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Date: Tuesday, 30 April 2024

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Dear Member

## **OVERVIEW AND SCRUTINY BOARD - WEDNESDAY, 8 MAY 2024**

I am now able to enclose, for consideration at the Wednesday, 8 May 2024 meeting of the Overview and Scrutiny Board, the following reports that were unavailable when the agenda was printed.

<b>Agenda No</b>	<b>Item</b>	<b>Page</b>
5.	<b>Annual Review of Key Performance Indicators for the Special Educational Needs and Disabilities (SEND) Local Area Strategy</b>	(Pages 27 - 33)

Yours sincerely

Governance Support  
Clerk

**Meeting:** Overview and Scrutiny Board

**Date:** 8 May 2024

**Wards affected:** All Wards

**Report Title:** Update on Key Performance Indicators for the Special Educational Needs and Disabilities (SEND) Local Area Strategy

**When does the decision need to be implemented?** N/A

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## 1. Purpose of Report

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The SEND Strategy was first reported to this board in October 2023. The board has requested an update on the progress made towards the SEND Strategy during the last six months of this new governance.

As a reminder of context, the SEND inspection of the Local Area in November 2021 requested that the Local Area develop a Written Statement of Action showing how the Local Area intended to address the eight significant areas of weaknesses outlined in the inspection:

1. Joint Commissioning
2. SEND Strategy
3. Culture
4. Joint Working
5. Graduated Response
6. Becoming an Adult
7. Quality Assurance and Community Engagement
8. Resilience

Now, over two years on from that original inspection, the SEND Strategy is the vehicle by which the original eight areas of significant weakness are being focused upon with them being drawn into five key priority areas, which were co-created and co-produced by our children, their families and colleagues from across the Local Area into this long-term strategy for SEND.

It is also important to note that since our original inspection a new Ofsted framework for Local Area inspections has emerged as well as a SEND Review which sets the direction of travel and focus for SEND nationally. Given that the new inspection arrangements would likely mean a full re-inspection later on in 2024 it is important for us to give due regard to this new inspection process as we update this board.

## 2. SEND Local Area Strategy

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Our SEND Strategy has encompassed the original eight areas of weakness into five key priority areas. A reminder of the full SEND Strategy can be found in the appendix at the end of this report.

A reminder of these key priorities are:

- 1) **SEND is everyone's business** – embedding our values through education, health and social care, changing culture and reforming our workforce
- 2) **Identify and act on children's needs at the earliest opportunity**, through valuing lived experience and expertise
- 3) **Understand the needs of our children**, young people and families and **make sure joint commissioning** supports service delivery and we make best use of all resources
- 4) Make sure that all early year's providers and mainstream educational settings support an **inclusive approach to education**
- 5) Improve **transition planning** for young people **moving into adulthood**

## 3. Summary of Progress towards these priorities

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Under a new framework of governance the five priority areas have been created with colleagues from across the Local Area Partnership. To accommodate ownership from across all sectors the leads of these groups include membership from public health, adult social care and the Integrated Care Board (ICB). The membership of these groups were also re-designed to ensure that key colleagues attended with a special focus on school colleagues after advice we received from the Department for Education during their monitoring visits last year.

These five priority groups report into a central Project Board (six weekly) and then to an Executive SEND Board, reporting by exception, every quarter. Participating observers have been created to have oversight across the governance. The Check and Challenge Group continues to meet as before to ensure overview and scrutiny of the SEND work as a whole. Children and Young People voices are central to our governance arrangements and, with support from the Participation Officer, have time at the Executive Board to feed-in their ideas and feedback.

It is important to note that our audit work, now integrated into our systems, plays a key role across all five areas. This is an area of progress with our Quality Assurance feedback showing that Education submission to the EHCP is largely rated as Good (88%) and Outstanding (4%), supporting the quality of EHCPs. This audit framework is now being integrated into each workstream activity, so this audit work is present from the design of each action plan.

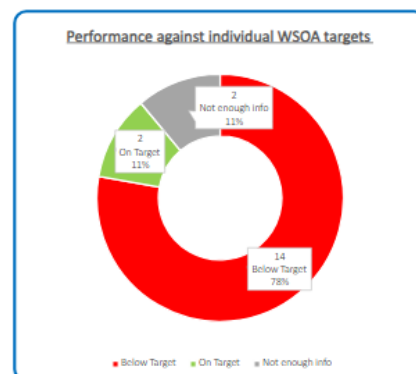
All these groups now have action plans in place and are working through a set of key progress indicators (for a more detailed overview of each priority area please see Appendix 4). However, the pace of this improvement work has been disappointing with many stakeholders identifying that after two years of improvement work "SEND Fatigue" is playing a factor. The Project Board has not managed to solidify progress as had been hoped.

There is inconsistency in the progress being made in each of the priority groups, with our key headline data overall showing very little impact (see below – for the full dashboard see Appendix 3).

## Torbay Local Area Written Statement of Action

Performance Snapshot: 4/29/2024

WSOA Reference	Description	Current Performance	Target	Current indicator	Last Data Set	Frequency
4B & 11C & 18A	RSA and per school	28	15	⬇	Feb-24	Monthly
4B	Absence rates	13.4%	12.1%	⬇	2021/2022	Annually
4C & 13	Reduction of suspension	1758.00%	778.00%	⬇	2021/22 Autumn and spring term	6 monthly
4C & 13	Reduction in exclusions	25.00%	7.00%	⬇	2021/22 Spring term	6 monthly
11C	K' numbers	12.3%	13.0%	⬇	Feb-24	Annually
11C	EHCP Numbers	6.2%	4.3%	⬇	Feb-24	Annually
11E	Developing Pathways	22.1%	100.0%	⬇	Oct-23	Monthly
11F & 12B	Prevention	28	18	⬇	Oct-23	Quarterly
11G	Annual Health Checks	67.0%	66.8%	⬇	Oct-23	Quarterly
12A.1	Early Intervention Self Harm Service (EISH)	Not available	Not available	Not available	Not available	Not available
12C	Mental Health	Not available	Not available	Not available	Not available	Not available
12D	Mental Health Support Team	43.8%	25.0%	⬆	Oct-23	Quarterly
14A	NEET Numbers	4	15	⬆	Feb-24	Monthly
14B & 17B	19yr old Qualifications L2 & L3	12.0%	17.3%	⬇	2021/2022	Annually
14D & 17A	Apprenticeship numbers 16-19	2	12	⬇	Feb-24	Monthly
14D & 17A	Apprenticeship numbers 20-25	5	9	⬇	Feb-24	Monthly
16A.1	Annual Reviews Completed Annually	81%	100%	⬇	Feb-24	Monthly
15C	Timeliness	22%	100%	⬇	Feb-24	Monthly



Although we know that a large of amount of improvement work has been undertaken and pockets of success are evident, there are largely too many inconsistencies and a lack of tangible impactful work in our key areas.

With the support of a Department for Education adviser we are reviewing each of these action plans and Key Performance Indicators to streamline and focus in on those actions which can reap the most benefit. We know this piece of work needs to be completed quickly so that we don't loose momentum of the whole SEND improvement journey overall.

### 3. Important Changes to the Ofsted Inspection Framework and what this means for Torbay.

Since the original inspection a number of new national developments which are important to note are the new SEND reforms (green paper) recommending a new Local Inclusion Plan (LIP) as well as a New Ofsted Inspection Framework for SEND Local Area Inspections which now sees areas being judged within three categories for all future inspections:

**Outcome 1** - The local area partnership's 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.

The next full area SEND inspection will be within 5 years.

Ofsted and the CQC ask the local area partnership to update and publish its strategic plan based on the recommendations set out in this report.

**Outcome 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.

The next full area SEND inspection will take place within approximately 3 years.

Ofsted and the CQC ask that the local area partnership updates and publishes its strategic plan based on the recommendations set out in this report.

**Outcome 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.

A monitoring inspection will be carried out within approximately 18 months. The next full area SEND inspection will take place within approximately 3 years.

HMCI requires the local area partnership to prepare and submit a priority action plan (area SEND) to address the identified areas for priority action.

These new inspections see a departure from old inspection methods and has a new approach to inspecting SEND. They will judge areas in the following ways:

*31. Inspectors will evaluate the impact of the local area partnership's SEND arrangements on the experiences and outcomes of children and young people with SEND, including the extent to which:*

- *children and young people's needs are identified accurately and assessed in a timely and effective way.*
- *children, young people and their families participate in decision-making about their individual plans and support.*
- *children and young people receive the right help at the right time.*
- *children and young people are well prepared for their next steps and achieve strong outcomes.*
- *children and young people are valued, visible and included in their communities.*

*32. Inspectors will evaluate how the local area partners work together to plan, evaluate and develop the SEND system, including the extent to which:*

- *leaders are ambitious for children and young people with SEND.*
- *leaders actively engage and work with children, young people and families.*
- *leaders have an accurate, shared understanding of the needs of children and young people in their local area.*
- *leaders commission services and provision to meet the needs and aspirations of children and young people, including commissioning arrangements for children and young people in alternative provision.*
- *leaders evaluate services and make improvements.*
- *leaders create an environment in which effective practice and multi-agency working can flourish.*

(for the full inspection framework see Appendix 2)

In February 2024 Torbay attended an “Annual Conversation” meeting with Ofsted on the progress being made in SEND across our Local Area; a full revisit and Local Area inspection is expected (and is currently overdue) predicted towards the end of 2024.

Despite other developments within the Bay such as the Safety Valve agreement and advent of Family Hubs any revisit will seek to measure us against the new framework as well as revisiting the original eight areas identified above. As the basis of much of the new inspection will seek parents and carers views The Local Area Partnership will need to significantly re-double its efforts in the next six months if we are to be able to prove to the Inspectorate that we have made enough progress and impact on our families Lived Experience to gain outcome two, the ‘inconsistent’ judgement.

## Summary and Conclusion

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To conclude we hope that this briefing paper has given this board an oversight of the progress towards the SEND Strategy priorities and thus our key performance indicators derived from the SEND Written Statement of Action.

In the period before any future inspection the Local Area would welcome your continued oversight into this area so we can ensure that “SEND is everyone’s business” and that this remains a high priority for our Local Area.

Even though any forthcoming inspection judgement is likely to be disappointing Torbay has made significant progress in SEND from its much lower starting points in 2021 and it is essential we are able to report confidently on these. Against a backdrop of national challenges in SEND it will only be with a relentless and persistent approach to drive improvement across all areas in our Local Area Partnership that we will see more positive results for our children and young people in Torbay.

## Appendices

**Appendix 1:** Full SEND Strategy [Torbay SEND strategy 2023 - Torbay Council](#)

**Appendix 2:** New Ofsted Framework [Area SEND inspections: framework and handbook - GOV.UK \(www.gov.uk\)](#)

**Appendix 3:** Written Statement of Action Data Dashboard - -

[https://torbaycouncil1.sharepoint.com/:x/s/TC-SENDStrategicBoard-](https://torbaycouncil1.sharepoint.com/:x/s/TC-SENDStrategicBoard-WSOAProjectManagement/EVsbTxjFXOFMgAGL8wyh2K0BzK9_57qiQ2HWI_eWJj7mWA?e=IBH)

[WSOAProjectManagement/EVsbTxjFXOFMgAGL8wyh2K0BzK9\\_57qiQ2HWI\\_eWJj7mWA?e=IBH](https://torbaycouncil1.sharepoint.com/:x/s/TC-SENDStrategicBoard-WSOAProjectManagement/EVsbTxjFXOFMgAGL8wyh2K0BzK9_57qiQ2HWI_eWJj7mWA?e=IBH)  
[kmj](#)

**Appendix 4 – Detailed progress update for each Priority Area for quarter 1**

**Torbay SEND Improvement Priorities Update (Jan-Mar 2024)**

### **Priority 1 – SEND is Everybody’s Business**

The coproduced, high-level action plan has been reviewed and revised to reflect the progress that had been made prior to the establishment of the Priority 1 work and to focus on the consistent embedding of the key components in the health, social care and education sectors:

***The embedding of the Torbay SEND Pledge and Coproduction Charter across the system:***

- The SEND Pledge and Coproduction Charter have been developed. Further work is required to complete the organisational sign-up process and co-design of the products so that they are easily understandable to children and young people with a learning disability.

***The creation and application of a ‘Coproduction Quality Mark’:***

- Presently, there is no ‘coproduction quality mark’ or process for qualifying for this kite mark. A workstream under Priority 1 is being established to take this forward, building on work that has been done within education, health and social care.

***The publication of the Year 2 SEND Survey and development of a sustainable model for a lived experience feedback cycle:***

- The publication of the Year 2 SEND survey has been challenging due to the scale and complexity of the survey and limited resources available. While alternative options to hasten publication have been explored, pace has not been able to be accelerated significantly. The survey is expected to be published in June, with initial findings being shared in the next SEND newsletter.
- For further years, learning will be taken from the survey experience to date with more ‘real time’ evidence-based methodologies being implemented to establish a responsive feedback cycle that gathers insights into [1] CYP and families experience of the system ‘as is’ at any point in time; [2] their awareness of implemented changes; and [3] their experience of implemented changes.

**Priority 2 – Early Intervention & Lived Experience**

The group has focused on determining the KPIs in the original Strategy document to formulate its next steps.

***Identifying Needs Early***

- Using the Early Years Settings and with the support of the Family Hubs a training offer for early identification of need is being focused upon.

***Communications***

- A group to enhance the communication around the early support offer is being drawn together, ensuring that the lived experience is promoted and is central to the messages we communicate.

***Tell it Once***

- *Use the creation of the Tell it Once approach to enable our service users to feel like partners in the decisions about their own support.*

**Priority 3 – Needs and Joint Commissioning**

The group has focused on addressing the agreed KPIs and development of an action plan which includes:

***Joint Commissioning Model:***

- This has included a short review of JSNA (2022) which supports the continued priority areas for commissioning focus.
- Updated budget and contract information is being collated. A workshop has been booked for June (intention to hold late March but due to key people’s availability this has had to be re-organised) to bring together the Executive Group and the Needs and Joint Commissioning Group (facilitated by Islington SLIP partner) to reach shared understanding of language, challenge and opportunities and to agree our principles and protocols of a Torbay Joint Commissioning Model with a shared language.

***Commissioning Priorities:***

- **Speech Language Communication Needs** - action plan drafted and aims to join up the system wide work and activity and priorities to make best use of resources and opportunities. This takes account of the current models and investment already being made by individual schools.



- **Neurodiversity (Support for Families)** - Autism and Us parent programme delivered in January which was coordinated by SFVT. Evaluation to be completed which will inform the costed options for a sustainable Torbay joint commissioned/funded programme. This is dependent on capacity across organisations including SFVT. Pump priming for this development has been identified from NHS and has been transferred to LA under s256.
- **Individual Funding** – this is paused whilst outcome and feedback from discussions are being taken forward at an executive level of local authority and NHS.
- **Reduction in Higher Needs Block** – the group acknowledged and agreed that whilst this sits in Needs & Joint Commissioning Group the achievement of this spans across several of the priority workstreams and links to the Safety Valve work. Therefore, it will need to be reflected in other priority feedback.

#### **Priority 4 – Inclusion**

The Inclusion priority group has an action plan completed focusing on three key areas:

##### ***The embedding of the Graduated Response in mainstream schools to meet need early and well:***

- Schools have been working with a suite of materials to embed the toolkits after the launch with roadshows for each school. This action plan instigates a series of training opportunities to upskill colleagues in schools, supported by the SEND team and wider colleagues to deliver this support and training. The training schedule has already begun and is planned to continue through 24/25 academic year.

##### ***The reduction of suspensions and exclusions for SEND Support and EHCP:***

- Suspensions and Exclusions data shows that although permanent exclusions have continued to decline the suspension rates have increased. When we look at this against national levels Torbay rates are still too high. Some of the reductions we have seen are attributed to case conferences and new processes for children and young people with EHCP's and an indication of cultural change. Our action plans seek to address suspensions particularly.

##### ***The wider response to inclusion, including the health waiting lists and 'waiting well' agenda:***

- We have an action plan to support the wider response which includes some 'Bridging the Gap' support for families. However, we are concerned that this will not mitigate the waiting lists enough to have impact for our families.

#### **Priority 5 – Becoming an Adult**

The Becoming an Adult priority has attempted to meet on several occasions with sporadic engagement due mostly to system pressures. However, the action plan is beginning to take form with some meaningful contributions added. Key areas for further focus include:

- **Addressing and embedding** the recommendations from the Becoming an Adult commissioned Adult Report, whilst organising an appreciative enquiry led by Stuart Heron and Education colleagues which will aim to capture lived experience and further help improve the experience for young people and their carers.
- **Supporting** the ongoing creation and subsequent delivery of employment, training and voluntary opportunities across all partners working within the Bay. Torbay Council and TSDFT are leading discussions in this area and plan to develop proposals with providers to increase access to opportunities.
- **To co-produce and further develop** information available to individuals so they can be clear about their options and make informed choices about next steps in their transition. This will include more webinars to support parent carers in their own transition as their young people move towards adulthood.