

# Birmingham City Council

## Education and Children's Social Care Overview and Scrutiny Committee

Date: 25 January 2023



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**Subject:** Independent Review of Birmingham Special Educational Needs and Disability Information, Advice and Support Service

**Report of:** Sue Harrison, Director Children and Families

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### 1 Purpose

- 1.1 The National Children's Bureau Review of SENDIASS Report was published as an exempt item under Section 100A(4) of the Local Government Act 1972 for the Education and Children's Social Care Overview and Scrutiny Committee's meeting on 30th November 2022.
- 1.2 This was on the advice of the City Solicitor and Monitoring Officer on the grounds that:
  - 1.2.1 it involved the likely disclosure of exempt information as defined by Paragraph 3 of Part 1 of Schedule 12A of the Act; and
  - 1.2.2 the public interest in maintaining the exemption outweighed the public interest in disclosing the information.
- 1.3 As set out on the agenda, it was recommended that members of the press and public be excluded from the meeting for this agenda item. However, Members of the Committee voted against this recommendation. As a result, the meeting was adjourned for reconvening at a later date to allow the report previously marked "not for publication" to be published – giving at least 5 clear days' notice for public inspection – and to allow discussions to take place between statutory officers and the DfE Commissioner on how to proceed in public.
- 1.4 The National Children's Bureau's report has now been redacted to enable it to be considered in public session at the reconvened meeting on 25<sup>th</sup> January 2023. Redactions were undertaken to comply with data protection and confidentiality requirements.

### 2 Background

- 2.1 In June 2018 Ofsted and the Care Quality Commission (CQC) conducted a joint inspection of Birmingham to judge the effectiveness of the area in implementing the

disability and special educational needs reforms as set out in the Children and Families Act 2014.

- 2.2 As a result of the findings of that inspection and in accordance with the Children Act 2004 (Joint Area Reviews) Regulations 2015, Her Majesty's Chief Inspector (HMCI) determined that a Written Statement of Action (WSOA) was required because of 13 significant areas of weakness in practice. The WSOA was issued in September 2018.
- 2.3 In May 2021, Ofsted and the CQC revisited Birmingham to assess whether sufficient progress had been made in addressing the areas of significant weakness detailed in the WSOA.
- 2.4 That inspection found that Birmingham had not made sufficient progress in addressing 12 of the 13 areas of significant weakness.
- 2.5 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.
- 2.6 In February 2022, [the SEND Commissioner published his first report](#) to the Secretary of State for Education.
- 2.7 This report and the 18 recommendations within it have been accepted by the council, [as noted by Cabinet in November 2022](#).
- 2.8 Recommendation 8 in the report was; *'The SENDIASS service in Birmingham should be externally reviewed with recommendations brought back to the IB (SEND Improvement Board) in due course.'*
- 2.9 The National Children's Bureau was commissioned to undertake a review of Birmingham SENDIASS. This review commenced in March 2022 and reported to the SEND Improvement Board in July 2022.
- 2.10 The National Children's Bureau provides support to SENDIASS across the country and is nationally recognised as leaders in this area. The National Children's Bureau was consulted by government departments in the construction of the national minimum standards so is well placed to evaluate compliance with these standards.
- 2.11 A redacted version of the report is attached as Appendix 1 for consideration and discussion by members of this committee in public session.
- 2.12 The report found issues with SENDIASS that need to be addressed to ensure that it meets the national minimum standards. The council has been considering the findings of the report and the improvements that are required.
- 2.13 A report will be taken to Cabinet in February 2023 setting out options for the service moving forward.
- 2.14 This report will present the options that have been considered to ensure the improvement of SENDIASS and seek Cabinet's approval of a recommended option.

### **3 Recommendations**

- 3.1 Members note the National Children's Bureau report attached as Appendix 1 and the findings from its review.
- 3.2 Members note the next steps planned to improve SENDIASS and provide comments for consideration in the preparation of the Cabinet report.

### **4 Any Finance Implications**

- 4.1 The report that will be taken to Cabinet in February 2023 will include financial information.

### **5 Any Legal Implications**

- 5.1 Local authorities must arrange for children with SEN or disabilities for whom they are responsible, and their parents, and young people with SEN or disabilities for whom they are responsible, to be provided with information and advice about matters relating to their SEN or disabilities, including matters relating to health and social care.
- 5.2 As per the SEND Code of Practice 2015, SENDIASS is also expected to comply with the Minimum Standards for SEND Information Advice and Support and a set of Quality Standards ratified by the Department of Education, Health, and Social Care.
- 5.3 This report was due to being considered in closed session, as the implications of the report might contain information that is not conducive to be discussed in a public meeting, as would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs.
- 5.4 This followed advice from the DfE SEND Commissioner, and accepted by the Monitoring Officer, that this was not a public report and therefore could not previously be considered at a meeting in public. The report has now been redacted to enable members to have an open and full debate and fulfil the Committee's scrutiny function in public session.
- 5.5 The report that will be taken to Cabinet in February 2023 will include the legal implications of the options being considered for the future of SENDIASS.

### **6 Any Equalities Implications**

- 6.1 The inspections of Birmingham's services for children and young people with SEND by Ofsted and the Care Quality Commission identified areas of weakness that needed to be addressed.
- 6.2 The functions carried out by the Council's SEND services, including SENDIASS, are designed to support the aims set out in section 149 of the Equality Act 2010, particularly for those with the protected characteristics of disability and age.
- 6.3 An Equality Assessment will be undertaken ahead of the February 2023 Cabinet meeting.

## **7 Appendices**

- 7.1 Appendix 1: National Children's Bureau report, redacted to enable discussion by this committee in public session.

## **8 Background papers**

- 8.1 See above links to statutory direction, SEND Commissioner's first report to the Secretary of State and Cabinet's acceptance of the Commissioner's recommendations.