**Proposed Structure for SEND Governance Briefing and Recommendations for DLT**

**October 2023**

# Summary

The responsibilities around SEND involve statutory roles for both the local authority and also health partners. In addition to this, development and the delivery of SEND provision and services involves both engagement and input from multiple partners. Within West Sussex a SEND Strategy Board was initiated in 2019 to provide governance of the SEND Education Strategy 2019-24 and this was expanded in 2020 to include SEND Commissioning and Social Care. There have traditionally been challenges engaging with some partners and also securing regular attendance at existing Governance Boards. This governance review intends to address the historic inconsistencies in partnership engagement in this activity. With preparation for the forthcoming Local Area SEND Review taking place alongside the introduction of the Delivering Better Value (DBV) Programme, the Council commissioned an external review of arrangements to support an improvement plan. IMPOWER provided a comprehensive review of existing governance processes and provided a detailed report to guide the improvement activity and governance arrangements.

# Current Structures

Currently, the SEND Strategy Governance is structured around a two-tier approach which includes a Local Area SEND Governance Board with representatives of all partner groups including schools, Early Years Settings, health, adults, parent carers, children’s social care and education. The SEND

Partnership Forum feeds into the SEND Governance Board. The rationale for the SEND Partnership Forum was to engage with practitioners and partners who are close to the ground in managing SEND and therefore to take forward the strategic direction outlined by the Governance board.

Representation on the Governance Board is therefore predominantly strategic to set the key objectives and vision to ensure we provide a joined-up service. It is intended that there is a clear line of sight through from issues raised at the Governance Board through to practitioners on the SEND Partnership Forum.

There has been an expectation that partner representatives on both would connect and that issues shared would cascade through to practitioners.

Similarly, any issues or complex problems could be raised by practitioners and escalated through their representatives into the Governance Board. The aim was that this governance structure would ensure that partners and practitioners would then take ownership of actions and take these away and fulfil their responsibilities in contributing to improvement. However, the arrangement has not been as effective as we would have hoped and has not worked principally for the following reasons:

* Representatives on the Governance Board have not always truly reflected the sectors and partners they are meant to represent
* Attendance has often been sporadic without consistency of representation
* Escalation and reporting mechanisms required more strategic engagement
* Actions agreed were not always followed through by representatives outside of the meetings

# What did the review of Governance tell us?

During March 2023 IMPOWER were invited to undertake a review of governance through engagement sessions with members. The following key themes arose:

Purpose of the Governance Board:

* Members need to have a shared understanding of both the vision and aims
* Early Years and Alternative Provision need to be included
* Members want the Board to be responsible for holding the system to account beyond Education
* Parent Carers and Children’s views need to be at the heart and should be better reflected in tools and the data dashboard

Collaboration

* There is the need for clarity in the sharing of information across the Board with checks in place to ensure data clarity and coherence and that data is directly linked to the delivery of workstreams
* Development of shared communication vehicles to have a shared voice and also to ensure effective communication into the sector and back to the Board

Membership

* WSCC SLT engagement in governance along with Adults and Health is cited as being key
* Membership should be consistent as should representative’s attendance
* The ICB and SENDIAS should also be represented
* Members should have a clear understanding of each other’s roles and responsibilities with a clear definition of the Board Member role acting as a senior representative and messenger
* Training, upskilling and mentorship is needed to develop the Board and its membership

A review was also undertaken into other SEND Governance Structures in other local authorities to consider how other local authorities were addressing this issue. Following both these activities and internal discussions, a proposed reset of governance is suggested.

The National SEND and Alternative Provision Improvement Plan outlines a proposed governance structure including establishing a Local SEND & Alternative Provision Partnership including education, health and care partners with local authorities, responsible for a Local Inclusion Plan with greater clarity of the roles and responsibilities of the ICB and how these responsibilities should be discharged. During 2023, the government will be strengthening accountability structures including the publishing of local and national Inclusion Dashboards

form the autumn 2023 and local ICBs will be required to have an Executive Board Member Lead with explicitly accountable for SEND.

# Proposed Governance Structure

The following proposal is made for West Sussex’s local Governance of SEND and Alternative Provision including the key partnerships that are required to secure effective oversight and escalation routes where required.

The concept of the SEND Partnership Forum has been replaced by focused working groups based on themes to ensure a tight focus with key partners in those areas of priority. An Executive Governance Partnership has been established to allow for rapid escalation into key Strategic Partners where progress is challenging and to allow for reporting by exception.

The detailed structure and terms of reference for each group is attached.

**Proposed Governance Structure and Ways of Working**

1. **SEND and Alternative Provision Strategy and Partnership Board**

The proposed structure to govern the SEND-Alternative Provision Strategy and improvement has, at the core, the SEND-Alternative Provision Strategy and Partnership Board. This Board has representation from a broad range of partners and provides the leadership and oversight of action and follow through from respective partners. Their role is to ensure improvement based on data, feedback, and information is actioned and the impact of actions monitored and reported. The Board will review data and progress against agreed action arising from the individual themes and improvement programmes. The Board will be supported by the Programme Manager and Senior Improvement Leads and will be responsible for securing Working Groups with appropriate leadership for key areas of action as part of a single improvement plan. Each Area will have identified Lead Partners and local authority officers.

The SEND Strategy and Partnership Board will meet monthly and will be independently chaired. It will be incumbent on partners and officers to ensure that actions agreed at the Board are implemented and with evidence of progress and implementation being fed back by partners at the following Board meeting. This Board will oversee the implementation of the Continuous Practice Improvement Plan (CPIP) and evidence of impact on service delivery.

The Assistant Director: Education and Skills will have a key role in working with Lead Partners and officers within each Area to ensure that actions are precise, work is progressing, and that each team is able to report back to the SEND-Alternative Provision Strategy and Partnership Board on actions taken and both successes and barriers to success. He will be supported in this by the Assistant Director, Children First to oversee the transformation programme of activity and the Senior Improvement Lead on the SEND inspection preparation. The Head of SEND & Inclusion and the SEND Education and Inclusion team will support action by working alongside partners where required and will escalate issues to the Assistant Director.

Preparation for the Local SEND Area Review will have detailed action plans with key lead officers allocated to each theme in the Self Evaluation and these will help focus activity in each Area of work overseen by the Board. The Strategy Partnership Board will monitor overall progress against each key theme and provide support and challenge, identifying further action and escalating barriers through to the Executive Governance Partnership where required.

The Key Areas provide the focus for ‘**Partner Working Groups’** and these will be aligned to the meetings underpinning preparation for the SEND Local Area Review. These Working Groups replace the need for the current **SEND Partnership Forum**, although members of the Forum may very well be engaged in different workstreams and Key Areas of focus. Each Working Group will involve key Partner membership from the Board but will expand to include wider participation from the sector relevant to the particular theme. Key Theme 6: Preparing for the Local SEND & AP Area Review will also influence and link to all other Working Groups. A single plan will ensure that all Partner Working Groups will be aligned and coordinated towards achieving positive progress and

outcomes across the evaluative criteria of an Area Review. Whilst the SEND Local Area Review will draw upon a self-assessment against measurable outcomes, this will also feed into the Partner Working Groups focused on each Key Area.

There are key dependencies and contributory programmes e.g., Delivering Better Value (DBV) and Placement Sufficiency which contribute towards the Improvement Plan and specifically around the DSG High Needs recovery plan.

Specific work taking place in these two areas will feed into the SEND Strategy and Partnership Board.

Reports from the SEND-Alternative Provision Strategy & Partnership Board will be used for reporting progress and engaging with The CYPL Directorate Leadership Team (DLT) which is the executive decision making Bord for the Department, Children Young People Scrutiny Committee (CYPSC) which provides the Council’s scrutiny function, Children First Board (overarching strategic partnership), and Schools Forum, and the Parent Carers Forum, both of which are key stakeholder boards. The Board will link into the Joint Commissioning Board to ensure issues of escalation and support external to the local authority are appropriately lodged and solutions secured.

The SEND Partnership Board will meet alternate months and will receive feedback on actions agreed and progress from the Partner Working Groups. This will include progress against the single plan and preparation for the Local Area SEND & AP Review. Terms or Reference and proposed membership of the SEND Partnership Board are included in Annex A.

The SEND Partnership Board will report to the Children First Board and through to the Health and Wellbeing Board. This reporting and escalation route will be used to strengthen action and engagement of all partners including Health with close engagement of the Joint Commissioning Board and escalation to the ICS Children’s Board (Sussex) where escalation is required.

# Partner Working Groups

Partner Working Groups will be drawn from representatives of the SEND Strategy and Partnership Board along with key practitioners and a wider representative group from schools, parent carers and relevant parties. Their roles will be to co-create and work on the Key Themes, communicating and engaging with the sector to secure implementation of actions, share good practice and to contribute to the development and broader implementation of improved SEND Practice and Provision.

Ideas, barriers and suggestions from sector participants will be fed back to the SEND Strategy and Partnership Board by the Working Group Leads for further discussion and consideration. Particular challenges may then lead to a focused problem-solving workshop.

Each Working Group will have an action plan linked into the overarching Single Improvement Plan.

These arrangements will be reviewed annually and adapted and changed to ensure they remain effective and relevant to service improvement.

# Annex A: SEND Strategy and Partnership Board Terms of Reference and Representation

1. **Terms of Reference**

The SEND Strategy and Partnership Board brings together partners who work collectively to provide the leadership required to deliver the shared vision, values and priorities for children and young people with SEND in West Sussex. The Board is an equal partnership of education providers, West Sussex County Council, healthcare providers and Clinical Commissioning Groups (CCGs), SEND Commissioning, West Sussex Parent Carer Forum, Adult Social Care and, where appropriate, input form children’s representatives.

# The Role of the Board

The Board provides leadership and oversight to ensure that, in West Sussex:

* + Children and young people’s needs are identified accurately and assessed

in a timely and effective way

* + Children and young people receive the right help and support at the right time
  + Children and young people are well prepared for their next steps in learning or employment and achieve strong outcomes
  + Children and young people with SEND are valued, visible and included in their communities
  + All partners fulfil their roles and responsibilities in achieving the above

The Board provides the forum for West Sussex Partners to be able to demonstrate that West Sussex is:

* + Ambitious for children and young people with SEND
  + Actively engaged and working with children, young people and families
  + Providing an accurate, shared understanding of the needs of children and young people in their local area
  + Commissioning services and provision to meet the needs and aspirations of children and young people
  + Continually evaluating services and making improvements
  + Creating an environment for effective practice and multi-agency working to flourish
  + Determine Partner Working Groups and Key Themes to be explored and developed with sector representation
  + Ensuring effective use of data and information to determine priorities and actions, holding all partners to account for implementation in line with their key responsibilities and accountabilities

# Decision Making and Delegation

The WSCC Assistant Director: Education and Skills is responsible for the reporting of progress with SEND. Delegated responsibilities to the Head of SEND & Inclusion ensure that leadership and action is driven through then SEND & Inclusion Team but with a key route of escalation to the Assistant Director and through to the Director of Children’s Services (DCS) and Leadership of the ICB where escalation is required. The DCS and Chief Officer representing the

combined CCGs are jointly accountable for the efficient and effective delivery of the ‘West Sussex local area partnership’ arrangements for children and young people with SEND.

# Governance

The SEND-Alternative Provision Strategy and Partnership Board will meet monthly. The Board will be independently chaired. The Board will explore data and progress against key action plans including preparation for the Local Area SEND and AP Review and actions to address issues arising from the Key Themes identified as part of the SEND Transformation Plan.

The Board will explore impact in the work of partners in implementing actions in support of the Strategy and Improvement Plan and also barriers where these exist. Feedback on the work and impact of Partner Working Groups will be explored with actions agreed where additional work, communication or escalation is required to embed actions and developments.

The Standing Agenda shall include:

* + Minutes and action tracker form previous meetings
  + Highlight reports from partners and Partner Working Groups appropriately scheduled
  + Highlight SEND Activity and related data dashboards
  + Key topics related to delivery of the shared vision, values and priorities for children and young people with SEND in West Sussex
  + Points for escalation to the Executive Governance Partnership

# Membership

Board members act as their representatives for their sector as part of the partnership, sharing the perspective of the sector, whilst also engaging with their sector and keeping others informed. Each Board member is responsible for a communication plan into their sector to ensure dissemination of information and action and also to collate feedback from the sector and formally feed this back to the Board.

Where Board Members are unable to attend a Board meeting, they will be responsible for arranging a nominated substitute for the meeting and ensuring that this is communicated to the Chair.

Membership of the Board is set out in Annex B

# Tenure of Membership

The chairing of the SEND Strategy Partnership Board will be reviewed every two years in line with membership of the Board. The membership of the Board will be reviewed every two years to ensure that it continues to reflect the SEND Partnership and to ensure that there are no vacancies due to changes in personnel.

# Quoracy

The meeting is quorate with either Chair or Vice Chair in attendance along with 40% of the membership. Where a meeting is not quorate, it may proceed with decisions ratified at the next meeting.

# Attendance of non-members

Invitations may be extended to non-members where their input or advice supports the discussion taking place or where it is agreed they are there as observers.

# Substitution at Meetings

The Chair and Vice Chair of then SEND Strategy Partnership Board are expected to attend all of the meetings with at least one or other in attendance at each meeting.

# Frequency of Meetings

The Board will meet monthly.

# Communication and Sharing Information

The minutes and action tracker for each Board meeting will be uploaded to the WSCC SEND Partnership website [https://schools.local-offer.org/send-inclusion-](https://schools.local-offer.org/send-inclusion-strategy/send-inclusion-strategy-board/) [strategy/send-inclusion-strategy-board/](https://schools.local-offer.org/send-inclusion-strategy/send-inclusion-strategy-board/)

Each member of the Board is responsible for implementing their own communication plan to their respective partner organisations and for encouraging partners and peers to access information provided on the West Sussex SEND Partnership Website.

# Declaration of Interest and Confidentiality

Board members must declare a direct personal or professional interest related to any items under discussion. At times, the Board will consider sensitive and/or confidential items which will be identified within papers and at the meeting. Such items remain confidential until such time that it is agreed otherwise.

# Review

The Board will keep under review the purpose of its work, priorities for action and governance structure under annual review.

**Annex B: SEND Strategy Partnership Board Governance Membership** The following constitutes the formal representation on the Board: Independent Chair

West Sussex County Council

* + Director of Children’s Services
  + Assistant Director: Education and Skills
  + Head of SEND & Inclusion
  + SEND Improvement Lead
  + Head of Standards and Effectiveness
  + Early Years SEND Lead
  + Assistant Director: Children’s Social Care and Early Help
  + Head of Early Help
  + Assistant Director: Adults Operations
  + Designated Social Care Officer
  + Head of Virtual School
  + SEND Commissioning Education and Schools
  + Headteacher Representation from Special, Secondary and Primary Schools
  + Alternative Provision Representative
  + FE College Representative
  + Early Years Sector Representative
  + West Sussex Governors Association Parent/carers and families
  + West Sussex Parent Carers Forum Health
  + Integrated Care System Health Lead
  + DCO
  + Public Health representative

Programme Management

* + Programme Director Councillor Representation
  + Cabinet Member or nominated Adviser