

Extract Minutes of the meeting of the People and Families Policy and Scrutiny Committee, held at 11am in Committee Room 1 County Hall, Chelmsford, CM1 1QH on Thursday, 13 February 2020

4. SEND Services – Care Quality Commission/Ofsted Inspection

The Committee considered report PAF/04/20 comprising (i) a joint Inspection Report dated 17 November 2019 from the Care Quality Commission and OFSTED on SEND services in Essex, (ii) a joint briefing paper from North East Essex Clinical Commissioning Group (as lead for the five Essex CCGs) giving context to the inspection conclusions and initial reaction and (iii) anecdotal case studies of lived experience in relation to SEND services from Healthwatch Essex.

The following joined the meeting to introduce the item:

County Councillor Ray Gooding, Cabinet Member – Education (from 11.20am);
Clare Kershaw, Director – Education, Essex County Council (ECC);
Adrian Coggins, Head of Wellbeing and Public Health ECC;
Ed Garrett, Chief Executive, North East Essex Clinical Commissioning Group (NEECCG);
Ralph Holloway, Head of SEND Strategy and Innovation, ECC;
Lianne Nunn, Associate Director of Nursing, NEE CCG;

During discussion the following was highlighted and/or noted:

- (i) Reforms under the Childrens and Families Act 2014 placed a statutory duty on Education, Health and local authority to work together to deliver the requirements of the legislation;
- (ii) Government had recognised the extra financial cost to deliver the reforms and some further short-term funding had been provided;
- (iii) OFSTED had deemed that the Essex self-evaluation undertaken before the inspection was accurate and officers felt that no 'surprises' had come out from the inspection;
- (iv) The CQC/OFSTED had judged the pace of change and reform to local services had been too slow although acknowledging that it had accelerated since 2017. The acceleration did align with the timing of a leadership restructure at ECC;
- (v) Agencies were required to respond to the inspection through the submission of a written statement of action to the CQC/Ofsted by the end of March 2020. Essex Family Forum would be contributing to the submission;
- (vi) Agencies would increase prioritisation of the issues raised in the inspection report;
- (vii) The inspection had re-confirmed that there was inconsistency of services across Essex and that development of a joint commissioning framework would ensure a 'common offer';

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- (viii) Partnership working could be difficult when partners may have different priorities. There had been challenges in co-ordinating work across five CCG areas and the nomination of North East CCG now as lead for the five of them was seen as a positive development and welcomed by ECC;
- (ix) There was significant over-identification of moderate Learning difficulties – this was at a level considerably higher than any other local authority area. ECC had already recognised this prior to the inspection but had not addressed the issue;
- (x) The process for obtaining Educational Care Health Plans (ECHP) process was not working properly for everyone. However, it was important to recognise that families should still be able to receive support whilst awaiting formal assessment;
- (xi) There was no consistent or single approach to speech and language therapies. ECC had jointly commissioned children's services in West Essex with West Essex CCG, which included additional speech and therapy services, and they were keen to support other CCGs in sharing that learning and benefits of that commissioning structure;
- (xii) It had been recognised during the inspection that not all schools had signed the Inclusion Statement and that this process needed to be re-energised;
- (xiii) The number of Tribunal appeals were high. Partners were looking to establish a better system that can resolve concerns before they need to get to a tribunal. There was ongoing work with advocacy groups to agree a new protocol to enable more discussion rather than families going straight to tribunal;
- (xiv) A concept of a SEN navigator had been agreed and there was ongoing work to ascertain if this should be an actual person or digital platform (or both) so as to assist families better understanding the system and processes;
- (xv) Links with Healthwatch Essex needed to be further strengthened so as to link it in more with relevant strategic governance groups;
- (xvi) ECC were talking to stakeholders to clarify the complementary role school nurses should play in contributing to and promoting public health.

Conclusion:

The Chairman thanked the Cabinet Member and officers for their attendance. The following actions were **agreed**:

- (i) A draft of the local statement of action would be shared with Councillor Baker, as the Committee's lead member on this issue, ahead of submission to the CQC/Ofsted;
- (ii) The committee to consider seeking feedback from families, possibly through visiting the Essex Family Forum;

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- (iii) A further update on the responses and actions being taken would be scheduled for July 2020 to align with the already planned update item on the SEN service restructure to be given by Mr Holloway. The timing of further updates beyond that may align with the submission of progress reports to regulators and the DfE;
- (iv) That officers be requested to investigate formalising the requirement to enter into the Inclusion Statement as a pre-condition of appointing Head Teachers for new schools.