where appropriate. These reviews may cover but are not exclusive to: culture; performance; leadership, management, and governance; quality of workforce training and support; multi-agency arrangements – including the role and contribution of health providers; joint commissioning; and the timeliness and quality of Education, Health and Care plans.
8. This direction will remain in force until it is revoked by the Secretary of State and does not affect the Direction to Slough Borough Council in relation to Children's Services dated 04 August 2023.

Signed on behalf of the Secretary of State for Education

Dr Helen Brayley-Morris, Deputy Director, South East Regions Group

A Senior Civil Servant in the Department for Education

Dated: 04 August 2023

Non-Executive Commissioner for SEND

Slough Borough Council

Terms of Reference

The Secretary of State for Education (“the Secretary of State”) has carefully considered the Joint Ofsted and the Care Quality Commission (CQC) Report in respect of Slough Borough Council (“the Council”) of its initial inspection carried out between 27 September and 1 October 2021. The inspection report outlined that a Written Statement of Action was required because of 7 significant areas of weakness in the local area’s practice in relation to its Special Educational Needs and Disability (SEND) service provision.

The Secretary of State has also carefully considered reports from the Department for Education appointed Children’s Services Commissioner (“The Children’s Services Commissioner”) and the Department for Education Professional SEND Adviser (“DfE SEND Adviser”). These reports evidence the lack of progress to date towards the Written Statement of Action since it was approved in March 2022.

The Secretary of State is satisfied, therefore, that the Council’s SEND functions are not being performed to an adequate standard as required by s.497A of the Education Act 1996.

In line with the recommendations set out in the Joint Ofsted and Care Quality (CQC) report of SEND Service Provision published 17 November 2021, and reports from the DfE SEND Adviser and the Children’s Services Commissioner, the Children’s Services Commissioner is expected to take the following steps:

1. To issue any necessary instructions to the Council for the purpose of securing immediate improvement in the delivery of SEND services; working with other appropriate experts and stakeholders to identify ongoing improvement requirements; and to recommend any additional support required to deliver those improvements.
2. To bring together evidence to assess the Council’s capacity and capability to improve itself, in a reasonable timeframe, and recommend whether this evidence is sufficiently strong to suggest that long-term sustainable improvement to SEND services can be achieved.
3. To advise on relevant delivery and governance arrangements for SEND services, taking account of local circumstances and the views of the Council and key partners.
4. To report to the Parliamentary Under Secretary of State by 19 March 2024 followed by further progress reports within timescales to be agreed.