

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**

February 2023

Contents

Introduction	3
Corporate Progress	4
Wider Children's Services	6
SEND Service Improvement	7
Schools	8
Progressing a Health SEND Joint Strategy	10
SENDIASS	12
Political Issues	14
Co-Production, the Parent Carer Forum and Communication	15
Conclusion and The Question of the Children's Trust	17
Recommendations	18

Introduction

1. This is the second full report of the DfE intervention into SEND services in Birmingham which are subject to a statutory direction issued in late 2021. Birmingham remains the only local authority to be subject to such an intervention including an appointed Commissioner.
2. The first full report was published in May 2022. Giving an “assessment and diagnostics” of SEND services themselves, that report went into some detail about the corporate and political context within which the services must operate. The report concluded that the deep and prolonged SEND failings were reflective of significant corporate and political factors. However, the report also concluded, on balance, against the need for a possible children’s trust (an alternative delivery model) because there were signs of service, corporate and political progress.
3. This report will follow a similar structure. It will summarise the progress being made in service, corporate and political terms with particular regard to the recommendations of the May 2022 report. It will also focus on the role of the partnership with the NHS as the first report inevitably focused upon the local authority. It will be necessary for this report to summarise the position of SENDIASS in Birmingham which continues to be an exceptional feature of the local system, including politically.
4. The report will show that there have been a number of significant and welcome areas of progress and development in Birmingham SEND. Most notably these include: very substantial corporate progress; similar progress in the rebuilding of children services generally; gradual progress in the services themselves, though this is less evident to parental and child experience. However, there remain continued significant concerns about some of the political behaviours, especially related to SENDIASS, which are a genuine threat to general improvement. This means that the possibility of a children’s trust cannot yet be finally rejected, though it should still not be required.
5. Whereas there is substantial work to do, as explained below, it is worth reflecting on the following areas of measurable progress.
 - The % of Education Health and Care Plans (EHCPs) issued within 20 weeks at 66% 12 months rolling, compared to 53% in Apr 21 (national average is 59.9%).
 - The % of Annual reviews actioned within 4 weeks of the meeting is now 55% compared to 3.8% in Apr 21.

 - The Local Offer website had 34,400 single views in January 2023 and an average of 22,250 single views each month in 2022, compared to 15,250 in April 2021.

- The % of children and young people with EHCPs that are not in employment, education and training (NEET) dropped from 7% in April 2021 to 2% in January 2023.
- Phase Transfers (from primary to secondary) were completed 95%+ in time in 2022 and 99.3% in 2023, compared to 0% in 2021.

Corporate Progress

6. The corporate progress has been very substantial. In May I reported that to varying degrees the failures of SEND in Birmingham were related to if not caused by issues of significant corporate instability over years, which had in turn contributed to the general deterioration of the council's role with regard to children's services generally and SEND in particular. I stand by that analysis and will return to wider children services below. The single simplest marker to illustrate this was that in the eight years prior to 2022 following the 2014 Kerslake report, there had been no fewer than nine chief executives and nine directors of children services (several of which were not Children Act compliant).
7. Since last May the previous interim chief executive has been confirmed in post. She is personally very experienced, capable and resourceful, which are essential assets given the scale of her task. She has immediately set about a wide scale corporate transformation programme. The programme is light on jargon and heavy on content. There has been an emphasis on regularising senior roles and responsibilities and clarifying how good local government business should be conducted. This has also involved having to resolve several senior personnel challenges which were an impediment to corporate progress and therefore to SEND progress.
8. This report was drafted in February 2023 and since then the council has been significantly affected by fundamental problems in its implementation of an essential upgrade to its financial management and monitoring systems. As well as representing a significant disruption to effective service management (including for SEND and schools), the issue has attracted damaging public attention. It has also revisited a major local concern in that politicians may believe they have not been accurately briefed about the scale of the problem. This is highly resonant of the previous history and culture of SEND and other challenges in the council and which have fed some of the officer-member difficulties. The financial systems issue is not directly connected to the leadership of SEND, but SEND services are affected by the lack of financial information and governance. This is a major and continuing concern, but the council has gripped the issue and is clear on the mitigation required. It does not fundamentally detract from my judgement about corporate progress otherwise and the reforms the Chief Executive is striving to lead.

9. In particular, one change has involved the introduction of a new council-wide monitoring officer. The monitoring officer is a statutory role which is intended to help ensure good governance including political governance of the whole of the council. It is hard to overstate the significance of the role until good governance is being lost as appeared to be the case in Birmingham previously. Again, like the chief executive, the new monitoring officer is a strong and experienced individual who is immediately making significant in-roads into improving Birmingham's governance challenges, including the political ones. She has designed and is implementing a work programme which will directly or indirectly address a range of the contextual concerns outlined in my May 2022 report. It is an added benefit to this intervention that the new monitoring officer has a legal background in children's services. The work programme includes a number of initiatives in the short, medium and long term to ensure Birmingham's decision-making processes are fit for purpose and also to ensure that the leadership and political cultures are conducive to good local authority governance. These activities will strongly address a number of the recommendations I made in May 2022. This work is as challenging as it is essential – there remain substantial political elements in Birmingham who would refute there is a governance problem as exemplified by SENDIASS.
10. A new corporate head of HR is also now in place. Again, this role is critical to the progression of SEND as some sensitive challenges were inhibiting effective practise for example in recruitment and performance management. As with corporate governance, there can be no quick fixes and there is much work to do to ensure stable, responsive and effective HR practises in support of SEND. For example, there is no question that the recruitment process which occurred around the interim Head of SEND post in summer 2022 (which in turn related to the SENDIASS episode described below) was reflective of quite chaotic HR practises and expectations including with politicians. However, we are slowly starting to see more effective and service focused HR practises which should support rather than inhibit improvement, though the pace of senior recruitment has been too slow. The corporate HR service has also been able to provide some refreshing and much needed support to team building and forward planning on behalf of the improvement board itself.
11. The relatively new corporate post of Director of Strategies, Equalities and Partnerships is providing a strong base for equalities activity generally and with regard to race and disability equality. He is also leading interesting work on population analysis especially with regard to deprivation. There will be future opportunities for this work to support joint information analysis with the NHS and with families in receipt of EHCPs.

12. It would be wrong to overestimate the corporate progress being made or to assume that the work is complete. All of the areas highlighted above are in the early stages of their own improvement programmes following varying episodes of significant disruption themselves. It will take time for good systems and habits to bed in. In the meantime, Birmingham continues to face substantial other pressures, for example with regards to criticisms of its housing services. It also remains a big and occasionally clunky bureaucracy that can contribute to Birmingham's signature delays in getting things done. That said, it would have been highly optimistic last May to expect this level of corporate progress. The chief executive and her team and the politicians concerned deserve recognition for that work. It will benefit the council as a whole as well as prove essential to SEND improvement going forward.

Wider Children's Services

13. The Director of Children Services (DCS) has now been in post for over a year (and has therefore passed an unnecessarily long probation process). I remain of the view that she is the first "fully fledged" DCS in Birmingham for several years. The year has been an especially challenging one. The DCS is receiving good managerial and improving corporate peer support. That has not consistently been the case politically with the particular exceptions of the new Lead Member and the Deputy Leader, who is covering for the Leader in SEND. At a number of points I have genuinely been concerned that the DCS might resign because of some of the political challenges. I have clearly and publicly stressed to politicians that a key part of their role is to support as well as challenge their senior officers. I'm still not persuaded that the tendency towards adversarial politics in Birmingham is conducive to support children's service improvement. There is no question that the progress made in SEND so far and in future has been and will continue to be heavily dependent upon the DCS remaining and being supported in post with her new management team.

14. Last year there were no permanent appointments to the children's senior management team. The DCS has now agreed a new senior structure and made substantial, if slow, progress on permanent appointments. For these purposes the most important is the role of Director for SEND and Inclusion who took up post in November 2022. The appointee has excellent experience and credentials and is making a very solid start in trying conditions. This role is equally important to the future improvement journey.

15. The DCS and the chief executive have together established a programme of work with a view to articulating how the wider council can support children's services generally and SEND in particular. This is a positive strategic approach.

16. There is therefore a much stronger leadership “spine” in Birmingham for SEND and clear capacity and direction for the DCS and the chief executive to lead the much needed re-establishment of the city council’s role to develop wider children’s services in accordance with the Children Act 2004. There is an ambition to make Birmingham a “child friendly city”. That is the right ambition, not least because that process may make further demands on the wider council and partners with regard to children than might yet be appreciated. The DCS has also re-booted various formal children’s partnership arrangements as the basis for these ambitions.

SEND Service Improvement

17. There has been progress in the delivery of service improvement in SEND in Birmingham, however that progress has been slower and less consistent than would have been hoped. Whereas the leadership effectiveness described above has improved the progress, it has definitely been hampered by some of the political issues especially with regard to SENDIASS. Also, there have been essential strategic and system improvements within SEND as described above but these are generally not improvements which are seen or felt directly by parents and children. Their confidence in this work is not high.

18. There are two important exceptions to that point: home to school transport; and school placements. Both of these functions were badly failing in various ways in recent years. But with both functions concerted efforts and resources have insured that performance for last September has significantly improved. The home to school transport service, which had been in disarray, was able to deliver performance of over 99% in getting the right children to the right school places. School placements, in special schools and resourced provision, also enjoyed a stronger level of planned and coordinated delivery. Both of these functions improved substantially and in ways which directly affected parents and children.

19. As the cornerstone of the SEND service, SENAR has continued to struggle significantly, as described in the May report, including through continuing changes in management and staffing churn. However, more progress on stability is now being made and very recently the service was made much more accessible to children and families with allocated contact names and numbers. It remains subject to interim management and a permanent head of service is currently being sought [has now been recruited]. There is a long way to go to establish a good service which can take better control of the effective delivery of EHCPs, but clear progress is being made. Incidentally, one of the several frustrations of the SENDIASS episode is that critics, including some politicians, repeatedly claim we are targeting failings in SENDIASS in order to somehow protect SENAR. Nothing could be further from the truth. There is a full and determined approach to reforming and improving SENAR, which should hold the statutory function for

SEND assessment and review for 11,000 EHCPs, but that work has attracted less attention. And it is progressing too slowly.

20. The Accelerated Progress Plan (APP) is in place, is routinely overseen by the Improvement Board and has recently received a further scheduled sign-off from DfE and NHSE officials. It remains a necessarily technical and detailed document which can be arduous to review but is charting and showing progress, even if that progress is slow. Also, a constant theme of the progress is whether it is visible to the daily experience of parents and children. Much of it is not, due to the scale of service infrastructure collapse that was described in May. Re-building management teams and fixing information systems is essential but laborious work that is not visible to the lived experience of children and families. On the other hand, the newly developed Local Offer is an excellent improvement, is winning respect from other authorities and, crucially, is gaining trust with schools and parents as the first source of intelligence and support.

21. As described above, there are some important and fundamental transformations in service delivery which merit reflection and do affect individual lives. These should be noted as what can be achieved – but must be built upon.

- The % of Education Health and Care Plans (EHCPs) issued within 20 weeks at 66% 12 months rolling, compared to 53% in Apr 21 (national average is 59.9%).
- The % of Annual reviews actioned within 4 weeks of the meeting is now 55% compared to 3.8% in Apr 21.
- The Local Offer website had 34,400 single views in January 2023 and an average of 22,250 single views each month in 2022, compared to 15,250 in April 2021.
- The % of children and young people with EHCPs that are not in employment, education and training (NEET) dropped from 7% in April 2021 to 2% in January 2023.
- Phase Transfers (from primary to secondary) were completed 95%+ in time in 2022 and 99.3% in 2023, compared to 0% in 20.

Schools

22. Individual phase representatives continue to play their role at the improvement board and as Commissioner I'm personally visiting schools whenever possible, special, mainstream and resourced. However, the context for school involvement in the SEND system remains subject to the challenges and pressures outlined in the May report. These include varying degrees of fragmentation in the way

schools work with each other and the local authority, and at best inconsistencies in the levels of trust between parties. There are ample but isolated examples of excellent schools and SEND education delivery, but these tend to be at an individual school level. It is much harder to find consistent evidence of the wider system working well together.

23. The developing local provision project (DLP), which is based upon a local area approach to schools and their support services working together, remains the most optimistic model for the future. Anecdotally and in principle, the model has strong school support. However, while the family of schools in Birmingham has good cause to distrust the City Council for a number of historical concerns and failed initiatives, there is substantial work to be done for schools to address their own performance, notwithstanding the strains of their own environment. There is a fundamental concern as to whether the right children are in the right places with, generally, escalations of need leading to too many in special schools and not enough in mainstream. At worst there are issues to do with unhelpful and even illegal practises around exclusions and part time provision which probably also reflect a historical failure of leadership between the local authority and schools as poor practises have been allowed to develop and sustain.
24. There is evidence to suggest a lack of ownership of the shared responsibility towards the SEND system as one that schools share with their LA. Again, this is a feature of years of weaker LA leadership. There is in some quarters a lack of understanding of the Code of Practice and the extent of the duty to make reasonable adjustments and best endeavours, with some schools seeming to think they should get additional resource to make reasonable adjustments. Earlier on in a child's journey, there is a perceived lack of understanding and shared practice in the graduated response required to help effectively divert children where appropriate from unnecessary EHCPs. That said, one of Birmingham's strategic assets for SEND provision is its wide range of retained nursery schools which are well represented at the Improvement Board and offer significant potential in developing early identification and intervention.
25. There is an absence of an established and confident sufficiency strategy, which is arguably compounding the pressures on placements as they are at such a premium and there is a particular sense of shared isolationism within and between schools and parents.
26. Above all there is a need to use Birmingham's size and capacity as a strength. There is some excellent practice within and between some schools but the systems, confidence and trust are lacking to enable the celebration and sharing of that best practice to the wider benefit of Birmingham's children.

27. In the way that the last phase of this intervention has tried to give more attention to strategic NHS performance and activity in SEND, there is a developing consensus that now that the local authority is stabilising its own leadership of children services and schools, the next phase of the intervention should provide an opportunity for us to focus more specifically on a stronger strategic and collective approach with and for schools and school performance on behalf of SEND children and families. Hopefully, that work will be reinforced nationally through the Special Educational Needs and Disabilities (SEND) and Alternative Provision (AP) Improvement Plan ¹.

Progressing a Health SEND Joint Strategy

28. In the May report I clarified that the necessary focus on the local authority at that time was at an unavoidable cost to a better focus on the health component of what is a joint SEND system, subject to joint inspection by Ofsted and CQC. That report committed to redress that balance during the current phase of intervention. I have therefore tried to spend more time with health colleagues and services in the past six months, with more time given to health on the Improvement Board agenda. This led to a “health summit” in the new year between the most senior relevant officers, designed to consider how the lead agencies should develop and deliver an improved joint strategic approach to health services for SEND children.

29. I especially wish to acknowledge the support of the Deputy Chief Executive and Chief Medical Officer of one of the provider trusts who has helped drive this activity. I also want to acknowledge the recent arrival at the board of the Deputy Chief Executive and Chief Nursing Officer of the newly formed Integrated Care Board (ICB). The ICB is making a clear and welcome commitment to the priority of SEND in its future strategy. As the new coordinating leadership body in the health landscape, this priority represents a real opportunity for SEND children in Birmingham but must be grasped by the system.

30. While it is clear from the recent inspection evidence that there are many shortcomings in the health SEND system, especially with regard to waiting times, it has also been a privilege to witness at first-hand front-line health practitioners working hard to support children and their families. As with the schools system there is ample evidence of high-quality practice. The challenge is to ensure that practice is consistent and works as a whole system in the delivery of fair and timely services.

¹ SEND and Alternative Provision Improvement Plan, Department for Education, 2 March 2023, [SEND and alternative provision improvement plan - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/1114232/SEND_and_alternative_provision_improvement_plan_-_GOV.UK.pdf)

31. The health summit should represent the basis for a more senior and effective joint commissioning approach between the council and the NHS with all relevant partners. We have tentatively agreed it should have four key ambitions:

- to agree a joint commissioning structure;
- to coordinate respective services and investment in order to drive down waiting times;
- To develop methods of co-production with families so that services can be redesigned suitably;
- to develop a shared ambition for the introduction of a “balanced system” for speech, language and communication based upon models of earlier intervention.

32. The improvement board has received presentations about the benefits of a “balanced system”, a localised model for integrated community and health services and systems, with a focus on five key areas of: families and young people; environments; workforce; identification; and intervention. These could potentially link into the progression of the schools DLP area-based proposals. These are persuasive proposals in principle, but all are agreed that more work is required to better evidence those benefits in a place as large and complex as Birmingham.

33. A recent national NHS “deep dive” into addressing the challenges of community services for children identified the following six-point framework as an approach to addressing waiting times and related issues. The Birmingham summit has tentatively agreed they represent a good framework for the future joint strategy, so they are summarised here.

- Mainstream the collection and publication of waiting times data by providers for children’s community services;
- Consider the case for setting access standards for children and young people’s community services;
- Develop a commissioning framework for children and young people community services, starting with children’s therapies;
- Partner with DHSC and HEE on analysis of the workforce in children and young people’s therapies and community paediatrics;
- Collaborate with DHSC and DfE on guidance clarifying NHS and LA commissioning responsibilities in relation to children and young people's community services;
- Develop a central bank of best practise examples and online resources.

34. Whereas this is a set of ambitions aimed at a national model there is no reason why a system as large and potent as Birmingham should not use this framework for itself as well as with national leaders. To support that process the Improvement Board should continue to oversee the developing joint commissioning arrangement that stems from the summit.

SENDIASS

35. The SEND information, advice and support service (SENDIASS) is a statutory but very small element of all LA SEND systems. It should be a small safety net of advocacy and signposting which probably represents, if quantifiable, well below say 5% of the whole system, both operationally and financially. At this point it is appropriate to note that the (now former) Head of SENDIASS in Birmingham was the partner of the Leader of the Council. There has never been a direct question of impropriety in this relationship, but it is reasonable to assume that at best there will have been complicated management implications, related to this connection and in the context of a wider failing service, and I am not satisfied that these have been given sufficient consideration or mitigation by BCC over time. Since this report was first drafted the matter has moved on with the change of management of SENDIASS but it remains important to focus on key elements to the SENDIASS issues as they are relevant to the wider improvement journey and the wider politics in Birmingham.

36. It was evident at the start of this intervention that SENDIASS in Birmingham had a more substantial profile and space in the SEND system. As the May 2022 report acknowledged, it has been very strongly supported in some quarters but there were significant concerns in others. It was apparently under-funded yet appeared to have the capacity to work beyond its brief. One politician at that time described the service to me as extraordinarily well connected. What was unarguable was that despite that range of perspectives, in previous years several legitimate attempts to formally review the service had failed (or been thwarted) for various reasons. Therefore, the May 2022 report recommended an independent review should be concluded and that recommendation was agreed by DfE and BCC.

37. In the summer of 2022, in accordance with the recommendation, BCC commissioned a review of SENDIASS to be conducted by the Council for Disabled Children in partnership with the National Children's Bureau. These are pre-eminent independent agencies in the sector who also have defined the national minimum standards for SENDIASS. The conclusions of the review were highly critical. They included that the service: was failing in the vast majority of its minimum standards; was straying into activity outside of its core business; in doing

so was presenting a potential risk to safeguarding; and had hampered the process of the review by a lack of cooperation.

38. While the Improvement Board accepted the review and then agreed a necessary reform of the service, there followed a significant resistance to that process of reform including through some concerted political denial of the basis of the review's critique.
39. There remain some views, presumably sincerely held, that SENDIASS in Birmingham has been the most effective part of the wider SEND system upon which some families depend heavily. The counter to those views is that SENDIASS has achieved its position with those families and with a network of supporters, including politicians, by working unilaterally, beyond its brief and in a manner which has probably, at least indirectly, contributed to wider SEND failings. As an independent Commissioner I hold the latter view based on weight of evidence I have encountered.
40. The political dimensions to this should also be made clear. We can set aside here the fact of the relationship between the Leader and the head of the service, though I remain firmly of the view that the collective failure over time to properly manage or mitigate the operational implications of that relationship has contributed to the current malaise. Beyond that relationship there is a number of Birmingham City councillors who appear to have or have had direct individual connections to the service, which may not have been effectively declared yet may have influenced their disproportionate defence of a poorly performing SEND service.
41. In light of this, under the formal terms of the statutory direction, I have required the reform of the service to be agreed by Cabinet and that report is progressing to Cabinet imminently. The report considers the question of outsourcing the service though my own priority is that the independent review's conclusions are acted on and the service meets its minimum standards with appropriate managerial reforms. I have also required two independent audits are conducted for future assurance. One is an audit of the finances of SENDIASS, the other an audit of related political activities and potential conflicts of interest with the service (though it should be noted that is not a reference to the Leader's relationship). I am confident those audits are progressing, if slowly. I am also now far more confident that SENDIASS in Birmingham is being appropriately reformed through various managerial and governance changes.

Political Issues

42. The May 2022 report commented on some of the political history and complexities in Birmingham which had to an extent contributed to the service failings and the challenges of improvement. That report made it clear that these were also failings of senior officer leadership at the political interface and offered some recommendations accordingly. It should be apparent from the SENDIASS section above that those recommendations have not yet been fully effective.
43. There are a number of political positives which should be noted. First and foremost, a new statutory Lead Member was appointed in May 2022 and is proving to be a highly effective political leader on behalf of the ruling group in this space despite the enormous challenges of the role at present. Also, in light of the continuing SENDIASS controversy, the Leader has properly delegated his full authority on these issues to the Deputy Leader who brings a wealth of experience and understanding to the role. Finally, the previous unproductive approach to substantial casework questions being directed to senior officers, sometimes through public meetings, seems to have substantially calmed. This is having the effect of a more measured approach to responses, giving better space to the senior officers to do their core jobs and hopefully gradually improving the relationships between those officers and politicians, while also, importantly, ensuring considered answers to legitimate constituent concerns.
44. Conversely and regrettably, there continues to be evidence of less constructive political engagement. which focusses much more on challenge than support and, at times, displays a culture in which the balance of effective officer member working is not sufficiently well understood or established in children's services and SEND in Birmingham.
45. In the summer of 2022, there was a flagrant and potentially disastrous attempt by cross party politicians to secure a senior interim SEND appointment directly against the advice of the DCS, the lead member and an independent advisor. The approach to that appointment was, in my view, highly improper. It was only stopped due this intervention yet to this day, despite prompting, there has been no acknowledgement from the members concerned or their group leaders.
46. I have referred above to the role of the scrutiny committee in SENDIASS. While that committee spent substantial time on SENDIASS there has been virtually no planned approach by the committee to understand the scale and scope of the wider SEND intervention in the context of the wider and historical SEND failings in Birmingham. The focus on the favourite niche service has in my view undermined the legitimate role of the committee.

47. My genuine concern for the long term is that what I perceive to be a deep-set culture of political adversarialism in Birmingham, and a culture in which the members appear to feel more comfortable in their role of challenging officers and services rather than their critical roles of also supporting and enabling them, will remain a structural impediment to long term improvement in SEND. I am also concerned that key senior officers are having to work too hard against this adversarial culture to offer their proper professional advice, which is so desperately needed in Birmingham, so that key long term political-officer relationships will remain under damaging strain. The irony is that none of the senior officers concerned had any role whatsoever in the longstanding demise of Birmingham's SEND services but they are under continued often severe pressure for their attempts to fix them.

48. I understand that some work was done after the May election in accordance with the previous report's recommendations around improving the culture of officer-member working in Birmingham. I'm not sure how wholehearted that work was. I have seen limited impact. I have also commented above about the essential and well-constructed planned programme of activity on member standards and conduct being led by the new Monitoring Officer which I am sure will make a significant difference over time. However, I remain of the view that some of the political behaviours in Birmingham are some of the poorest I have encountered across several failing authorities with regard to the essential political role in supporting service improvement and working with rather than against this form of intervention.

Co-Production, the Parent Carer Forum and Communication

49. A good co-production framework is now in place with the support of independent specialists. There is a sincere and strong commitment from all of the agencies at the Improvement Board to work to this framework and increasingly show the services as a shared endeavour, particularly shared with the children and parents who use them. There is a particular challenge given the extent of the deterioration of services over time and the subsequent justifiably deep cynicism and lack of confidence on behalf of many parents and families. "What's going to be different this time?" is the refrain. Senior officers and their respective agencies understand the need to rebuild that confidence in the way services are developed and improved through coproduction. In the best of circumstances this will take time but pace of progress in Birmingham is therefore not always helpful. It should be for the role of the Improvement Board membership, as representatives and senior leaders across agencies, to continue to drive the way in which coproduction is embedded throughout the service is. To that end, recent and planned team building work with the board is valuable.

50. Birmingham's Parent Carer Forum (BPCF) continues to be strongly led and generally an asset to the process of improvement. Every PCF has to tread a line between fairly and strongly representing the varying needs of families while also working closely and constructively with statutory agencies. That is an especially difficult line in Birmingham where years of failing services have been punctuated with false dawns of improvement. In the eyes of many parents and their representatives, at present the current intervention is regarded as probably just another false dawn. Therefore, there is a risk that the constructive engagement of the BPCF with the Improvement Board is seen as a sort of collaboration with failing agency leaders. But undoubtedly without the BPCF involvement improvement would be severely compromised. Further, the BPCF leadership took an independent decision not to take sides in some of the more public and controversial aspects of the SENDIASS dispute. That decision alone has put the BPCF under additional pressure in Birmingham where some of the social media exchanges can be offensive. On the other hand, these tensions also make it difficult for BPCF and other representatives to acknowledge the "green shoots" of progress as some senior officers see it.
51. For my part as Commissioner, the leadership of the BPCF in Birmingham remains fundamental to the progress of improvement. Contrary to some of the more unhelpful social media exchanges, the BPCF leadership has been completely frank and unstinting in its challenge to the service leadership and continues to press legitimate demands for greater urgency and progress. The role of the BPCF is to be a coordinating voice on behalf of parents, carers and representative organisations. Those who do not choose to rely upon the BPCF must be free to make those choices, but they should be assured about the strength of its work. However, I am keenly aware that an endorsement here is not necessarily a great help.
52. The May report focused on the need for improved communication particularly with regard to how we present the progress of the Improvement Board and start to rebuild trust and confidence. Since then, a particular achievement has been the relaunch of Birmingham's local offer which is now a much clearer and stronger access and signposting service. The issue now is to make sure that the community is increasingly aware of the effectiveness of the local offer. However, in other respects the communication of the improvement journey between the board and politicians, between agencies and particularly between agencies and the community they serve, has not progressed as well as it should have. As chair of the Improvement Board, I accept responsibility for this alongside the agency leaders. The local authority has now invested more communications capacity directly into the board and we have agreed a change of protocol about the way in which we communicate the activities of the board as well as of the services. This is important progress but has been too slow and we need to overtly improve all

such communication in the next phase of the intervention – building confidence and not spinning.

Conclusion and The Question of the Children's Trust

53. The May report gave an options appraisal with regard to the case for and against a children's trust as an alternative delivery model for SEND in Birmingham. The report concluded that a trust should not be sought, essentially for two reasons: it was not clear what model of trust would work best for SEND, especially in the context of the existing Birmingham Children's Trust for social care; whereas in a complicated scenario there were grounds for optimism about the improvement journey progressing without the cost and disruption of setting up a trust.
54. With hindsight I remain of the view that balanced decision was the correct one then and remains so now. However, it will be clear from the content of this report that some of the conditions to nurture improvement within the LA are not yet strongly in place, especially politically. The nature of some of the political issues outlined above has been troubling and does not reflect well on a local authority that is genuine in its commitment to grappling with the challenges of improving these highly sensitive and difficult services for itself. Furthermore, there have been various informal voices in some political conversations suggesting that the local authority might actually prefer for SEND to move to a trust. It is not clear if those are opinions based upon the perceived best interests of SEND and the children concerned or of the local authority. Certainly, this is my first experience of a local authority in intervention expressing such apparent ambivalence about its own service being removed.
55. However, aside from those noises, and notwithstanding the slow progress of some aspects of the improvement programme, this report does outline significant progress overall especially corporately and in the leadership of children services themselves. That includes some strong elements of political leadership and support outlined above. This progress has been hard fought at times but is substantial, and I am convinced at least some of it would be lost if we were to take a decision now towards an alternative delivery model. Certainly, I think it should be made clear to the City Council that if at this stage it was inclined towards encouraging the establishment of a SEND children's trust then the full costs of that step should be borne by the local authority.
56. This is an opportune point to also make reference to the existing Birmingham Children's Trust (BCT). There are several points to note. First and foremost, BCT has played a consistent and active role in the Improvement Board and that has been constructive on a number of levels. That has included the BCT leadership's experience of improvement programmes and their ability to help the new children's

leadership within the council navigate some of Birmingham's complexities. There are also obvious issues of service overlap between children on EHCPs and also known to social care in BCT. One such issue is coming to the fore at present, namely children in receipt of short breaks and a service review being conducted by BCT. The review is causing its own concerns with some parents. At present these services are considered out of scope to this intervention as they are not subject to the inspection framework we are responding to. Nevertheless, there is now a shared commitment to work together to address some of the concerns that have been raised using the benefit of the intervention to support that work.

57. At the time of writing BCT was facing a major ILACS inspection. I wish to make it clear during the various considerations about a trust for SEND that the leadership of BCT has always engaged constructively and carefully about the various options. BCT is of course in itself a model for the benefits of a trust arrangement but I remain of the view that it is right not to risk disrupting those benefits within BCT, or the progress that is being made in SEND now, by merging SEND into the trust if that can be avoided. [It is very pleasing to record that since this report was drafted BCT has achieved a strong Good rating in its Ofsted ILACS. That is great news for Birmingham's children and for future SEND improvement but does not, in my view, substantially change the thrust of the above.]

Recommendations

- 1. The intervention should be retained in its current form including: the Statutory Direction; the Commissioner role; the Improvement Board; and the APP.**
- 2. The work being done within BCC to establish a stronger corporate infrastructure under the leadership of the Chief Executive and her team should be welcomed and endorsed.**
- 3. The work of the Lead Member and the Deputy Leader should be noted in their core roles of political leadership for children and SEND which are successfully helping to drive this improvement notwithstanding other political concerns.**
- 4. However, the additional and continuing political concerns outlined above should be kept under close scrutiny. The planned work led by the Monitoring Officer is of particular importance and should be strongly supported.**
- 5. The progress in the establishment of the local authority children's leadership and the strengthening children's partnerships should be supported and sustained, including towards the ambition of a child friendly city.**
- 6. The formal establishment of a clear health and care joint commissioning framework and approach should be driven forward by key leaders, including**

through the ICS, but remain under the auspices and monitoring of the Board for the immediate future.

7. The intention to give stronger focus through this intervention on the role of schools and the development of a new SEND strategy between the LA and schools should be agreed.
8. In parallel the Department for Education should commit to the implementation of the recent Special Educational Needs and Disabilities (SEND) and Alternative Provision (AP) Improvement Plan and any related initiatives which strengthen school inclusion and without which the work with schools is all the more difficult.
9. The City Council should agree the reforms to SENDIASS in accordance with the Commissioner's direction.
10. The intervention and the Board should continue to promote the principles of co-production and communication by all agencies and that should include continued recognition and support for the BPCF in its complex role as described in this report.

John Coughlan CBE

DfE SEND Commissioner for Birmingham



Department
for Education

© Crown copyright 2023

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3.

Where we have identified any third-party copyright information you will need to obtain permission from the copyright holders concerned.

About this publication:

enquiries www.education.gov.uk/contactus

download www.gov.uk/government/publications



Follow us on Twitter:
[@educationgovuk](https://twitter.com/educationgovuk)



Like us on Facebook:
facebook.com/educationgovuk