

Birmingham City Council



Report to Education, Children and Young People Overview and Scrutiny Committee

4 December 2024

Title:	SEND Commissioner Update to the Education, Children and Young People Overview and Scrutiny Committee
Lead Member:	Councillor Mick Brown, Cabinet Member for Children and Families
Relevant Overview and Scrutiny Committee:	Not applicable
Has this report been shared with the relevant Overview and Scrutiny Committee Chair?	Not applicable
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Authorised by:	Christian Scade, Head of Scrutiny and Committee Services Legal and Governance
Is this a Key Decision?	No Forward Plan Reference: Not applicable
Reason(s) why not included on the Forward Plan and confirm who has authorised it to be considered:	Not applicable
Is this a Late Report?	No
Reason(s) why Late and confirm who has authorised it to be considered:	Not applicable
Is this decision eligible for 'call in?'	No
If 'call-in' has been dis-applied, please provide reason(s) and confirm who has authorised:	Not applicable

Wards: All

Does this report contain exempt or confidential information?

No

Has this decision been included on the Notification of Intention to consider Matters in Private?

Not applicable

Reasons why not included on the Notification and confirm who has authorised it to be considered:

Not applicable

1 EXECUTIVE SUMMARY

- 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 Cabinet on 12 November 2024 considered the SEND Commissioner's third report to the Secretary of State for Education (published by the Department for Education in August) and accepted the recommendations made by the Commissioner. The Commissioner's third report and the Cabinet report are appended to this cover report to inform the discussion at the overview and scrutiny committee meeting.

2 COMMISSIONERS' REVIEW

- 2.1 No observations.

3 RECOMMENDATIONS

That the Committee:

- 3.1 Considers the information presented at the meeting by the SEND Commissioner John Coughlan CBE.

4 KEY INFORMATION

Context

- 4.1 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.
- 4.2 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.
- 4.3 In February 2022, the SEND Commissioner published his [first report to the Secretary of State for Education](#).
- 4.4 In May 2023, the SEND Commissioner published his [second report to the Secretary of State for Education](#) (dated February 2023) and in September 2023, [Birmingham City Council Cabinet accepted the ten recommendations in the SEND Commissioner's second report](#) and considered the action plan setting out how the Commissioner's recommendations would be addressed and the progress made against these.

- 4.5 In October 2023, Mr Coughlan was further appointed as Commissioner by the former Secretary of State for DLUHC to join the wider Best Value intervention that followed the issuing of a 114 Notice for the City Council. He continues with his SEND Commissioner role.
- 4.6 In November 2023 Mr Coughlan provided an update to the Education, Children and Young People Overview and Scrutiny Committee.
- 4.7 In August 2024, the [SEND Commissioner's third report to the Secretary of State for Education](#) (dated February 2024) was published by the Department for Education (Appendix A) and on 12 November 2024 [Birmingham City Council Cabinet accepted the seven recommendations in SEND Commissioner's third report](#) (Appendix B)

5 RISK MANAGEMENT

- 5.1 The 12 November 2024 Cabinet report identified the following risk management considerations:
- 5.2 Risks in delivering against the recommendations made by the SEND Commissioner are identified, evaluated, and controlled through the SEND Improvement Board (SIB). The Accelerated Progress Plan has a risk register through which risks are logged and managed.

6 CONSULTATION

- 6.1 Not applicable.

7 MEMBER ENGAGEMENT

Ward Councillor(s)

- 7.1 Not applicable.

Overview and Scrutiny

- 7.2 Not applicable.

8 IMPACT AND IMPLICATIONS

Finance and Best Value

- 8.1 There are no financial implications arising from the recommendation set out in this report.
- 8.2 However, the 12 November 2024 Cabinet report identifies the following Finance and Best Value implications:
- 8.3 The Commissioner highlights the adverse impact of inadequate corporate and governance support on SEND service delivery. Financial Resources were included in the base budget for 2023-24 onwards

Legal

- 8.4 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 Third report dated February 2024.

Equalities

- 8.5 The inspections of Birmingham's services for children and young people with SEND identified areas of weakness that needed to be addressed.
- 8.6 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.

Procurement

- 8.7 There are no procurement implications arising from this report.

People Services

- 8.8 There are no staffing implications arising from the recommendations in this report.

Climate Change, Nature and Net Zero

- 8.9 There are no climate change, nature and net zero carbon implications arising from the recommendations in this report.

Corporate Parenting

- 8.10 There are no implications or opportunities in relation to the Corporate Parenting responsibility arising from the recommendations in this report.

Other

- 8.11 There are no other implications arising from the recommendations in this report.

9 APPENDICES

- 9.1 Appendix A - [Improving special educational needs and disability \(SEND\) services in Birmingham: third report](#)

- 9.2 Appendix B - Cabinet Member for Children, Young People and Families Cabinet report [Acceptance of Recommendations from SEND Commissioners Third Report](#), 12 November 2024.

10 BACKGROUND PAPERS

- 10.1 [Birmingham Local Area Accelerated Progress Plan](#)
- 10.2 [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](#)
- 10.3 [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](#)