

Birmingham City Council

Education, Children and Young People Overview and Scrutiny Committee

29 November 2023



Subject: SEND Commissioner Update to the Education, Children and Young People Overview and Scrutiny Committee

Report of: Christian Scade, Head of Scrutiny and Committee Services

Report author: Sarah Fradgley, Overview and Scrutiny Manager
Sarah.fradgley@birmingham.gov.uk
0121 303 1727

1 Purpose

- 1.1 SEND Commissioner John Coughlan CBE has been invited to the Education, Children and Young People Overview and Scrutiny Committee to provide an update and answer questions from members.
- 1.2 The following discussion areas have been raised by Members:
- Progress on SEND improvements.
 - How the Committee can work and support the Commissioner with improvements.
 - Increasing transparency about plans and progress.
 - An overview of the SEND Commissioner's expanded role on improvement, governance, and long-term sustainability of Birmingham City Council.

2 Recommendation

- 2.1 **That the Committee considers the information presented at the meeting by the SEND Commissioner John Coughlan CBE.**

3 Background

- 3.1 In October 2021 the Secretary of State for Education issued a statutory direction to Birmingham City Council requiring the Council to take steps to improve its SEND services, including co-operating with the DfE appointed SEND Commissioner, John Coughlan CBE.
- 3.2 The Council subsequently published an Accelerated Progress Plan that set out:
- the governance and accountability structures and processes to support improvement.

- the actions the Council is taking to respond to concerns, the impact measures and milestones to which the Council is working on, and the improvements that will be delivered.

- 3.3 The [Accelerated Progress Plan](#) is published on the SEND Local Offer Website.
- 3.4 In February 2022, the SEND Commissioner published his [first report to the Secretary of State for Education](#).
- 3.5 In May 2023, the SEND Commissioner published his [second report to the Secretary of State for Education](#) (dated February 2023). This contained ten recommendations.
- 3.6 On 5 September 2023, [Birmingham City Council Cabinet accepted the recommendations in the SEND Commissioner's second report](#) and considered the action plan setting out how the recommendations in the Commissioner's second report would be addressed and the progress made against these.
- 3.7 In October 2023, Mr Coughlan was further appointed as Commissioner by the Secretary of State for DLUHC to join the wider Best Value intervention that followed the issuing of a 114 Notice for the City Council. This role is to sit alongside the continuing SEND Commissioner role.

4 Any Finance Implications

- 4.1 There are no financial implications arising from the recommendation set out in this report.

5 Any Legal Implications

- 5.1 On 15 October 2021 the Secretary of State for Education issued a statutory direction under section 497A(4B) of the Education Act 1996, directing the Council to take a number of steps including complying 'with any instructions of the Secretary of State or the SEND Commissioner in relation to the improvement of the Council's exercise of its SEND functions and provide such assistance as either the Secretary of State or the SEND Commissioner may require'. The Council is therefore required to act upon the recommendations set out in the SEND Commissioner's Report dated February 2023.

6 Any Equalities Implications

- 6.1 The inspections of Birmingham's services for children and young people with SEND identified areas of weakness that needed to be addressed.
- 6.2 In considering and fully accepting the Commissioner's recommendations the Council has had regard to the Public Sector Equality Duty and in particular notes that the functions carried out by the Council's SEND services are designed to support the aims set out in section 149 of the Equality Act 2010, particularly for those with the protected characteristic of disability.

7 Appendices

7.1 None

8 Background Papers

[Birmingham Local Area Accelerated Progress Plan](#)

[Improving Special Educational Needs and Disability \(SEND\) Services in Birmingham
First Report to the Secretary of State for Education by John Coughlan CBE,
Commissioner for SEND Services in Birmingham](#)

[Improving Special Educational Needs and Disability \(SEND\) Services in Birmingham
Second Report to the Secretary of State for Education by John Coughlan CBE,
Commissioner for SEND Services in Birmingham](#)