

AGENDA ITEM NO: 9.0.

Meeting Title/Date:	Governing Body - 17 September 2019		
Report Title:	Special Educational Needs and Disabilities (SEND) - Lancashire and Cumbria		
Paper Prepared By:	Hilary Fordham and Alison May	Date of Paper:	9 September 2019
Executive Sponsor:	Hilary Fordham	Responsible Manager:	Julia Westaway
Committees where Paper Previously Presented:	N/A.		
Background Paper(s):			
Summary of Report:	<p>To provide the Governing Body with the outcome of the Cumbria (Special Educational Needs and Disabilities) SEND Inspection which took place in March 2019 and provide detail on the arrangements being made to address the issues identified.</p> <p>To update the Governing Body on progress with implementation of the SEND reforms in Lancashire and to explain the process of re-inspection due to take place in the Autumn.</p>		
Recommendation(s):	<p>The Governing Body is asked to:-</p> <ul style="list-style-type: none"> • Receive and note the Cumbria Inspection Report its implications for the CCG. • Note the work that is already underway regarding the partnership/governance developments and the development of the WSOA in Cumbria. • Note the arrangements for the re-inspection of Lancashire SEND arrangements. • Note the recommendation for investment to increase DCO capacity in Cumbria (the specific details of which are to be finalised). • Note the recommendation for investment to increase commissioning capacity in Cumbria (the specific details of which are to be finalised). 		
			Please Select Y/N
Identified Risks: (Record related Assurance			

Framework or Risk Register reference number)		
Impact Assessment: (Including Health, Equality, Diversity and Human Rights)		N
Strategic Objective(s) Supported by this Paper:		Please Select (X)
Better Health - improve population health and wellbeing and reduce health inequalities		X
Better Care - improve individual outcomes, quality and experience of care		X
Delivered Sustainably - create an environment for motivated, happy staff and achieve our control total		X
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Special Educational Needs and Disabilities Cumbria and Lancashire – September 2019

Purpose

- To provide the Governing Body with the outcome of the Cumbria (Special Educational Needs and Disabilities) SEND Inspection which took place in March 2019 and provide detail on the arrangements being made to address the issues identified.
- To update the Governing Body on progress with implementation of the SEND reforms in Lancashire and to explain the process of re-inspection due to take place in the Autumn.

Cumbria SEND Inspection, March 2019

Introduction

The Cumbria Local Area was jointly inspected by Ofsted and CQC in March 2019 to review the progress and implementation of the SEND reforms. In May 2019 Ofsted and CQC published their findings which stated that there were significant concerns with regards to the effectiveness of the Local Area.

Inspection Findings

The following is a summary of the inspection findings with the full report included in Appendix A.

Weaknesses	Strengths
The impact of the SEND reforms across Cumbria is variable and the local area has been slow to implement them.	Leaders are beginning to understand the local areas strengths and weaknesses
Access to services is inequitable, one example is health input into special schools	There are passionate, skilled and committed front line workers who make a difference to families
There is limited performance data and a lack of robust contract monitoring	Children looked after and those at risk of offending are well supported
Plans to improve the local area are not ambitious and do not contain specific, measurable targets for improvement	Partnership is becoming more cohesive across the local area
There is a lack of joint working and joint commissioning across health, care and education	
Parents and carers feel frustrated and that they have to battle to get services. Co-production is weak.	
CYP with autism and/or those who have emotional and mental health needs do not receive the support they need	
Transition from child to adult health services is weak	

Due to “significant weaknesses in the local area’s practice” Cumbria was required to produce a Written Statement of Action (WSoA) to explain how it will address the following nine areas of weakness identified:

1. Lack of a deep understanding of the needs of the SEND population in the local area.
2. Lack of a clear understanding among leaders across the partnership of the strengths and weaknesses in their respective areas of responsibility.
3. Limited joint working, including the planning and commissioning of services to meet the needs of those with SEND, between education, health and care.
4. Lack of trust and faith in the local area’s work from too many parents and carers.
5. Limited involvement of children, young people and their families in the co-production of the services, resource and support that they need.
6. Weaknesses in the approach to supporting the emotional health and well-being of children and young people with SEND, particularly those with ASD who face challenges in relation to their social, emotional and mental health.
7. Inconsistent application of the local area’s strategy for identifying, assessing and meeting the needs of children and young people at the SEN support stage.
8. Weaknesses in the local area’s systems for ensuring a smooth transition between children and adult services and preparing children and young people for adulthood.
9. Inequities that exist in access to, and performance of, services between different geographical areas within Cumbria

Development of the WSoA

The nine identified areas of weakness were themed together and six working groups were formed with the aim of addressing the relevant area/s of weakness:

1. Understanding of local need
2. Commissioning and access to provision
3. Engagement and co-production
4. Transition (preparing for adulthood)
5. Emotional health and wellbeing
6. SEN support

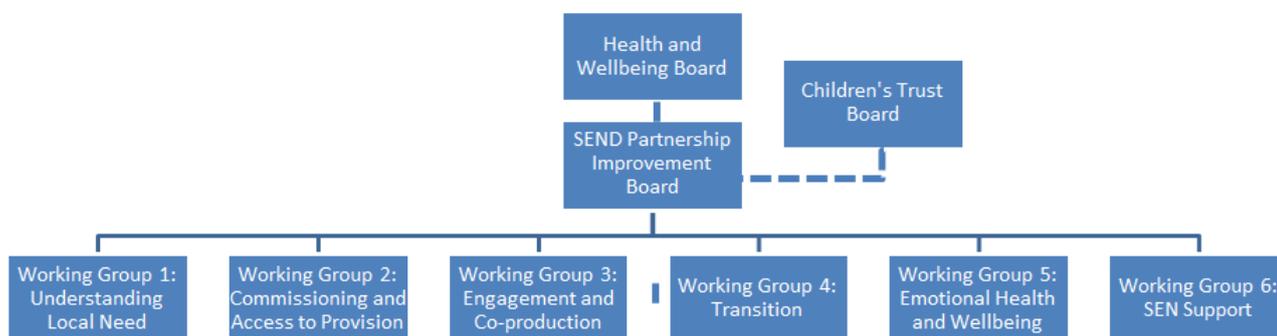
Each working group has membership from health, local authority, parents and carers and the voluntary and third sector. Working together, each group outlined and agreed a strategic action plan to address the areas of weakness, as well as measure positive impact and outcomes for children and families. This WSoA is due to be submitted for approval.

Monitoring of WSoA Progress

Once the WSoA has been agreed, the Department for Education (DfE) and NHS England will oversee the improvement programme. The local area will be subject to monitoring meetings from NHS England and DfE every other month to ensure that sufficient progress is being made on the plan. A re-inspection is then expected within approximately 18-24 months of the plan being accepted. The re-inspection will focus only on those areas of weakness and therefore the delivery of the WSoA.

Governance and Accountability

The following diagram outlines the governance structure.



Each Working Group has a Chair and Vice Chair who are responsible for the delivery of their action plan.

The Working Group Chairs report to the SEND Partnership Improvement Board which is chaired by an independent Chair and formed of the Senior Responsible Officers from LA and CCGs:

- Executive Director, People, Cumbria County Council
- Chief Operating Officer, North Cumbria CCG
- Chief Operating Officer, Morecambe Bay CCG.

The SEND Partnership Improvement Board reports to The Health and Wellbeing Board who will in turn provide strategic oversight and hold the officers to account. Updates will also be provided to the Children's Trust Board.

Risks to delivery

Workforce and geographical challenges

The WSoA sets out an ambitious programme of whole-system improvement. The capacity to deliver this is from within existing organisations, of which all of the health organisations are undergoing substantial structural change. The improvement programme would be challenging even in a period of stability, but is extremely challenging in the light of current capacity and the structural and wider system changes underway.

For the CCGs in particular, there is very limited capacity and currently only a very small input from commissioning support on a few ICS-wide themes. CSU support for organisation, coordination and administration of the work has not been identified or secured for Cumbria. Consequently there are a small number of CCG colleagues who are responsible for the delivery of multiple and large pieces of work.

The health economy within Cumbria is both complex and dynamic. The south of the county is part of the Lancashire and South Cumbria ICS, and the north of the county is part of North East and North Cumbria ICS. Furthermore North Cumbria CCG and Cumbria Council are working together to integrate into one health and care system. This means that Cumbria county as a whole is at risk of being pulled into multiple strategic directions increasing the risk of inequity and fragmentation, it also means that some workstreams will need be duplicated across both north and south.

MBCCG colleagues are working hard to ensure that the Cumbria health economy is cohesive and coordinated in its response to these challenges. For example there is a SEND Health Group established which meets quarterly with membership from both CCGs, CPFT (and soon to include LCFT) Barnados and UHMB and NCUHT acute trusts. The group will need to maintain oversight of the delivery of the health component of the plan as a whole, as well as ensure that there is a strong focus on outcomes and impact in order to mitigate these risks.

The transfer of learning disability and mental health services from CPFT to LCFT in October 2019, and the proposed transfer of community services from CPFT to UHMB (date to be agreed), will pose significant complications to the delivery of the WSoA. It should be noted that Morecambe Bay CCG have raised concerns regarding the robustness of the CPFT community services. At present both LCFT and UHMB are cited on the development of the WSoA, and where relevant, included in the membership of the working groups.

Trust in the system

One of the key themes that emerged from parents and carers is the lack of trust in the system. Subsequently a number of actions within the WSoA include engagement/co-production work with families in both the design and implementation of the improvements. The intention is to rebuild trust and faith with our population. Cumbria must work *with* families and not do *to* them.

There are a number of options that have been discussed to facilitate this including having parent/carer representatives on the working groups, developing a parent/carer “check and challenge” reference group, as well as creating a calendar of engagement events. Exactly how parents and carers will drive our improvement work is to be agreed however, they are currently receiving support, training and advocacy in preparation for the improvement work. It cannot be overstated that contribution from families is essential to Cumbria’s success.

Demonstrating impact

Cumbria must be able to demonstrate a positive impact and improved outcomes for CYP and families. Thus as CCGs we need to ensure that we have robust performance and outcome monitoring in place. This will be a challenge as the data we currently have access to from our provider trusts can be missing, incomplete and/or inaccurate.

As a health economy we will need to assure ourselves that:

- Parents/carers and CYP are driving and shaping improvement
- Parents/carers and CYP are having a good experiences of services
- Education Health Care Plan outcomes are being met
- CYP health outcomes are being met
- CYP are prepared for adulthood
- We have efficient and effective individual commissioning in place (i.e. Continuing Care and Continuing Health Care)

2. Lancashire SEND Re-review

Introduction

Lancashire County area had its SEND Inspection in November 2017. The Inspection took the form of a whole system inspection with the Local Authority being the lead agency, but all CCGs as commissioners expected to take part and accept the findings and all providers being part of the

process. The report was received in January 2018 and set out some very challenging findings, with 12 areas of significant weakness.

The Governing Body received a report in March of 2018, setting out the process to develop the WSoA, the Governance arrangements which were put in place for the CCGs to work collaboratively (one of the criticisms was that this had not been in place) and to work with the Local Authority and Education partners, as well as most importantly children and young people and parents and carers.

At the time of the inspection there was one area of particular criticism for Lancashire North; the lack of a robust ASD diagnostic pathway.

Progress with implementation

Since agreement of the WSoA in April 2018 work has continued to address the actions agreed as part of the WSoA. In December 2018 the senior leaders had their final of the four monitoring meetings with the DfE advisor and NHSE Advisor to assess progress. By this stage Local Authorities and their partners had been notified that the process for lifting the original Inspection status had been changed and that rather than the report from the DfE to the Secretary of State which had been in place previously a re-review process by Ofsted and CQC was being put in place to take place approximately 18 months post agreement of the WSoA; for Lancashire this will be autumn 2019.

As the WSoA had actions to be completed largely by April 2019 it was agreed with DfE that an updated plan should be put in place to continue the progress whilst awaiting the re-review. The WSoA at time of sign off; February 2019 is at Appendix B. Some longer term actions have been carried forward. There is an acknowledgement across the Partnership that whilst the work on the WSoA has set a good foundation, there is much work to do to ensure that Children, Young People and their parents and carers are sufficiently supported.

The Lancashire Updated WSoA has been developed to take the Partnership to the next steps in improving care for young people with SEND. The plan covers a range of actions and is attached at Appendix C. The actions have been arranged into four areas, mapping to the overall vision and strategy that has been developed as part of the WSoA:

- Meeting need – led by the Head of Inclusion and covering workforce development, and the quality of planning, procedures and processes.
- Operating as Equal Partners – led by the Chair of the Parent Carer Forum and covering data and information analysis and communications and engagement.
- Accessible Services – led by the Chief Operating Officer MBCCG and covering service improvement and commissioning and transition processes.
- Achieving Success – led by the Director of Education covering improving outcomes and support and preparing for adulthood.

Governance and Support Structures

One of the significant criticisms at the time of the inspection was the lack of understanding of senior leaders in relation to SEND and the lack of partnership working. Significant work has been undertaken to address this with the implementation of a robust SEND Partnership Board and clear reporting arrangements to the Joint committee of CCGs and the Lancashire Health and Well-being Board.

The SEND Partnership Board has continued to develop and has overseen the implementation of the actions in the WSoA and now the development of the Updated WSoA, it will continue to monitor the plan and develop improved relationships.

At the time of the Inspection and the last update the Parent Carer Forum was not in operation. Having a Parent Carer Forum is an expectation of each area. Work has been undertaken and a new forum has now been established, which is very positive for the Partnership. However, the success of the local engagement events has also shown that widespread engagement at the local level is also important in an area the size of Lancashire and this will be continued. It has also been extremely useful to have parent carers on the working groups and their input has been invaluable.

Progress on specific areas of work

This section sets out progress with a number of specific areas of work and highlights some areas where significant work is still required.

Autism Spectrum Disorder Diagnostic Pathway in Lancashire North and the Neurodevelopmental Pathway

The ASD Diagnostic pathway for Lancashire North has now been re-instated. The backlog of children waiting which had been built up has now been addressed, but the new service is receiving more referrals than expected and so the average waiting time for first contact is now 38 weeks. During this time support workshops are offered for behaviour, sensory issues and sleep problems; however fewer than expected families are taking up this offer of support. Since the service has been running 89 assessments have been completed, 63 have had a confirmed diagnosis and 26 did not. A further 110 children and families are currently on the pathway.

As can be seen a number of children, approximately a quarter, are referred as there are issues which the young person or their family are concerned about, but do not meet the diagnosis criteria and indeed even those who are diagnosed will not necessarily have their issues addressed by simply having a diagnosis. It is for this reason that across the Integrated Care System we have agreed to move towards developing a neuro-developmental pathway, which aims to support the young person and family with understanding their needs and what can be done via a supportive care plan which the school, parents and others can implement for all needs, rather than just providing a diagnosis.

The high level pathway has been agreed work is now on-going in each Integrated Care Partnership (ICPs) to understand how the pathway will operate in each area.

Designated Clinical Officers (DCOs) and Local Partnerships

The DCO service has now been in place for a year and is showing signs of making a difference to young people, their parents and professionals. Their functions are to work at both individual level to quality assure health advice and support individuals who are struggling to access services or support, as well as operating at a more strategic level to help develop commissioning plans and address wider needs.

In order to assist this and to ensure that all areas of Lancashire are sufficiently supported Local Area Partnerships (LAPs) have been set up by the DCOs to cover the North, East and South of the county bringing together Parent Carers, young people and a range of professionals. One of the criticisms of the Inspection was the inconsistency of services, which was as much related to lack of local understanding and development of services to address local need as of the inconsistency

itself; the local understanding via the Partnerships will enable local services to be developed but under a consistent framework.

SEND Champions

SEND Champions have now been nominated within each provider and a training event run to ensure they understand the implications of the Guidance and the role they need to play in meeting local need. This network should prove successful in addressing unwarranted variation in practice and provision.

Joint Commissioning

A review of all areas of service provision where joint commissioning might be sensible has been undertaken. The review which was presented to the SEND Partnership demonstrated that joint commissioning was underway in a number of key areas including Child and Adolescent Mental health Services, Neurodevelopment pathway and Learning Disability services and Equipment provision. The next areas for review were agreed to be Speech and Language Services and Occupational Therapy. Work is now underway to implement the agreed joint service specification for Speech and Language Therapy and to review and agree a service specification for Occupational Therapy.

Education, Health and Care Plan Audit process

One of the key criticisms of the Inspection was the quality of the EHCPs. The DCO function has been instrumental in improving the quality of the health advice provided and in providing it in a more timely way (the response is within 20 days of request). For North Lancashire (Fylde and Wyre and Lancashire North) in Quarter 1 2019/20 78% of requests were returned within the 20 days, compared to 91% in Pennine and 35% in Central. This continues to be an area of focus.

The DCOs continue to provide training to all services on both the timeliness and quality as well as how to agree outcome measures with young people and their families.

Understanding the local context and monitoring

As part of the Joint Strategic Needs Assessment process failures in data processes to ensure understanding of local need and enable monitoring of services collectively was identified. This is now being addressed; data is regularly provided to the Access to Services Group and this is being refined and also be aligned and fed into the dashboard that has been developed to show information on SEND and is available on the SEND website.

Risks to success

Whilst significant work is on-going, there remain a number of areas that still need to be addressed, these were discussed at the recent monitoring visit with the DfE:

- Transition – of all the significant areas of development identified as part of the Inspection this is the area where least progress appears to have been made. Some progress has been made in relation to health with the agreement of funding to support CAMHS services to age of 19th birthday and training for health staff over the summer, but a joint programme is still to be agreed.
- Model for alternative Learning provision needs to be agreed.
- Launch of the improved local offer; delays have been experienced in the procurement of a new local offer platform and therefore the launch itself has been hampered.
- The effective operation of the EHCP case management system.

Other risks are:

- Demonstrating Evidence of Impact; one of the key measures the inspectors will have when they return is how much this is demonstrable. Given the low base that Lancashire was coming from and the need to address a large number of fundamental issues, the ability to demonstrate impact on young people and their families is to date limited. Whilst this is improving all of the time and individual stories are starting to come through, widespread demonstration which parent and carers will all reflect is unlikely in the timescales.
- Managing Expectations – this is related to the above, until the area is able to demonstrate significant impact expectations are not likely to be met in full. However, the foundations that have been laid will support the future progress.

In summary, the Lancashire area has made a good start to addressing the issues that were set out in the Inspection report, but there is significant work still to be undertaken and the continued support of all partners is vital.

Preparation for Re-Visit

As set out above there is an expectation that Lancashire Local Area will receive a re-visit in the Autumn to assess it against progress in the 12 areas of significant concern.

A self assessment has been produced against each of the 12 areas of concern, setting out the work undertaken to date, showing impact where possible and providing the evidence to support it.

Recommendations

The Governing Body is asked to:

- Receive and note the Cumbria Inspection Report its implications for the CCG
- Note the work that is already underway regarding the partnership / governance developments and the development of the WSOA in Cumbria
- Note the arrangements for the re-inspection of Lancashire SEND arrangements
- Note the recommendation for investment to increase DCO capacity in Cumbria (the specific details of which are to be finalised)
- Note the recommendation for investment to increase commissioning capacity in Cumbria (the specific details of which are to be finalised).

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September 2019

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