

Classification: Open	Decision Type: Non-Key
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Report to:	Cabinet	Date: 04 September 2024
Subject:	Bury Local Area SEND response to local area inspection	
Report of	Deputy Leader and Cabinet Member for Children and Young People	

Summary

1. Between the 12th and 16th February, Bury's local area SEND services were inspected by the Care Quality Commission and Ofsted. The inspection team identified widespread, systemic failings in services and highlighted the challenge that we need to do more to improve the outcomes of children and young people with special educational needs.

The inspection identifies 6 priority actions which Bury Council and NHS Greater Manchester ICB are jointly responsible for, along with 3 areas for improvement. As a result of the inspection outcome, the local authority will be issued with an Improvement Notice, and we will be subject to monitoring visits followed by a re-inspection in approximately 18 months.

Recommendation(s)

2. Cabinet is asked to note the findings of the local area inspection and the Priority Impact Plan.
3. Cabinet to note -
 - A review is being conducted of Educational Psychology Services, and Cabinet will receive this update via a separate report.
 - A comprehensive and effective Outreach offer is being reviewed and co-designed, in accordance with current capacity to determine service delivery that is aligned with our strategic objectives, and which addresses our challenges. This service has recently been restructured and is considered sufficient at this time.
 - Further exploration of the Liquid Logic SEND Portal is required to establish functionality and efficiencies and consider how it can support our identified issues. Data cleansing is currently underway to migrate the information to the data system and the anticipated timeframe for completion is December 2024.
 - The SEND Assessment and Review Team comprises of staff with varying knowledge, experience and skills. There is a need for a core programme of training and development to support Continued Professional Development (CPD) and improve service delivery.

4. Cabinet is asked to approve the proposals in respect of the additional capacity required to deliver on the Local Area SEND Partnership Priority Impact Plan and Project Safety Valve (PSV) Agreement:
 - a. Additional capacity in the SEND Service – paragraph 11.5
 - b. Designated Social Care Officer (DSCO) – paragraph 11.9
 - c. Training costs – paragraph 11.6
 - d. Project management – paragraph 12

Reasons for recommendation(s)

3. To ensure Cabinet Members are sighted on progress of SEND improvement activity following our local area inspection.
4. To ensure that the SEND Service can deliver on Local Area SEND Partnership Priority Impact Plan, PSV Action Plan and meet the expectations of DfE, Ofsted and CQC as part of their ongoing monitoring arrangements.
5. To ensure compliance with the Education, Health and Care Needs Assessment, in accordance with the Childrens & Families Act 2014, SEND Regulations 2014 and the SEND Code of Practice 2014.

Alternative options considered and rejected.

6. Not applicable.

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7. Background

In January 2023, Ofsted & CQC launched an updated inspection framework in relation to local area SEND inspections.

The scope of the inspection:

- Extent to which local area partnership arrangements ensure children and young people's needs are identified and assessed correctly, with participation from families in the decision making, leading to them receiving the right help at the right time and are well prepared for their next steps, achieve strong outcomes and are valued and visible in their communities.
- How the local area partners work together to plan and evaluate the SEND system, including the extent to which leaders are ambitious for children and young people with SEND, actively engage with children and families, have an accurate and shared understanding of local need, commission and plan services to meet these needs, evaluate services and create an environment in which effective multi-agency practice can flourish

There are 3 possible outcomes to a local area inspection:

- 1) 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.
- 2) 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.
- 3) 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.

The inspection framework is also more closely aligned to the ILACS framework, for example:

- Local areas are subject to judgement inspections every 5 years
- Where weaknesses have been identified (or if there are serious concerns), monitoring visits will take place
- Annual engagement meetings between Ofsted and the local area, which will include a review of our self-evaluation (SEF)
- Thematic visits

Of the 35 inspection reports published so far under the 2023 inspection framework, 10 have been found to provide positive experiences, 15 inconsistent experiences and 10 have had systemic failings. There have been 6 inspections in the North West region – 3 were found to have inconsistent experiences (Warrington, Trafford & Blackpool) and 3 had systemic failings (Oldham, Halton & Bury).

8. Priority Action Plan

As a result of the inspection outcome, the Bury local area was required to produce a Priority Action Plan, which we are locally referring to as our Priority Impact Plan (PIP).

The PIP will by default will become the main strategic plan for SEND, setting out what needs to be delivered in the next 18-24 months with key milestones and key performance indicators.

Co-production has been central to our approach in the development of our PIP. We have made every effort to co-produce this with stakeholders, including parents and carers, however our methods of co-production in this instance have not been as measured nor inclusive as we would normally strive for due to the speed at which the plan has needed to be delivered (deadline for submission was within 5 weeks of the report being published). Timescales have proved challenging, including for our parent carer forum who have been fully committed and engaged in the process and have given up significant chunks of time over the 5-week period to ensure their views and lived experience shaped the plan.

A working group was formed to include key stakeholders from across the local area including our parent carer forum Bury2Gether, representatives from schools and colleges, Council, local Integrated Care Board (ICB), Virtual School, Pennine Care Foundation Trust, our SEND Youth Ambassador and our independent Chair of our SEND Improvement & Assurance Board.

Two workshops were held where we:

- agreed the values and principles which we felt were important in how we worked together, this included curiosity, courage, commitment, confidentiality, confidence and creativity.
- agreed the structure of the priority plan – what was important for us to capture?
- reflected on the priority actions and areas for improvement and through group activity, collected ideas and feedback for the actions needed in each section of the plan.

Following the workshops, we held two further development sessions and included our DfE and NHSE Advisers, to broaden the scope of the feedback. Our Parent Carer Forum (PCF) Bury2Gether have been committed and engaged, present at every workshop and action planning meeting and have provided detailed feedback at every step. To ensure all parents and families have had opportunity to provide feedback, we shared a draft, working copy of the plan on our Local Offer and invited feedback from all stakeholders through an online form.

Our SEND Youth Ambassador and Inclusion Advocate engaged with our children and young people in different group sessions, including:

- Millwood Primary School's school council
- Bury's SEND Youth Voice Network
- Wicked Wednesdays SEND Youth Club
- Bury's Children in Care Council
- Bury's Youth Cabinet

There are parts of the revised Project Safety Valve agreement (agreed in January 2024) that currently sit outside the PIP – particularly the development of new local specialist provision - and we are considering how best to communicate the synergy of the two interventions in our governance arrangements (see below).

As detailed within our Priority Impact Plan, we are also reviewing our performance reporting around SEND improvement so while headline key performance indicators have been included, there will be a more detailed and robust dataset that will be reported into the SEND Improvement & Assurance Board.

The first action with our Priority Impact Plan is to distil the local area SEND Strategy taking a 'Plan on a page' approach, co-producing this with our parents, carers and young people. This will be written to and for our children, young people and families and will clearly set out the strategy we have taken in Bury in the last 18-24 months which has been to improve early identification and support, improve the availability of resources and improve access to services (including reducing waiting times). We intend to complete this work in draft in June and fully launch in September. A review of the SEND system communications and new Communications Strategy is also a key action within the plan.

The Priority Impact Plan was submitted to Ofsted & CQC for approval on 7th June 2024. On 21st June 2024, Ofsted confirmed (on behalf of Ofsted and CQC) that the plan has been reviewed and meets the criteria set out within the Area SEND inspections framework and handbook, which also sets out the requirement for us to publish the plan within 5 working days. The plan was published on our local offer on 25th June 2024.

Support for the delivery of the Priority Impact Plan will require some additional investment by the council and the ICB – this will support the programme management and governance (see below), but also additional capacity to address some of the critical deficits identified in the report, such as the number of EHCPs reviewed and amended each year.

9. Governance arrangements

The newly formed SEND Improvement & Assurance Board (SIAB) is accountable to the Cabinet within the Council, and to the GM Integrated Care Board via the Locality Board, which operates as a sub-committee of the ICB Board. This Board replaces the previous SEND local area partnership Boards.

There are other Boards which are connected to the work of the SIAB but are not part of the formal reporting:

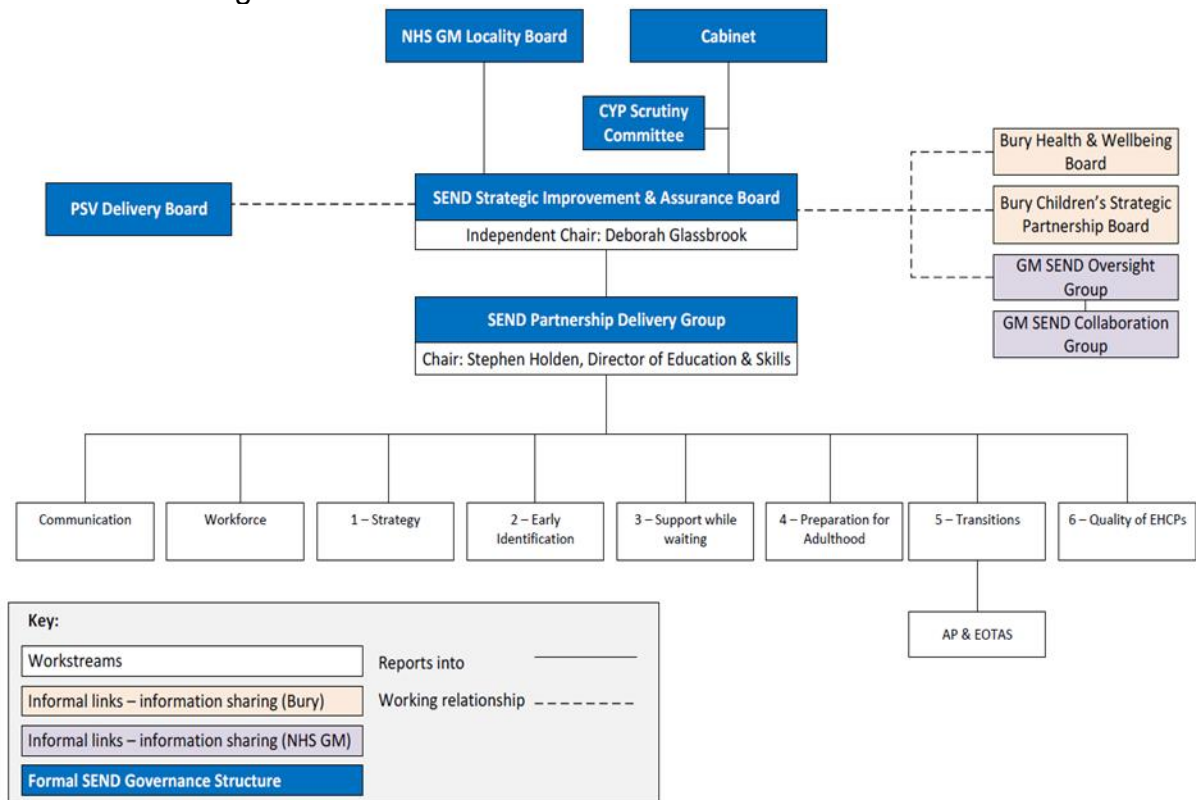
- The Health & Wellbeing Board operates as a standing committee on health inequalities and will be routinely updated on the work of the SIAB.
- The GM SEND Board co-ordinates interventions that require a GM wide commissioning response and is also a mechanism for sharing good practice; our Deputy Place Based Lead is a member of both Boards and acts as conduit
- Children's Strategic Partnership Board focuses on improved outcomes for all children and young people in Bury, and as such will be updated on the work of the SIAB as needed

The SIAB will meet monthly (first meeting took place on 17th June 2024), and will be independently chaired by Deborah Glassbrook who has experience of working with other local areas who are subject to intervention in relation to SEND. The Board will include strategic leaders from across the partnership:

- Bury Council
- NHS GM
- Bury2Gether
- Primary School representative
- Secondary School representative
- Special School representative
- FE representative

Each Priority Action has a nominated lead officer, who will be a senior officer within their organisation. The Workstream Leads will provide monthly highlight reports to the SIAB, and ensure monthly reviews of the risk register. Reports will be expected to provide updates on activity, performance data and quality assurance findings.

Governance Diagram:



10. Project Safety Valve

Bury local authority is part of a formal agreement with the Department of Education (DfE) to reach a positive in-year balance on its Dedicated Schools Grant (DSG) account by the end of 2028-29 to control and reduce the cumulative financial deficit. An action plan has been devised and regularly monitored; all actions against the plan are on track at this time. Part of this agreement is to ensure that the council has the relevant staffing, expertise and representation to fulfil the aims of its agreement.

11. Bury SEND Service – capacity to deliver improvement

Bury SEND Services currently comprises of Educational Psychology, Outreach and Sensory Support Services and the Statutory Assessment and Review Team:

11.1 Educational Psychology Services

A review is being conducted of Educational Psychology Services, and Cabinet will receive this update via a separate report.

11.2 Outreach and Sensory Support Services

A comprehensive and effective Outreach offer is being reviewed and co-designed, in accordance with current capacity to determine service delivery that is aligned with our strategic objectives, and which addresses our challenges. This service has recently been restructured and is considered sufficient at this time.

11.3 Statutory Assessment and Review Team

There are currently 2,850 children and young people's Education, Health and Care (EHC) Plans maintained by Bury Local Authority. 2,812 are Bury children/young people and there are 38 children and young people who are maintained on behalf of other local authorities.

The Statutory Assessment and Review Team is responsible for the co-ordination and administration of the statutory assessment of education, health and care needs, of our children and young people aged 0-25 years, this includes the review and monitoring at least annually and every 6 months for those under the age of 5 years. Improvements required in this area relate to Priority Area 6 of our PIP.

A review of the capacity in the SEND Assessment and Review team has demonstrated high caseloads leading to incidents of poor communication this in turn has had an impact on the quality and coordination of the Education, Health, Care Needs Assessments (EHCNA) and EHC Plans.

11.3.1 New assessments

Our established data dashboard for new assessments is indicative of performance above the national average and generally compliant with statutory timeframes.

11.3.2 Annual reviews

Annual review data is less reliable at present due to the way in which it is collated (see 11.4 below) but it would suggest 40% of EHCP's had a completed annual review, yet only 22% were completed within the statutory timeframes in the academic year of 2023-24. It is a statutory requirement that the local authority achieve compliance to ensure that annual reviews are completed for each child/young person, at least annually and 6 monthly for those under 5 years old, (recovered position).

It is anticipated that 2,900 annual reviews are to be processed in the academic year, 2024-25, including those under 5 years.

There are currently 6 case officers managing this process within the annual review team with one senior officer providing management oversight. This equates to an average caseload of 483 per officer/161 per term. In respect of the significant improvement work detailed in the Local Area Ofsted Report, this would require significant reduction. Whilst there is no nationally set indicators on what defines a reasonable caseload, 200-250 per academic year would be recommended to ensure increased presence at annual reviews and support improved quality. This would also provide the necessary capacity to provide positive challenge and support to align with the PSV action plan and agreement.

11.3.3 Reviews of EHC Plans between phases of education (as per SEND Code of Practice 2014)

The Local Authority must adhere to the urgent matter of reviews of EHC Plans between phases of education in sufficient time prior to a child or young person moving between key phases of education. This will allow for planning for and, where necessary, commissioning of support and provision at the new institution (9.178 SEND Code of Practice, 2014).

The review and any amendments must be completed by 15 February (2025) in the calendar year of the transfer at the latest for transfers into or between schools. This means Bury must complete:

- Nursery to Reception = 82
- Year 2 = 154
- Year 6 to Year 7 = 153
- Year 11 = 220 (for young people moving between post-16 institutions, the review process should be completed by 31 March 2025)

The key stage transfer reviews which need to be undertaken total 609. This would suggest that current capacity is not sufficient to adequately complete all key stage transfers and does not take into account the remaining EHCP's which require an annual review, in the autumn/spring term or the PSV Plan.

Although there is no statutory key stage transfer deadline for year 9 (203) and year 14 (112), other than to review annually this is an important year group to consider in respect of effective preparation for adulthood and potential ceasing of plans at year 14, where educational outcomes have been achieved or the young person no longer requires to access education or transfer to adult services would be more appropriate.

The above provides sufficient evidence for the need to increase capacity in the team.

Due to the lack of adequate provision in the local area, there are several children who may be 'inappropriately placed'. It can therefore not be predicated but only assumed that an 'early review' may be required, and which may subsequently impact on the progress of any annual review recovery plan which aims to address our priorities and support us to obtain a 'recovered' position. There is currently no data on this in which to create an assumptive figure to identify risk level.

The expectations within the PSV Plan have not been a consideration in the capacity yet needs to be a key consideration.

11.4 Data systems

The Liquid Logic System is currently being used in Bury Council. However the SEND Assessment and Review Team relies heavily on Excel spreadsheets, which are manually updated and are unable to provide effective reporting on activity, including for the purpose of statutory data returns. A data cleansing is currently underway to migrate the information to the data system and the anticipated timeframe for completion is December 2024. This will require resourcing from the current team during this time, yet it is essential to improve the delivery of service and data collection efficiency and in advance of the next statutory data collections.

The current use of systems does neither allow for the fulfilment of the statutory obligation to notify educational institutions, Integrated Care Boards (ICB's) and social care of when annual reviews are due. This aims to ensure that reviews in other areas can be aligned with the annual review process and with one of the fundamental principles of the Children's and Families Act, 2014, in terms of the 'tell it once' and maintain a person-centred approach. It also enables the continued requirement for the local area to engage on the annual review process, where

appropriate and maintain a coordinated assessment and review to take place – ultimately maintaining the quality of EHCP's following the annual review cycle.

Further exploration of the Liquid Logic SEND Portal is required to establish functionality and efficiencies and consider how it can support our identified issues.

11.5 Current Staffing Capacity

The **SEND Assessment and Review Team** is currently designated as two teams: one co-ordinates the EHCNA and the other a designated annual review and monitoring team.

- 1 x SEND Team Manager (Grade 16)
- 3 x Senior Officers (Grade 12)
- 1 x Lead Assistant Caseworker (Grade 8)
- 12 SEND Officers (Grade 10) (1 funded through temporary grant funding)
- 8 Assistants (4 x Grade 5 / 4 x or 7)
- 1 x Data Coordinator (2-year 0.4 contract) – Grade 3
- 3 x Co-ordinator (2-year 0.6 contract/1-year f/t 0.6 contract/onboarding Aug 24) – Grade 3 (posts funded through temporary grant funding)

The proposal is to recruit the following additional capacity:

2-year fixed term contracts:

- 2 FTE x Senior Officer (Grade 12) = £113,041
- 6 FTE x SEND Officers (Grade 8) = £237,961

Total cost £351,002

Agency Recruitment:

- 6 x Interim – initial 3-month contract, approx. £300 - £320 per day

Total cost £156,975

11.6 Training and Development

The SEND Assessment and Review Team comprises of varying knowledge, experience and skills. There is a need for a core programme of training and development to support Continued Professional Development (CPD) and improve service delivery. Much of this can be delivered inhouse, however it would be beneficial to ensure that staff receive, at least Level 1 IPSEA Legal Training.

SEND law: Level 1

This training covers:

- The Children and Families Act 2014
- The duties of local authorities and schools
- EHC needs assessments
- EHC plans – including naming a school and changing a plan
- An introduction to the Equality Act 2010
- Exclusions

Level 1 online learning at £199 per person (20 places) = £3,980

There is also the option of funding the NASEN Caseworker Award – level 4, particularly for senior staff in the first instance, at a cost of £1295 per person. If the SEN Manager and all senior officers were trained in the first instance, including the additional post, the total cost would be £6,475.

11.7 Review of processes and procedures

Whilst the additional capacity does not fully compensate to the recommended caseloads, it is anticipated that a review and refinement of processes, procedures and full utilisation of data systems the team will operate more efficiently and effectively. This is not able to be captured effectively through data but will be monitored through performance reviews and KPI's. All opportunities for smart worker and digital efficiencies will be explored.

11.8 Communication and Engagement Officer

Whilst a data set is currently being established to understand the common themes which triggers complaints, communication is an evident key theme and ineffective and untimely communication, ultimately impacts on the lived experience of our children, young people and their families. This is also evident in the need to develop and refine our local offer.

The current Communication and Engagement Officer post is vacant and the job description under review. It is likely this will see an increase in costs from £34,000 to £39,660.

A communication and engagement workshop is to be facilitated to determine whether this post will remain or whether further enhancement and a job re-evaluation required.

11.9 Designated Social Care Officer (DSCO) (Children's & Adult Services)

Bury's Local Area SEND services were inspected by the Care Quality Commission (CQC) and Ofsted Inspection Report identified that social care do not routinely contribute to children and young people's EHC needs assessment when relevant and subsequently these EHC Plans do not reflect needs and provision accurately.

A EHC Social Worker (0.6) is currently post, situated within the Children with Disabilities Team and this has proved useful in terms of supporting the screening of children and young people who are undergoing statutory assessment. There is a requirement to establish written and robust processes, in this area, including defining thresholds for assessment types, and establishing data sets. Whilst this is a positive step forward there is a much greater need to develop coordination across social care services, including how annual reviews may be aligned to other care reviews and improve coordinated planning, particularly between children and adult services.

**The proposal is to recruit 1 FTE Designated Social Care Officer (DSCO)
Assumed Grade 10 £48,958 (pending job evaluation)**

In accordance with the Ofsted findings and to support the role and involvement of social care in the assessment and assessment of the needs of children and young people with SEND, it is recommended that a DCSO be appointed as is best practice in many other LAs. The DSCO would provide strategic support in framing and developing social care elements of the SEND strategy within the local authority and ensure that social care is aligned with legislative requirements and to support with quality control.

12. Management Consultancy Support for Project Safety Valve (PSV) and SEND Improvement Programmes

Project Management Support is required to enable effective and timely management of the PIP and associated workstreams, and to support with the planning and administration of the SIAB.

£100k budget set aside for programme delivery of the SEND Improvement Programme.

13. SEND Transport

The number of children & young people eligible for travel assistance and travel passes to mainstream schools continues to increase year on year - there has been a 38% increase over the past 5 years for SEN Travel Assistance. The introduction of personal travel budgets and mileage reimbursement has supported the demand with vehicle capacity issues however, these can only be implemented where we have parental consent.

It is therefore necessary to conduct a review of the capacity within the SEND Transport Team to ensure necessary management and administration of this process. It is anticipated that this will be completed by December 2024.

14. Links with the Corporate Priorities:

Please summarise how this links to the Let's Do It Strategy.

The proposed actions outlined in this report support key ambitions of the Let's Do It strategy:

- A better outcome for the Children & Young People

Equality Impact and Considerations:

*Please provide an explanation of the outcome(s) of an initial or full EIA and make **specific reference regarding the protected characteristic of Looked After Children**. Intranet link to EIA documents is [here](#).*

15. This report is providing an update to the outcome of our local area SEND inspection.

16. Decisions on additional spending are seeking to improve outcomes for children and young people with SEND and therefore positively impact on this cohort.

Environmental Impact and Considerations:

Please provide an explanation of the Environmental impact of this decision. Please include the impact on both **Carbon emissions** (contact climate@bury.gov.uk for advice) and **Biodiversity** (contact c.m.wilkinson@bury.gov.uk for advice)

17. N/A

Assessment and Mitigation of Risk:

Risk / opportunity	Mitigation
Local area does not make the needed improvements for children and young people with SEND, and their families	Priority Impact Plan (PIP) SEND Improvement Assurance Board – holding the local area to account on the PIP
Local Area is not compliant with the requirements set out in the CaFA, 2014, SEND Regulations, 2014	Additional capacity, subject to approval
Local Area does not meet the agreed timeframes in relation to the PIP/PSV agreement	Additional capacity, subject to approval

A risk register is being developed under the SIAB and will be reviewed monthly by all workstream leads, ensuring that the Board has sight of any risks so issues can be addressed at the earliest opportunity.

Legal Implications:

18. This report details how the Council is responding to the CQC inspection outcome and has implemented the measures required to address those concerns.

Financial Implications:

19. The Council has set aside a budget of £400k in 2024/25 and £530k in 2025/26 within existing Children's budget.

Appendices:

Please list any appended documents.

Background papers:

Please list any background documents to this report and include a hyperlink where possible.

- Bury Local Area SEND Inspection report
<https://reports.ofsted.gov.uk/provider/44/80443>
- Priority Impact Plan <https://www.bury.gov.uk/asset-library/Bury-Priority-Impact-Plan-FINAL-without-names.pdf>
- Improvement Notice
<https://www.gov.uk/government/publications/improvement-notice-issued-to-bury-council-may-2024>

Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning
CQC	Care Quality Commission
FE	Further Education
ICB	Integrated Care Board
NHS GM	NHS Greater Manchester
PCF	Parent Carer Forum
PIP	Priority Impact Plan
SEND	Special Educational Needs & Disabilities
SIAB	SEND Improvement Assurance Board