**S.E.19 SEND Joint Conversation**

**25th January 2022**

**12:00 - 13:30**

**Notes of meeting**

| **Local Authority/ Organisation** | **Attendees** |
| --- | --- |
| Bracknell Forest | Rhian Williams |
| Brighton and Hove | Rhianedd Hughes |
| Buckinghamshire | Hero Slinn |
| Hampshire | Jayne Howarth |
| Isle of Wight | Anita Pitman |
| Kent | Rosemary Henn-Macrae |
| Kent | Paul Crulley |
| Kent | Steve Tanner |
| Medway | Wendy Vincent |
| Milton Keynes | Suzanne Bailey-Knight (PEP) |
| Oxfordshire | Catherine Clarke |
| Portsmouth | Karen Spencer |
| Portsmouth | Liz Robinson |
| RB Windsor & Maidenhead (Achieving for Children) | David Griffiths |
| Reading (Brighter Futures for Children) | Hester Collicutt |
| Slough | Chelsea Barnes |
| Slough | Claire Goss |
| Slough | Deborah Bowers |
| Southampton | Tammy Marks |
| Surrey | Julia Katherine - Chair |
| Surrey | Nick King |
| West Berkshire | Jane Seymour |
| West Sussex | Helen Johns |
| West Sussex | Jo Hill |
| Wokingham | Jenny Hooper |
| Wokingham | Elaine Munro (PEP) (representing SOEPEP) |
| DfE SEND Improvement and Operations Unit | Heather Campbell |
| DfE SEND Improvement and Operations Unit | Claire Gallagher |
| DfE S.E. Region SEND Adviser | Liz Flaherty |
| S.E.19 SEND Network Co-ordinator | Tracey Maytas |

1. **Welcome and background to meeting**

Julia Katherine, Surrey, welcomed everyone and reiterated the online meeting protocols.

1. **Actions and matters arising from last meeting**

The actions from the previous meeting were reviewed:

* The DfE have a list of first and second contacts for SEND for all areas, which Liz needs to keep up to date.

**25/01/2022: It was circulated and 15 replies out of 19 were received. It was suggested to send the contacts list as an attachment with the agenda prior to every meeting, for members of this group to check if their contacts are correct.**

* Element 3 Funding Reviews for Schools - Proposal to benchmark figures against across the Region. Several LAs expressed interest in discussing this. Wendy to take these conversations forward with Tracey to help facilitate. *- Tracey and Wendy to set up a Task and Finish Group.*

**25/01/2022: Carry action forward.**

* The annual review training will be run again in January/February 2022, virtually. Liz asked for volunteer LAs to present some piece of work they have done to improve their annual review timeliness. Contact Liz if interested in taking part in the training. ***25/01/2022: Action completed.***
* NDTi did a presentation about the PfA audit. NDTi are looking for people who could be interested on this. Anyone interested in getting involved in that piece of work, contact Liz and Tracey. ***25/01/2022: Action completed.***
* SEND Network working groups: Action: Tracey to contact LAs who do not have people have signed up for these meetings. ***25/01/2022: In progress. It should be ready to be sent out before next meeting.***
* The pack from the **DfE 'SEND Decision Making and the Law'** legal training has information around placing in schools and how placing another child might have a negative impact on other children. Specifically slide 69. **Tracey to share which LAs had representatives attending the legal training**

**25/01/2022: Tracey to contact Mott MacDonald for list.**

* It was agreed to have an update from the NHSE/I SEND Advisers as a standing item in the joint meetings with health colleagues. Action for Tracey.

**25/01/2022: Scheduled for next joint meeting 15/2/22.**

* It was noted that an update from Bracknell about their experience on the inspection would be interesting. Tracey to ask them if they are willing to provide an update at the next meeting. ***25/01/2022: On agenda. Action Completed.***
* It was agreed that Tracey will approach health colleagues as well, when asking for chairs. ***25/01/2022: Action completed. Sally Murray, DCO for West Berkshire has offered to chair the next meeting.***
* A few local authorities were not aware of the SEND Operational Managers meeting. Tracey to re-send the invitation to contacts of this group. ***25/01/2022: Action completed, good attendance at meeting.***
* Tracey to contact members of this group to decide whether to re-schedule the joint meeting on 15th February, since it is a deadline day for local authorities. ***25/01/2022: Action completed, date to remain unchanged.***

1. **DfE General Update**

Liz Flaherty, DfE SE Region SEND Advisor, provided the DfE update:

* The wave data continues since DfE found this data collection really useful. The most recent analysis is from November 2021. Some of the findings are:
  + The figure for reaching the 20 weeks deadline is down to 51% nationally.
  + Many LAs are reporting challenges to meet statutory times due to high demand of new assessments, staff absence due to illness related to Covid or stress.
  + Some LAs continue to report difficulties in special school placements.
  + In the South East, 4 LAs did not respond to the data in November 2021. The range of 20 weeks goes from 3% to 100% across the region. In terms of numbers of new requests, the lowest was 14 and the highest 405.
  + In order to monitor by how much LAs are missing the 20 weeks deadline, numbers of over 30 weeks and over 52 weeks are going to be added.
* SEND Review: The intention is to publish it as a green paper at the end of March.
* There is an annual review training on 14th February. The South East are low on numbers of people enrolled in it. Annual reviews are going to become more of a focus and Liz encouraged everyone to book places for it. It was raised that it clashes with half-term in some areas and Liz acknowledged that but it was difficult to change the date. **An action was agreed for Tracey to send a reminder of this training.**

Liz mentioned that she would share a top tips document around including children and young people in their own annual review meetings. Embedded here below.



* CDC Exploring & Mitigating Pinch Points in the EHCP Process workshop - Liz was interested in finding out if there were any follow-up actions agreed in that workshop. Tracey agreed to discuss this with Liz outside of this meeting.
* Liz agreed to share information on a piece of work carried out by Julie Pointer, NDTi, around Ofsted reports and the preparation for adulthood in those. Embedded here below.



Julia thanked Liz for the update and noted that the figures shared by Liz are interesting in terms of common issues shared regarding meeting the 20 weeks deadline.

Helen Johns, West Sussex, mentioned that they are struggling with the EP assessments in terms of reaching the 20 weeks deadline. She asked for feedback from other LAs on how they are managing EP capacity and what time is allocated to EPs in other LAs for reports. A discussion ensued:

* Wendy Vincent, Medway, noted that they had looked at a shorter format report but EPs were did not feel it was appropriate to use that.
* Tracey informed the meeting that similar discussions were taking place through the SEND Operations Managers Group. A summary of the discussion to come back to this group.
* Elaine Munro, South East PEPs rep, mentioned that on average services in the South East allocate two days for an EP to undertake an EHC needs assessment and write the report
* In relation to shorter reports, anecdotally they get push back from parents. There is something about timeliness and quality and also thinking about whether it goes to tribunal.

There are significant difficulties in recruitment of EPs across the region and nationally.

It was suggested that it might be worth looking at the pressure by comparing LAs where EP services are traded, partly traded and not traded. **An action was agreed for Elaine to take this discussion to PEPs in the South East and feed back - to find out if there are EP services that have approached this in a different way, any ideas, any learnings.**

1. **Initial feedback from Bracknell Forest Joint Inspection (letter nor yet published)**

Rhian Williams, Bracknell Forest, gave their experience of the inspection and what they focused on:

* Preparing for adulthood - inspectors were looking at how they communicate with their colleagues in adult social care, schools, what their plans are, whether it fits in the overall SEND plan.
* Inspectors gave them a list of 20 young people to focus on. These were mainly older young people. Rhian had prepared which were the area's weaknesses to demonstrate they knew where they needed to improve.
* The work with CCG and if there were any issues.
* They had looked at their tribunals.
* They listened a lot to the feedback from parents - how often the local offer was used, whether parents knew about it, what were the key areas of complaints. They then focused on whether the LA had listened to parents and what was put in place to address concerns from parents.
* Voice of children and young people - they looked at EHCPs and annual reviews, support around the young person and whether they worked in co-production with parents, young people and schools.

Further comments were made following queries from the Group:

* In terms of the list of young people, inspectors asked for a breakdown of different vulnerable groups. From that list inspectors chose 18 young people and asked the LA to choose 2 extra ones as good examples.
* In terms of the definition of vulnerable groups, they included LAC, NEET, electively home educated and children missing education. They did not focus on free school meals.
* Regarding Preparing for Adulthood, Rhian reported this seemed a particular focus for Ofsted at the moment.
* It was commented that it is being suggested that there will be more scrutiny of senior leaders with the new framework. Rhian replied that the majority of the time inspectors were meeting with senior leaders.
* There was not much focus on the support provided prior to statutory. The main focus for SEN Support and inclusion was the scrutiny of schools, rather than the support of the services within the LA.

Julia thanked Rhian for sharing her experience.

Rhian offered to discuss in more detail with any interested LA once the official letter has been published.

1. **Impact of Infections 'spike' / Plan B introduction on SEND processes and activity**

Liz mentioned that there were a couple of issues in some areas after the return from Christmas.

The first is with transport, due to escorts or drivers isolating, which was a pressure point. Second is concern in the spike of new request for assessment coming through particularly from parents. This is thought to be tied to pressures in mainstream schools that do not have capacity, and parents not knowing what to do, which makes people jump to a request for assessment.

Also picking up high levels of anxiety in young people.

There is talk at the DfE of a publicity campaign around getting children back in school, although this has been put on hold until the spike in teenage cases comes down.

The percentage of 20 weeks delay can get down to 50% if this continues and requests for assessment keep increasing.

Liz expressed concern about the long term impact of this pandemic which is going to put pressure in all services. Julia agreed that we are only seeing the tip of the iceberg on the impact on mental health and wellbeing, CAMHS and other services which is going to put a pressure on the system.

The following comments were made in terms of impact on schools:

* Julia remarked that schools are experiencing difficulties in recruiting.
* Anita Pitman, Isle of Wight, mentioned that they have found an issue with residential schools accepting new children. Staffing appears to be the reason for refusal.
* David Griffiths, Windsor and Maidenhead, noted that they have had lots of Covid related staff absence in schools this week.
* Jayne Howarth, Hampshire, commented that they are seeing a high number of requests for assessment from early yeas providers coming in too.
* Jane Seymour, West Berkshire, said that Covid is exacerbating EBSA issues. Elaine added that they are finding the same in Wokingham.

1. **Developments for the SE19 SEND Network from April 2022; call for SEND expertise to support SESLIP SEND program**

Tracey explained that SESLIP, the DCS's sector-led improvement program, are looking to add more freelance consultants to the 'pre-approved' list and it would be helpful to increase numbers on the list who have SEND expertise and could support the SE19 Network with additional resource.

Tracey asked if strategic leads would be willing to receive an email with a link to the latest recruitment round to pass it on to anyone they know who could be suitable for this type of work. This was agreed.

1. **HNF meeting with DfE 24th Jan - brief feedback and opportunity to share thoughts**

Helen provided a brief overview of the HNF meeting with DfE:

* It was interesting in terms of the DfE take on the area of the high needs budget of independent placement. How much are we all spending because our special schools are full. But also linked issues around transparency and governance in that sector.
* Nathan Caine gave the presentation that the HNF working group had previously put together around INMSS spend in the South East. It was positive to see recognition from the DfE that this was a problem, how are we going to solve it and what is an acceptable charge.
* There was a discussion around EHCPs and the split between education, health and social care.
* A big point was around the drive for specialist placement which has increased. A placement in a special school should be for complex and significant needs and that is not what we are always seeing across the sector.
* SEND Review and consistency on when a specialist placement is required - Benedict Coffin from DfE talked about what the future might look like post-SEND Review in regards of specialist placement, outreach and special schools being in trusts and providing outreach to keep more children in mainstream with the right provision around them. His slides have been circulated to all strategic leads.
* There was nothing specific around funding but thinking about the clarity of roles and having networks.
* There were also questions around independent or specialist and what that meant, the cost of the fees and whether DfE should intervene or not.

The following discussion ensued:

The independent sector are very strong and sometimes parents have already decided which special school they want their child to go to when they ask for an EHCP.

Admissions code of independent sector, who they will take and who they will not. Once they agree, which might be through tribunal, at a certain price, they may request more funding for additional support.

Paul Crulley, Kent, remarked that the problem is that LAs usually have a weak defence when a case goes to tribunal where the parental preference is for special. The CoP leans towards parental preference.

Karen Spencer, Portsmouth, asked if there was any reflection of challenges of LAs when there is a strong preference from parents for a specialist placement but there is evidence that it is not in the best interest of the child. In Portsmouth, there have been cases of tribunal sending the child to specialist placement which has then proved not beneficial for that child.

Helen explained that this was raised in the meeting - so many tribunals go in favour of the parent.

Liz Robinson, Portsmouth, noted that Benedict Coffin said that full time placement in specialist provision will be required only if a child has significant or complex needs. She wondered if significant complex needs means the same to different LAs and to the DfE and whether there will be a rise of the thresholds to go into specialist schools.

David said that it was a refreshing meeting but in his opinion tribunals need a total revisiting, to which some people agreed.

Jane Seymour mentioned that Benedict implied that only 2% to 3% of EHCPs go to tribunal, it is not inconceivable that LAs got it wrong in those cases, over 90%, which go in favour of parents. It was remarked that LAs do not take cases to tribunals unless they are clear they have a strong case.

Tracey mentioned that Benedict has offered to have more contact with the region. **An action was agreed for Tracey and Nathan to convene a meeting with LAs and Benedict.**

1. **New Joint Inspection framework - Update from latest meeting & any regional input required *(Standing item)***

Tammy Marks, Southampton, remarked that there is no update since last meeting. The work is currently focusing on testing how they are inspecting, looking at different things, such as how they are seeking parent carer reviews, sample case size and how many they need from each LA. Concentrating on how they are going to do this rather than what they are going to focus on.

There is a lot of conversation around SEN support so it feels that it might be steering away from statutory and focusing on what support families are getting in a more targeted level.

The meetings have moved to a 3-month cycle, instead of monthly.

Liz noted that the 3 initial pilot inspections have been completed and she has asked André Imich if some feedback could be sent on some of those. More pilots probably 2 or 3, are going to be run in March and a request was sent to SEND Advisers to consider LAs who might be interested in taking part. Liz alerted LAs to the fact that CQC have already approached CCGs in each region, there was a misunderstanding about how many pilots would be needed.

In terms of timescales for the new framework to be in place, originally it was going to be April, but it does not look likely. It was noted that there might be some communication around this in the next 2 to 3 weeks.

1. **Structure of Tribunal Teams**

Paul Crulley, Kent, explained that Kent is potentially going through a restructure, and he would like to gain insight from other LAs on how they are set up with the tribunal side.

Tracey proposed that the operational leads take this forward.

Julia suggested to do this as a short survey. **An action was agreed for Paul to identify specific questions for colleagues to answer and send them to Tracey to create a survey.**

1. **DfE SEND Improvement and Operations Unit**

Heather Campbell, DfE SEND Improvement and Operations Unit, provided a refresher of their role and introduced Claire Gallagher, DfE Case Lead, who has joined the team and will manage most areas in the South East.



SIOD organogram embedded below.



Heather explained that the DfE current contracts of SEND support through DBOT will come to an end at the end of March and future contracts are being looked at. They are looking at how to work better regionally to better support on a regional basis as well as individual LAs.

Julia suggested that SIOD could bring regular updates to the region through these meetings. Over time, it would be interesting to have this as a dialogue, to maximise the support regionally, sharing plans, developing and working together. April was proposed as a good time to come back together. **Tracey to liaise with Heather about specific dates and invites.**

1. **AOB**

* Post-Easter Co-production conference:

Hero Slinn, Buckinghamshire, explained that a workstream met 2 weeks ago to plan for the post-easter conference. They are keen to run this as a regional event and showcase good practice of co-production and also to see how that has developed over time and challenges in the area of co-production. They are open to ideas from colleagues. They will prepare something to come out in writing and a plea was made for LAs to reply to it.

It will be a virtual conference. Further information to follow on dates.

* Inclusion Group re-start:

Some work took place pre-pandemic in terms of sharing good practice around inclusion. Helen and Julia are keen to revisit that work and see how that has developed.

More details will come out. LAs were asked to let Julia, Helen or Tracey know if they have some good practice in their area and would be willing to share with colleagues.

* Tammy Marks raised a question in the chat: Could we have a discussion about impact of absence and recruitment challenges on delivery of provision in plans? Schools seem to think I have a magic bank of staff I can send out to them. Anyone else experiencing this? **To be future agenda item**

**Future meeting dates:**

* Tues 15th February - Joint
* Tues 22nd March - LAs
* May?

**Future topics:**

* SEND Review and funding (!)
* New Joint Inspection framework (standing item)
* Health advice for C&YP EOTAS (February)
* Impact of absence and recruitment challenges on delivery of provision in EHCPs (February)

Please send any items or questions and queries you would like to discuss with colleagues to Tracey.

**Summary of Actions**

* The DfE have a list of first and second contacts for SEND for all areas, which Liz needs to keep up to date.

**25/01/2022: It was circulated and 15 replies out of 19 were received. It was suggested to send the contacts list as an attachment with the agenda prior to every meeting, for members of this group to check if their contacts are correct.**

* **Element 3 Funding Reviews for Schools - Proposal to benchmark figures against across the Region.** Several LAs expressed interest in discussing this. Wendy to take these conversations forward with Tracey to help facilitate. *- Tracey and Wendy to set up a Task and Finish Group.*

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**25/01/2022: Tracey to contact Mott MacDonald for list.**

* **Tracey to send a reminder of the Annual Review training on 14th February**, since the South East are low on numbers of people enrolled in it.
* **Elaine Munro to take the discussion around managing capacity and time allocated to EPs to PEPs in the South East and feed back - to find out if there are EP services that have approached this in a different way, any ideas, any learnings.**
* **An action was agreed for Tracey and Nathan to convene a meeting with South East LAs and Benedict Coffin.**
* **An action was agreed for Paul Crulley to identify specific questions around their structure of tribunal teams for colleagues to answer and send them to Tracey to create a survey.**
* **Tracey to liaise with Heather Campbell about specific dates and invites for SIOD to join the SE19 SEND Network meetings.**