

BIRMINGHAM CITY COUNCIL

CHILDREN'S SOCIAL CARE OVERVIEW AND SCRUTINY COMMITTEE

MONDAY, 17 DECEMBER 2018 AT 15:30 HOURS
IN ELLEN PINSENT ROOM, COUNCIL HOUSE, VICTORIA
SQUARE, BIRMINGHAM, B1 1BB

A G E N D A

1 **APOLOGIES**

To receive any apologies.

2 **DECLARATIONS OF INTERESTS**

Members are reminded that they must declare all relevant pecuniary and non pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting.

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3 **REQUEST FOR CALL IN: WRITTEN STATEMENT OF ACTION (WSOA) - SPECIAL EDUCATIONAL NEEDS AND DISABILITY (SEND)**

To consider the "Request for Call-in" (the portfolio holder and the Lead Officer identified in the report have been summoned to attend the meeting). The following documents are attached in respect of the public papers:-

- (A) The public Executive decision record;
- (B) The relevant form for the "Request for Call-in" lodged by Councillors Debbie Clancy and Alex Yip;
- (C) The public report considered by the Cabinet Member/Chief Officer in reaching their decision.

4 **REQUEST(S) FOR CALL IN/COUNCILLOR CALL FOR ACTION/PETITIONS RECEIVED (IF ANY)**

To consider any request for call in/councillor call for action/petitions (if received).

5 **OTHER URGENT BUSINESS**

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chairman are matters of urgency.

6 **EXCLUSION OF THE PUBLIC**

That in view of the nature of the business to be transacted which includes exempt information of the category indicated the public be now excluded from the meeting:-

Exempt Paragraph 3

PRIVATE AGENDA

7 **REQUEST FOR CALL IN: WRITTEN STATEMENT OF ACTION (WSOA) - SPECIAL EDUCATIONAL NEEDS AND DISABILITY (SEND)**

To consider the "Request for Call-in" (the portfolio holder and the Lead Officer identified in the report have been summoned to attend the meeting). The following documents are attached in respect of the private papers:-

- (A) The private Executive decision record;
- (B) The relevant form for the "Request for Call-in" lodged by Councillors Debbie Clancy and Alex Yip;
- (C) The private report considered by the Cabinet Member/Chief Officer in reaching their decision.

8 **OTHER URGENT BUSINESS (EXEMPT INFORMATION)**

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chairman are matters of urgency.

9 **AUTHORITY TO CHAIRMAN AND OFFICERS**

Chairman to move:-

'In an urgent situation between meetings, the Chairman jointly with the relevant Chief Officer has authority to act on behalf of the Committee'.

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General Reports Decision History

This section allows you to view the general details of a Decision

Details

Status	Decision Subject To Call In
Title	Written Statement of Action (WSOA) - Special Educational Needs and Disability (SEND) - Public Report
Urgent Decision - Not in Forward Plan	No
Details for Agenda Sheet	Report of Interim Assistant Director - SEND
Implementation Date (not before meeting on)	Fri 7 Dec 2018
Purpose	tT present the Written Statement of Action and action plan in response to the Birmingham inspection of SEND in June 2018.
Key Portfolio	Children's Wellbeing
Include item on Forward Plan/ Key Decision	No
Decision Maker	Joint Cabinet Member and Chief Officer
Reason For Key Decision	Page 3 of 14

Relevant Documents	
Is Private	No
Directorate	Children & Young People
Other Information	
Private Reason	
<p>Decision Outcome</p> <p>On Friday 7 December 2018 the Cabinet Member for Children's Wellbeing jointly with the Acting Corporate Director for Children and Young People gave approval to:</p> <p>i) the approach outlined in the Written Statement of Action and the actions contained within it;</p> <p>ii) submit the Written Statement of Action to Ofsted on 7 December 2018, in line with the required deadline;</p> <p>iii) the Acting Corporate Director, Children and Young People to make any additional changes as required to the Written Statement of Action, in line with feedback from Ofsted.</p> <p>NOTE: CALL IN ENDS WEDNESDAY 12 DECEMBER 2018 AT 1600 HOURS.</p>	
Rating	Yes
Is the Decision Maker Aware of the Decision	No
Is the Head of Services Aware of the Decision	No
Is Decision County Wide	No
Would the recommended decision be contrary to the budget and policy framework	No
Decision Maker Role	
Decision Options	Page 4 of 14

Additional Information

Reg 10
Reg 11

Decision Criteria

This Decision does not contain any decision criteria records.

Wards

Acocks Green; Allens Cross; Alum Rock; Aston; Balsall Heath West; Bartley Green; Billesley; Birchfield; Bordesely & Highgate; Bordesely Green; Bournbrook & Selly Park; Bournville & Cotteridge; Brandwood & Kings Heath; Bromford & Hodge Hill; Castle Vale; Druids Heath & Monyhull; Edgbaston; Erdington; Frankley Great Park; Garretts Green; Glebe Farm & Tile Cross; Gravelly Hill; Hall Green North; Hall Green South; Handsworth; Handsworth Wood; Harborne; Heartlands; Highter's Heath; Holyhead; Kings Norton North; Kings Norton South; Kingstanding; Ladywood; Longbridge & West Heath; Lozells; Moseley; Nechells; Newtown; North Edgbaston; Northfield; Oscott; Perry Barr; Perry Common; Pye Hayes; Quinton; Rubery & Rednall; Shard End; Sheldon; Small Heath; Soho & Jewellery Quarter; South Yardley; Sparkbrook & Balsall Heath East; Sparkhill; Stirchley; Stockland Green; Sutton Four Oaks; Sutton Mere Green; Sutton Reddicap; Sutton Roughley; Sutton Trinity; Sutton Vesey; Sutton Walmley & Minworth; Sutton Wylde Green; Tyseley & Hay Mills; Ward End; Weoley & Selly Oak; Yardley East; Yardley West & Stechford

Topics

This Decision does not contain any Topic records

Overview and Scrutiny

This Decision does not contain any Overview and Scrutiny records.



Appendix 2: Request for Call In – Pro-forma

To:

Committee Services, Room 315, Council House.

E-Mail: LESCommitteeServicesAll@birmingham.gov.uk (marked "For the attention of Dave Smith")

Date: 10 December 2018

Please arrange for a meeting of the

CHILDREN'S SOCIAL CARE

O&S Committee

to be called to discuss the following executive decision:

Title: Written Statement of Action (WSOA) - Special Educational Needs and Disability (SEND)

Taken By: CABINET MEMBER FOR CHILDREN'S WELL-BEING JOINTLY WITH DIRECTOR

On: 7 December 2018

Reason for request:

- | | | |
|---|--|-------------------------------------|
| (a) Is the Executive decision within existing policy? | 1. the decision appears to be contrary to the Budget or one of the 'policy framework' plans or strategies; | <input type="checkbox"/> |
| | 2. the decision appears to be inconsistent with any other form of policy approved by the full Council, the Executive or the Regulatory Committees; | <input type="checkbox"/> |
| | 3. the decision appears to be inconsistent with recommendations previously made by an Overview and Scrutiny body (and accepted by the full Council or the Executive); | <input type="checkbox"/> |
| (b) Is the Executive decision well-founded? | 4. the Executive appears to have failed to consult relevant stakeholders or other interested persons before arriving at its decision; | <input type="checkbox"/> |
| | 5. the Executive appears to have overlooked some relevant consideration in arriving at its decision; | <input type="checkbox"/> |
| | 6. the decision has already generated particular controversy amongst those likely to be affected by it or, in the opinion of the Overview and Scrutiny Committee, it is likely so to do; | <input type="checkbox"/> |
| | 7. the decision appears to be particularly "novel" and therefore likely to set an important precedent; | <input type="checkbox"/> |
| | 8. there is a substantial lack of clarity, material inaccuracy or insufficient information provided in the report to allow the Overview and Scrutiny Committee to hold the Executive to account and/or add value to the work of the Council. | <input checked="" type="checkbox"/> |



(c) Has the Executive decision been properly taken?

9. the decision appears to give rise to significant legal, financial or propriety issues; ☒

10. the notification of the decision does not appear to have been in accordance with council procedures; ☒

(d) Does the Executive decision particularly affect a District?

11. the decision appears to give rise to significant issues in relation to a particular District.

Councillor

(Signed)

Councillor Alex Yip

(Print Name)

Councillor

(Signed)

Councillor Debbie Clancy

(Print Name)

Birmingham City Council

Report to Cabinet Member jointly with the Director

7th December 2018



Subject: Written Statement of Action (WSOA) - Special Educational Needs and Disability (SEND)

Report of: Interim Assistant Director - SEND

Relevant Cabinet Member: Cllr Kate Booth - Children's Well-being

Relevant O &S Chair(s): Cllr Mariam Khan - Learning, Culture & Physical Activity
Cllr Mohammed Aikhlaq – Children's Social Care

Report author: Sharon Scott – Interim Assistant Director SEND
Tel: 0121 303 6694
Email: sharon.scott@birmingham.gov.uk

Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, add Forward Plan Reference:		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential :		

1. Executive Summary

- 1.1 The purpose of the report is to present the Written Statement of Action and action plan in response to the Birmingham inspection of SEND in June 2018.
- 1.2 The Written Statement of Action sets out a collective system wide approach to addressing 13 area of weakness identified by Ofsted and the CQC during the inspection. This work will be further enhanced by the development of an outcomes framework to quality assure the improvement.

- 1.3 The statement has been developed through a multi-agency approach to improvement with new leadership and governance arrangements and has been co-produced with parents, carers, children, young people and professional groups, including Headteachers.
- 1.4 The Written Statement of Action sets out our immediate and collective response to the Inspection, as well as outlining a longer term sustainable improvement plan to embed the SEND framework, within the context of integrated commissioning and system wide efficiencies.
- 1.5 The Written Statement of Action (included within the accompanying private report) will be submitted to regulators on 7th December 2018 and remains embargoed until it has been formally approved by Ofsted.

2. Recommendations

- 2.1 That the Cabinet Member for Children's Wellbeing jointly with the Acting Corporate Director for Children and Young People give approval to; -
- The approach outlined in the Written Statement of Action and the actions contained within it
 - Submit the Written Statement of Action to Ofsted on 7 December 2018, in line with the required deadline.
 - The Acting Corporate Director, Children and Young People to make any additional changes as required to the Written Statement of Action, in line with feedback from Ofsted.

3. Background

- 3.1 The purpose of this Written Statement of Action (WSOA) is to set out the immediate response of all partners in Birmingham, to the joint CQC and Ofsted inspection of SEND, of which the CCG and LA are jointly statutory responsible. This Statement of Action focuses on our collective intent to bring about these necessary improvements for our children and young people and is underpinned by a detailed action plan.
- 3.2 The approach to the development of the WSOA has been through a multi-agency partnership, including parents, carers, children and young people who have worked collectively and co-produced a strategic framework led and championed through a new Children's and Young Peoples Partnership Board for the city.
- 3.3 The Board received an update on the progress of the development of the WSOA in October 2018 with the final document and underpinning action plan now presented.

3.4 Matters for Consideration

3.4.1 Through the inspection process whilst there were some examples of good practice, overall services and the SEND system across the city were failing children and families and not delivering good outcomes for individuals with SEND. Areas of weakness were identified across 13 domains (contained within the WSOA documentation).

3.4.2 The SEND transformation is set out in three steps:

- A collaborative baseline assessment and services review of our current commissioning arrangements and service offer.
- A jointly developed case for change for an integrated commissioning offer and delivery model.
- Implementation and continuous cycle of improvement, learning and evaluation of our new model of delivery.

3.4.3 As equal partners across the SEND system, partnership organisations have come together to ensure an early response to some immediate areas for remedial actions and to review our current service offer. There is a collective commitment to developing together our further integrated commissioning and delivery model for a transformed SEND offer for our local children, young people and their families.

3.4.4 A further key initial action has been the review and reframing of our Children's Services and SEND governance to support joint strategy development, decision-making and multi-agency design and delivery with four delivery working groups being established across the following domains;

- Working Together
- Journey of the Child
- Preparation for Adulthood
- Leadership and Investment

3.4.5 To date meetings with the regulator support team have indicated positive draft documents and we will have joint Department for Education and NHSE quarterly monitoring visits to assure progress.

4. Options considered and Recommended Proposal

4.1 A WSOA is required to be submitted to Ofsted by 7 December. If the Council and CCG did not jointly submit the WSOA by this time, they would be in breach of their requirements by the regulators.

5. Consultation

5.1 Internal

Consultations have taken place with the following:

- The Interim Assistant Director for SEND, Children & Young People Directorate

- The Interim Assistant Director for Commissioning, Children & Young People Directorate
- The Assistant Director, Adult Social Care and Health
- The Service Manager, Public Health
- The Chief Executive

5.2 External

- 5.2.1 The SEND Improvement programme is committed to co-production with parents, learning the mistakes of the past and developing a new way of working. There will be quarterly oversight of progress against the WSOA by parents, involvement by parents in work streams, and training and support to parents to ensure that they feel confident to express their views.
- 5.2.2 In addition, a range of activities have been commissioned to ensure that parents' voices were being heard and acted upon. These include an independently commissioned survey with parents and the voluntary sector. A full report of the consultation outcomes will be available on our website. This was enhanced by a SEND consultation event which was held in November 2018 with parents and the voluntary sector with the objective to determine to identify priorities for attention. Senior leads for the Improvement Board have held meetings with a number of members of the newly formed Parent / Carer Forum.
- 5.2.3 In addition workshops have been held with professionals; head teachers and ongoing dialogue with special educational need co ordinators (SENCOs) who are school based with outputs informing the SEND action plan.
- 5.2.4 The WSOA has been developed in partnership through the SEND Improvement Board, which meets weekly. This includes partners from internal BCC services, NHS, CCG, Birmingham Community Healthcare Trust and the Children's Trust.
- 5.2.5 The city-wide Children's Strategic Partnership has overseen the production of the WSOA and includes partners from Safeguarding Board; Police; NHS; BCC; and the Healthcare trust.

6. **Risk Management**

A risk register has been developed alongside the action plan, which will underpin the WSOA.

7. **Compliance Issues:**

7.1 **How are the recommended decisions consistent with the City Council's priorities, plans and strategies?**

- 7.1.1 The recommended decisions are consistent with the Council policies, plans and strategies;

- Supporting educational attainment and independence helps to tackle the causes of deprivation and inequality through improving educational performance and confidence. Supporting families with caring responsibilities for vulnerable adults enables carers that are of working age to be in employment and have access to affordable day care for relatives.
- To ensure Birmingham is a great place to grow up in, the city partners need to improve the offer for children with SEND, their educational and health outcomes, and quality of life.

7.2 Legal Implications

- 7.2.1 As a result of the findings of the SEND inspection and in accordance with the Children Act 2004 (Joint Area Reviews) Regulations 2015 (“the 2015 Regulations”), Ofsted determined that a Written Statement of Action is required. Ofsted also determined that the local authority and the area’s clinical commissioning group are jointly responsible for submitting the written statement to Ofsted. The written statement of proposed action is made pursuant to regulation 4 of the 2015 Regulations.

7.3 Financial Implications

- 7.3.1 The partners involved in the development of the WSOA have committed to a joint funding pot of c£1 million for 18/19 to address initial concerns raised by the Inspection in June 2018. A contribution of up to £200k will be required from the Council, which has been identified from non-General Fund sources.
- 7.3.2 BCC, BCT and BCHC partners have all committed staffing in-kind resource as well as funding to support the necessary PMO.
- 7.3.3 Any additional funding commitments or implications from changes to services, will be subject to the usual financial processes of the Council.
- 7.3.4 In this context, the High Needs block is facing significant cost pressures with an overspend carried over from 2017-18 of £13.8m and further forecast pressure of £5.2m in the current year. This overspend is in the DSG budget and a number of measures are being taken to attempt to address the issue over the medium term, which will be strengthened through a broader partnership approach.

7.4 Procurement Implications (if required)

- 7.4.1 The activities within the WSOA will improve quality assurance processes and oversight of commissioning/provider activities through the development of an outcomes framework.

7.5 Human Resources Implications (if required)

- 7.5.1 There are no human resource implications specified within the written statement of action. Any specific proposals that arise as a result of new/joint

ways of working will be subject to the Council's HR processes and consultation as appropriate.

7.6 Public Sector Equality Duty

7.6.1 The written statement of action is a final draft document to be submitted to Ofsted, as a requirement of the Ofsted and CQC Inspection in June 2018. It is, and will continue to be, an iterative process as proposals and delivery plans develop. Changes will affect children and young adults with SEND, and any specific actions will be informed by equality impact assessments.

8. Background Documents

Joint local area SEND inspection report – 3rd September 2018