

**Executive Board – Tuesday 22<sup>nd</sup> March 2022**

<b>Subject:</b>	Ofsted and Care Quality Commission Special Educational and/or Disabilities (SEND) Inspection
<b>Corporate Director(s)/Director(s):</b>	Catherine Underwood, Corporate Director for People John Dexter, Education Director
<b>Portfolio Holder(s):</b>	Councillor Cheryl Barnard, Portfolio Holder for Children and Young People
<b>Report author and contact details:</b>	Janine Walker, Head of SEND & Vulnerable Pupils <a href="mailto:janine.walker@nottinghamcity.gov.uk">janine.walker@nottinghamcity.gov.uk</a> Sara-Jane Brighouse, Project Manager Children's Integrated Services & SEND. <a href="mailto:sara-jane.brighouse@nottinghamcity.gov.uk">sara-jane.brighouse@nottinghamcity.gov.uk</a>
<b>Other colleagues who have provided input:</b>	Kathryn Stevenson, Senior Commercial Business Partner Rachael Morris HR Business Lead (People)
<b>Subject to call-in:</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Key Decision:</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Criteria for Key Decision:</b>	
(a)	<input type="checkbox"/> Expenditure <input type="checkbox"/> Income <input type="checkbox"/> Savings of £750,000 or more taking account of the overall impact of the decision
and/or	
(b)	Significant impact on communities living or working in two or more wards in the City <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Type of expenditure:</b>	<input type="checkbox"/> Revenue <input type="checkbox"/> Capital If Capital, provide the date considered by Capital Board Date:
<b>Total value of the decision:</b>	Nil
<b>Wards affected:</b>	All Wards
<b>Date of consultation with Portfolio Holder(s):</b>	
<b>Relevant Council Plan Key Outcome:</b>	
Clean and Connected Communities	<input type="checkbox"/>
Keeping Nottingham Working	<input type="checkbox"/>
Carbon Neutral by 2028	<input type="checkbox"/>
Safer Nottingham	<input type="checkbox"/>
Child-Friendly Nottingham	<input checked="" type="checkbox"/>
Healthy and Inclusive	<input checked="" type="checkbox"/>
Keeping Nottingham Moving	<input type="checkbox"/>
Improve the City Centre	<input type="checkbox"/>
Better Housing	<input type="checkbox"/>
Financial Stability	<input type="checkbox"/>
Serving People Well	<input type="checkbox"/>
<b>Summary of issues (including benefits to citizens/service users):</b>	
The purpose of this report is to provide Executive Board with the findings of the joint Ofsted and Care Quality Commission (CQC) local area inspection of Nottingham City's implementation of the Special Educational Needs and/or Disabilities (SEND) Reforms which took place between Monday 8 <sup>th</sup> – Friday 12 <sup>th</sup> November 2021.	
<b>Does this report contain any information that is exempt from publication?</b>	No
<b>Recommendation(s):</b>	

1. To consider the main findings of the report including the strengths and areas of development

2. To consider the review and continued development of SEND strategic priorities and action plan

1. **Reasons for recommendations**

1.1 To inform the Executive Board of the findings of and response to the review of SEND provision in the City following the Ofsted and Care Quality Commission Special Educational and/or Disabilities (SEND) Joint Inspection.

2. **Background (including outcomes of consultation)**

**Special Educational Needs and/or Disabilities**

2.1 A child or young person is said to have a special educational need and/or disability (SEND) if they:

- Have a significantly greater difficulty in learning than the majority of others of the same age.
- Have a disability which prevents or hinders them from making use of educational facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions.

The four areas of need:

- Communication and Interaction
- Cognition and Learning
- Social, emotional and mental health
- Sensory and Physical
- For children with SEND, this can mean that they find it harder to learn than their peers, they may have difficulties in accessing community activities and require additional support to be more independent, have difficulty finding employment and have poorer health outcomes.

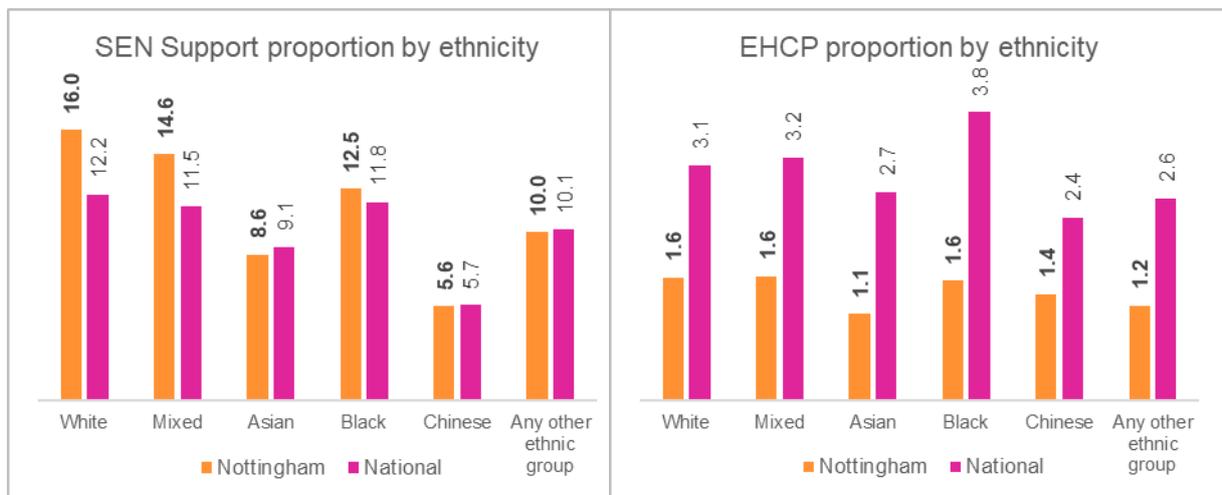
2.2 Families of young people with SEND tell us that they find the SEND system overly complex and difficult to navigate. They often feel that they have to 'fight' to get the services that they feel their child needs. The additional pressures of supporting a child with SEND can impact on a parent's career and income and impact of other family members including siblings.

**The Nottingham picture**

2.3 There are 47,335 children and young people in Nottingham schools, 7,418 (15.7% of school population) of whom have a SEND, this is a similar proportion to last year, but a small drop in terms of absolute numbers. (Data, Census January 2021)

2.4 Nottingham is a city that celebrates our diversity. 55% of pupils in Nottingham City schools are black, Asian and ethnic minority (BAME), a significant proportion of pupils have English as an additional language, with a significant cohort of refugee and asylum-seeking citizens and families.

- 2.5 Based upon internal census data January 2019, the ethnicity proportions of Nottingham's SEND Support pupils are broadly similar to those recorded nationally. The major difference in proportions are for SEND Support pupils who are classified as White. In Nottingham 16.0% of all White pupils are SEND Support, nationally this proportion is 12.2%.
- 2.6 Nottingham also recorded a higher proportion than national of pupils of mixed ethnicity with SEND Support. In terms of overall pupil population proportions, Nottingham has a lower proportion of white pupils than national and a higher proportion of mixed ethnicity pupils.
- 2.7 The graphs below highlight the proportions of BAME children and young people with SEND Support and those with an Education, Health and Care (EHC) Plan.



- 2.8 The gender split of children and young people with SEND in Nottingham roughly corresponds with regional and national figures, with boys being twice as likely to have SEND support, and three times more likely to have an Education, Health and Care (EHC) Plan than girls.
- 2.9 Nottingham Special Educational Needs and/or Disabilities (SEND) Support proportions have remained at a similar level (around 13.5% of the total school population) over the last four years. Nationally the proportion has been recording a year-on-year rise over the last three years, but has been on average at a lower rate (11.9%).
- 2.10 Nottingham's EHC plan proportions have increased at a similar level to those recorded nationally, although they have been on average lower (1.8% vs. 3.1%).
- 2.11 There remains a link between SEND and deprivation and the more deprived wards in the city have significantly higher levels of children and young people with SEND. Deprivation affects a significant number of families in Nottingham City. Nottingham is the 11th most deprived Local Authority according to Index of Multiple Deprivation (IMD) average score measure but is 6th most deprived for children according to Income Deprivation Affecting Children Index (IDACI). 42,000 Nottingham City children live in families where no adults work or where the household

income is low. This is equivalent to 64.8% of children, compared with 48% in Greater Nottingham and 43% in England.

2.12 Nottingham has high levels of deprivation. In 2020/21, 32.6% of pupils in Nottingham were eligible for Free School Meals (FSM) compared to 20.8% of pupils across England. Pupils with SEND, are more likely to be eligible for FSM than those with no SEND.

2.13 919 children and young people in mainstream provision receive targeted high needs funding (top up funding). This includes early years providers, (private voluntary independent settings), schools and schools sixth forms, but excludes further education and training providers.

Young people with SEND attending colleges and other training providers are supported through the high needs funding block.

- 1281 children and young people 0-25 have an Education, Health and Care plan.
- 30 pupils are in focus provision (special provision within mainstream school).
- 26 pupils are placed in independent/non-maintained special schools for educational purposes.
- 721 are in specialist schools and specialist Further Education provision.

### **Our approach in Nottingham**

2.14 From 2014 – 2018, the Nottingham City SEND Reforms Board delivered the strategic management and oversight of the implementation of the Children & Families Act 2014, Part 3 Children & Young People in England with SEND. The key stakeholders, highlighted below, have worked collaboratively since the introduction of the Reforms to ensure that the local area effectively discharges its statutory duties and continues to focus on improving outcomes for children and young people with special educational needs and/or disabilities.

2.15 From 1<sup>st</sup> April 2018, the SEND Accountability Board has strategic oversight for the continued implementation of the reforms and improving outcomes for children, young people with SEND and their families. All partners have representation on the board, which is chaired by the Director of Education. Our local area partnership comprises:

- Rainbow Parent Carer Forum - children, young people and their families
- Information Advice Support & Services (IASS)
- Local authority services: Education services, Children's Integrated services, Whole Life Disability Service (Children's & Adults Social Care), Strategy & Commissioning
- Public Health
- Nottingham & Nottinghamshire Clinical Commissioning Group
- Futures for You (Careers – advice, guidance and practical support)
- Schools and settings

2.16 In 2018 Nottingham published the co-produced **SEND Strategy for improving outcomes for children and young people.**

The strategy identifies six overarching priorities:

- 1. Supporting all schools and settings to be inclusive**
  - To ensure that the majority of children and young people with SEND have their needs met effectively in their local, mainstream school and to ensure city wide agreement on the expectations of schools and settings, recognising the role of all stakeholders and improve academic outcomes by the end of Key Stage 4.
- 2. Developing provision**
  - To ensure there is sufficiency of high quality placements and provision to address the significant increase in numbers of pupils with Autism and to develop therapeutic provision for pupils with Social Emotional & Mental Health needs to achieve our aim of having a quality, effective continuum of provision across the City.
- 3. Making transition easier**
  - To ensure there is more effective sharing of information at key points of transition, including between early years settings, schools and colleges. This will provide a more consistent level of support for transition at all ages and stages of a child and young person's life.
- 4. Promoting co-production with children, young people and their families**
  - To ensure there are well developed principles for co-production which are consistently implemented in all agencies and services to effectively engage with children, young people and their families at a strategic level to shape the services that are commissioned. To publish feedback on how this engagement is influencing services.
  - To continue to improve the quality, content, access to and awareness of the SEND Local Offer.
  - All services to embed a culture of evaluating the impact of support and systematically monitoring and reviewing the experiences of children, young people and families
- 5. Improving links between agencies**
  - To embed more effective communication between health services, schools/settings and parents and develop a more joined up approach to improve information sharing practices between agencies.
- 6. Preparing for adulthood**
  - To ensure there is a consistent support pathway to enable young people to successfully transition in to adulthood to achieve the best possible outcomes, such as being able to live independently, secure meaningful employment, have good health outcomes and be well prepared for their adult lives.

### **Legislation and inspection framework**

- 2.17 **The Children & Families Act 2014** introduced a series of reforms relating to supporting children with special educational needs and/or

disabilities which local authorities and their partners were required to respond to. The Act introduced a number of significant changes which included:

- Introduction of education, health and care plans
- Extended the age range for young people with SEND from 3-16 to 0-25
- Placed a duty on local areas to publish a local offer
- Right to a personal budget for young people with education, health and care plans
- Co-production and involve children, young people and their families in decision making
- Placed a duty on local areas to make available independent advice, dispute resolution and mediation services
- A clear focus on improving outcomes in the areas of academic attainment, health, social participation and employment
- A requirement for local areas to jointly commission services for children and young people with SEND

2.18 **The SEND Code of Practice** was published May 2015. It sets out the legal requirements and duties of local authorities, health bodies, schools and colleges to provide and improve outcomes for children and young people from birth to 25 years with SEND and their families.

2.19 In addition the Children and Families Act 2014, there are other legislative frameworks that place duties on the local area to meet the needs of children and young people with SEND. These include:

- The Care Act 2014
- The Equality Act 2010
- The Education Act 1996

## **SEND Local Area Inspection**

2.20 **The Inspection Framework & Handbook** was launched in 2016 and set out the inspection regime to be conducted by Office for Standards in Education Children's Services and Skills (Ofsted) and Care Quality Commission (CQC) to externally evaluate how well a local area carries out its statutory duties in relation to children and young people with special education needs and/or disabilities in order to support their development.

2.21 The local area is the geographical area of the local authority. However, the responsibility of the local area for children and young people who have SEND extends to those who are residents of the local area but attend educational establishments or receive services outside the local authority's boundaries.

2.22 The Inspection Framework evaluates the local area's provision through the inspection of the following domains:

- How effectively does the local area identify children and young people with SEND?
- How effectively does the local area assess and meet the needs of children and young people with SEND?
- How effectively does the local area improve outcomes for children and young people with SEND

- 2.23 The inspection looks at the contributions from all partner agencies in particular education, health, social care and gathers the views of children and young people with SEND and their parents and carers. The local area includes the local authority, clinical commissioning groups (CCGs), public health, NHS England for specialist services, early years' settings, schools and further education (FE) providers.
- 2.24 The local area has a responsibility to write a **self-evaluation** to assess the effectiveness of its implementation of the SEND Reforms. Nottingham City local area SEND Reforms Board started this process in 2016 and annually review the self-evaluation in partnership with education, health, social care and parent and carers. The self-evaluation informs an action plan. It is particularly crucial that areas have a realistic evaluation of their local progress and an active plan to drive change.
- 2.25 The inspection leads to a published report letter that gives an assessment and narrative judgement about how well the local area has implemented the SEND Reforms and is performing in its delivery of services for children and young People with SEND and their families. The report identifies strengths and areas for development.
- 2.26 The SEND local area inspections have been taking place in each local area of the country since 2016. The vast majority 162 of authorities have now been inspected.

### **The inspection process in Nottingham City**

- 2.27 The local area is notified five working days before the inspection begins. The inspectors use this time to examine Nottingham City data, published reports and performance indicators and to review the local area's self-evaluation framework.
- 2.28 The inspection team is onsite the following week for five days.
- 2.29 The inspection took place between Monday 8<sup>th</sup> November and Friday 12<sup>th</sup> November 2021. The inspectors determined their schedule which included:
- meeting with children and young people
  - meeting with parents and carers including Rainbow Parent & Carer Forum
  - a focus group with a range of early years providers
  - \*visits to seven nominated education settings and Nottingham College
  - visits to a range of health providers
  - a number of focus groups with officers from early years, education, health, social care, Futures, and community providers

\*During the visits to education settings inspectors evaluated the effectiveness of education provision and talked to children and families about their day to day experiences and aspirations.

- 2.30 Inspectors used the evidence gathered through their meetings with stakeholders to test out how accurately the local area have assessed

they are meeting their responsibilities and understand their strengths and areas that require further development.

## **SEND Local Area Inspection Outcome**

- 2.31 The SEND local area inspection does not create a graded outcome. However if there are significant areas for improvement then a Written Statement of Action is made. This is a formal requirement for improvement with Ofsted and CQC oversight.
- 2.32 The formal outcome letter is published on the Ofsted website and the Local Authority and CCG are also required to publish it on their websites. Nottingham's inspection outcome letter was received on Tuesday 4<sup>th</sup> January 2022 and published by Nottingham City Council on Monday 10<sup>th</sup> January 2022. It is attached at appendix 1.
- 2.33 The letter sets out the strengths and areas for development on each of the three inspection themes: identification, assessing and meeting needs, and improving outcomes for children and young people with SEND.
- 2.34 The key findings are:
- "Area leaders were quick to respond to the SEND reforms. They undertook significant and timely actions when the reforms were introduced. Education, health and social care leaders and professionals share a common ambition for Nottingham to be a truly inclusive place to live."
  - "Leaders understand the current strengths and areas to improve in Nottingham's SEND arrangements. They know the shortcomings in SEND provision. There is an appropriate strategy in place to improve outcomes for children and young people with SEND."
  - "Recent, significant changes in the area's leadership have resulted in some disruption to the strategic oversight of the SEND strategy. Leaders are managing substantial organisational changes across services. They are beginning to overcome these challenges."
  - "An external review has made recommendations to improve commissioning arrangements. Leaders have responded to these recommendations by establishing structures to strengthen joint commissioning arrangements. Appropriate plans are in place to develop a joint commissioning strategy in the near future. The current absence of an overall joint commissioning strategy limits the area's ability to use commissioning as a tool for improvement."
  - "Leaders have developed a coherent plan to support children and young people with SEND to prepare for adulthood. The plan identifies what should happen at each stage of a child or young person's school life. The pandemic delayed implementation of this new consistent approach. The partnership with 'Futures' strongly supports young people with SEND to transfer from schools into further education, employment or training."

- “Area leaders have not communicated their strategy for identifying, assessing and meeting the needs of children and young people with SEND clearly enough. A large proportion of parents do not understand or appreciate the strategy. Many do not know where to find information and guidance to improve outcomes for their children.”
- “The online local offer for children and young people with SEND is not well publicised. It does not capture all the services and activities. There is no effective oversight of the local offer website to ensure that it is well maintained and accessible to all parents and carers.”
- “The neurodevelopmental pathway is not communicated well enough to parents. As a result, some parents have unrealistic expectations of what support their children will receive once diagnosis has been confirmed.”

- 2.35 The inspection did not identify any significant weaknesses in Nottingham City that would require them to issue a Written Statement of Action.
- 2.36 It was pleasing that the inspection team recognised Nottingham as an inclusive city and that found evidence of strong inclusive practice in the seven educational settings that they visited. The settings talked positively of the strong partnership working in Nottingham and identified being well supported by local area SEND services.
- 2.37 Children and young people in these settings told the inspectors that they feel safe and well supported in schools and are proud of living in Nottingham. They also told inspectors about their aspirations for the future. At the final feedback session the inspection team described our young people “as a credit to Nottingham City”.
- 2.38 It is clear from the report that Nottingham City local area does not communicate its SEND strategy and services well enough with parents and carers. Parents and carers told inspectors they find it hard to understand the SEND system and that the pathways to access services are too complicated. They also told the inspectors that they do not know where to go to find information and the awareness of local offer is very limited. This is a key priority for the local area to address through its self-evaluation framework and action plan.
- 2.39 Whilst the inspectors acknowledged that outcomes for children and young people with SEND in Nottingham are improving, it is important for the local area to expedite this progress. Further work to analyse performance data and outcomes will be required to target services and interventions effectively and to measure their impact.
- 2.40 The inspection team highlighted that the current absence of an overall joint commissioning strategy limited the area’s ability to use commissioning as a tool for improvement.
- 2.41 Whilst the Local Authority and Clinical Commissioning Group (CCG) have a long standing partnership in working together to meet needs of

children and young people with SEND and their families, new partnership structures are being developed with the emerging Integrated Care System (ICS) which will see Nottingham City Council (NCC) working alongside colleagues in the County and CCG to take a system view to commissioning arrangements, identifying opportunities to improve services together by placing the needs of families and children at the heart of commissioning.

- 2.42 An external review of joint commissioning arrangements was carried out on behalf Nottingham City Council, Nottinghamshire County Council and Nottingham and Nottinghamshire CCG. The review concluded in July 2021 and resulted in the establishment of a Joint Strategic Planning Group and an Executive Strategic Planning Group for joint commissioning. An initial scoping draft will be presented to the Executive Strategic Planning Group at its January 2022 meeting before a final strategy is approved at its May 2022 meeting. The joint commissioning strategy will encompass a wide range of health, education and care commissioning activity, including SEND.

### **Next steps**

- 2.43 Leaders in the local area will take on board all the areas for development identified in the report and work with our partners to further strengthen the support in place for children and young people with SEND and their families.
- 2.44 The SEND Accountability Board provides governance and challenge to this area of work. Over the coming months, the Board will:
- Review and finalise the SEND Joint Strategic Needs Assessment initiated prior to the inspection
  - Assure the update of the current self-evaluation framework and SEND strategic action plan to incorporate any of the areas for development identified in the inspection report that are not already priorities in the self-evaluation framework
  - Hold the local area partnership accountable for delivering the outcomes identified within the revised action plan
  - Co-produce a review and refresh of its current SEND strategy and priorities in line with the outcomes of the inspection report
- 2.45 This work will commence in February 2022 following the dissemination of the inspection report findings to all stakeholders.

### **3. Other options considered in making recommendations**

- 3.1 This report is for discussion and other options do not apply.

### **4. Consideration of Risk**

- 4.1 The capacity of statutory SEND services to meet rising demand remains a risk. This risk has been exacerbated by a very recent High Court Judgement that significantly reduces the timescale to amend and issue a revised Education Health & Care plan following an Annual Review of progress against the plan. This issue is being considered through work happening within the Education Division to review and

where appropriate restructure services. Exploration of digital services to reduce administrative demand is also scheduled.

- 4.2 The SEND review is due to be published imminently. There is little detail currently but this may amend, add significantly change the delivery of SEND duties and responsibilities.

## **5 Finance colleague comments (including implications and value for money/VAT)**

- 5.1 The costs of provision for children and young people with high level SEND are met from the Council's Dedicated Schools Grant (DSG) funded High Needs (HN) budget. Nottingham City is currently benefiting from ceiling level funding increases under the National High Needs Funding Formula which determines DSG High needs funding allocations. The increase for 2022/23 is 11% per head of 2-18 population. High needs funding growth is prioritised in line with SEND strategic priorities. A draft outline high needs budget was presented to Schools Forum on 25 January 2022 as part of the overall 2022/23 Schools Budget Report. A balance of £1.438m has also been identified from DSG reserves as available for consideration in consultation with the Schools Forum sub-group for spend to save initiatives linked to the high needs budget. Expenditure from DSG must fall within the definition of the Schools Budget as prescribed in the Schools and Early Years (England) Finance Regulations.

Advice provided by Kathryn Stevenson, Senior Commercial Business Partner on 11/03/2022

## **6 Legal colleague comments**

- 6.1 No legal comments. Provided by Natalie Grant 13/01/2022

## **7 Other relevant comments**

- 7.1 The report covers no direct HR and EDI considerations on the workforce.
- 7.2 There is a clear affinity to the council's equality, diversity and inclusion strategy work and the council should ensure this good practice and continued improvement from the SEND inspection is embedded within the Equality objectives, specifically the Accessible Services action plan.
- 7.3 Developing a compelling vision should be further discussed in the partnership space and some conscious thought as to what this means for Leaders and colleagues at the council and the associated behaviours we want our workforce to demonstrate. This will be important to develop a continuous culture of improvement for our Children and Young People with SEN as part of this inspection feedback.

Advice provided by Rachael Morris, HR Business Lead (People) on 12/01/2022

## **8 Crime and Disorder Implications (If Applicable)**

8.1 Not applicable

## 9 Social value considerations (If Applicable)

9.1 Not applicable

## 10 Regard to the NHS Constitution (If Applicable)

10.1 Not applicable

## 11 Equality Impact Assessment (EIA)

11.1 Has the equality impact of the proposals in this report been assessed?

**No**

An EIA is not required because:

(Please explain why an EIA is not necessary)

There is no impact on Nottingham City Council Policy and there is no need for an EIA

**Yes**

Attached as Appendix x, and due regard will be given to any implications identified in it.

## 12 Data Protection Impact Assessment (DPIA)

12.1 Has the data protection impact of the proposals in this report been assessed?

**No**

A DPIA is not required because:

(Please explain why a DPIA is not necessary)

There is no requirement for DPIA

**Yes**

Attached as Appendix x, and due regard will be given to any implications identified in it.

## 13 Carbon Impact Assessment (CIA)

13.1 Has the carbon impact of the proposals in this report been assessed?

**No**

A CIA is not required because:

(Please explain why a DPIA is not necessary)

Not applicable

**Yes**

Attached as Appendix x, and due regard will be given to any implications identified in it.

## 14 List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)

14.1 None

## 15 **Published documents referred to in this report**

- 15.1 Nottingham City Joint Ofsted & CQC SEND Local Area Inspection Report Letter.
- 15.2 Letter from Will Quine MP, Parliamentary Under-Secretary of State for Children and Families, Department for Education
- 15.3 Nottingham City Strategy for Improving Outcomes for children and young people with Special Educational Needs and/or Disabilities 2018-2023
- 15.4 Nottingham City Strategic Priorities for children and young people with Special Educational Needs and/or Disabilities 2018-23