

Audit Brief – Recommendations by the Local Government and Social Care Ombudsman to improve the services and support provided to children and young people with special educational needs and disabilities.

<p>Objective of the audit</p>	<p>Internal Audit is an assurance function that provides an independent and objective opinion to an organisation on the control environment, by evaluating its effectiveness in achieving the organisation’s objectives. It objectively examines, evaluates and reports on the adequacy of the control environment as a contribution to the proper, economic, efficient and effective use of resources.</p>
<p>Background</p>	<p>Following three complaints to the Local Government and Social Care Ombudsman (LGSCO) by the parents of children and young people with special educational needs and disabilities in Richmond, the Ombudsman completed an investigation. The Ombudsman’s report, which was published on 14 January 2020, criticises Richmond Council and its provider, Achieving for Children, for not effectively supporting children and young people with special educational needs and disabilities. The report identified that there had been inadequate support for these children and young people in three specific areas:</p> <ul style="list-style-type: none"> - Delays in assessment and education, health and care planning - Gaps in provision meaning children were not in education - Inadequate record-keeping <p>This audit has been commissioned to provide assurance to the London Borough of Richmond upon Thames that the measures being taken to address the issues raised by the Ombudsman are effective and are being implemented in way that will prevent a reoccurrence of the issues. To achieve this the audit will test the processes, procedures and practice in place within Achieving for Children for the timely assessment, planning and review of children with special educational needs and disabilities to ensure that they receive education provision that meets their assessed needs as set out in their Education, Health and Care Plan.</p> <p>A second element of the audit will be a review of the cases of all children and young people in Richmond upon Thames with an Education, Health and Care Plan at the time of the publication of the Ombudsman’s report (1,495 children and young people – see limitations). This element of the review will be commissioned from a team of five independent professionals and administrative support appointed by the London Borough of Richmond upon Thames, who will work alongside the South West London Audit Partnership. The team of independent professionals have a very strong knowledge of the legal framework for SEND and will include lawyers and parent partnership officers with expertise in SEND. The auditors will be independent of Achieving for Children and the Council in that they will not have previously worked for Richmond Council, Kingston Council, the Royal Borough of Windsor and Maidenhead or for</p>

	Achieving for Children, either as a permanent employee, as an interim or as a consultant.
Objective of the area under review	Local authorities have a legal duty to identify and assess the special educational needs of children and young people for whom they are responsible. Once a local authority becomes aware that a child or young person in their area has or may have special educational needs, the local authority must ensure that those children or young people receive support to help them in achieving the best possible educational and other outcomes. In Richmond upon Thames, the local authority commissions Achieving for Children to deliver its children's services, including its services for children and young people with special educational needs and disabilities.
Key risks	<ul style="list-style-type: none"> ▪ The education, health and care planning process does not identify the needs of children and young people resulting in their educational needs not being met and a failure to support them to achieve the best possible educational and other outcomes. ▪ There is a failure to provide an education to children and young people with special educational needs and disabilities with an Education, Health and Care Plan: non-compliance with Section 19 of the Education Act 1996. ▪ There is a failure to meet the statutory timescales for the assessment and subsequent education, health and care planning of children with special educational needs and disabilities, as well as a failure to provide services: non-compliance with the Children and Families Act 2014 and the SEN Code of Practice. ▪ A lack of regular and effective communication can result in process slippage and frustration for the parents and carers of children and young people with Education, Health and Care Plans; this may result in a breakdown in trust between parents or carers and the Council and Achieving for Children and the need for increased resources to manage complaints and resolve disputes. ▪ Achieving for Children is unable to provide the information requested by interested parties with the right to see it, which could result in non-compliance with legislation. ▪ There is reputational damage to the Council and Achieving for Children where the education, health and care planning process and the provision of education is inadequate, resulting a breakdown in trust with parents and carers and an increase in complaints and disputes. ▪ The Council and Achieving for Children fails to adequately address the issues and recommendations raised by the Local Government and Social Care Ombudsman, meaning that the needs of children with special educational needs and disabilities are not being assessed, planned for and met.

<p>Scope (areas to be covered during the audit)</p>	<p>PART 1: SOUTH WEST LONDON AUDIT PARTNERSHIP</p> <p>Assessment and planning</p> <p>The audit will review the controls in place around the Education, Health and Care assessment and planning process that help ensure they are completed within the statutory timeframes and follow the statutory framework and the SEN Code of Practice. The audit will test to identify whether the processes work, are effective, comply with statutory requirements and capture accurately all required information.</p> <p>Annual review</p> <p>The audit will assess the proposed annual review process and provide challenge and assurance on the adequacy of its design and implementation, particularly in the light of findings from a Local Government Association peer review in October 2019. The audit will test to identify whether the processes work, are effective, comply with statutory requirements and capture accurately all required information.</p> <p>Record-keeping</p> <p>The audit will test a sample of children’s and young people’s records to identify whether record-keeping processes are consistent, efficient, effective, accurate and complete.</p> <p>Quality assurance</p> <p>The audit will assess the quality assurance processes in place and used by the Special Educational Needs service to provide management assurance that statutory and local obligations are being met and comply with agreed processes. The audit will then be extended to a broader assessment of quality assurance processes in relation to education, health and social care assessments as part of the education, health and care planning process.</p> <p>Children ‘out of education’</p> <p>The review will consider how children ‘out of education’ are captured in the four practice areas outlined above and the controls and processes in place to help ensure that they are supported with their learning, as well as their emotional and social development</p> <p>Post-16 Panel</p> <p>The audit will assess the improvements made to the Post-16 Panel which makes and reviews decisions on education, health and care placements and support packages for young people aged 16 and over. The audit will ensure that the systems and controls in place have been designed well and are being effectively implemented.</p>
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	<p>PART 2: INDEPENDENT PROFESSIONALS</p> <p>Independent professionals will examine each child or young person’s Education, Health and Care Plan to determine whether there are any other children or young people whose needs are not being met due to delays in assessment and planning, gaps in educational provision and/or poor record-keeping.</p>
<p>Limitations to Scope (areas we will not be covering)</p>	<p>The audit completed by the South West London Audit Partnership will not give an opinion on the decisions made as part of the education, health and care planning process, only whether the agreed processes were followed. This aspect of the audit will only review a sample of cases and, whilst it will give an opinion as to whether the control framework is likely to prevent further issues relating to delay, children out of education and inadequate record-keeping, it will not confirm that there are no such unresolved issues.</p> <p>The audit completed by the independent professionals will review the cases of individual children and young people with Education, Health and Care Plans to determine whether there are any unresolved issues relating to delay, children out of education and inadequate record-keeping. This aspect of the audit will therefore review the cases of 1,495 children and young people with an Education, Health and Care Plan. The independent professionals will escalate these individual cases to the Associate Director for Special Educational Needs and Disabilities and the Director of Education Services in Achieving for Children for action. The escalations will be copied to the Council’s Director of Children’s Services.</p>
<p>Methodology (what we will do)</p>	<p>The audit by the South West London Audit Partnership will be split into two stages: stage 1 will be a desk-top exercise to review the process to assess its reasonableness and the design of controls; stage 2 will involve a sample test for compliance. The audit will also involve interviews with relevant officers and walkthrough testing in order to document the system of internal control.</p> <p>The audit by the independent professionals will involve a desktop review of the individual case records of all current children and young people with Education, Health and Care Plans (1,495). It will also involve the opportunity for all parents and carers (and young people themselves where appropriate) to contribute in writing their views on their child’s assessment, plan and the current provision in place to meet their child’s assessed needs. The independent professionals will contact parents and carers directly where they have questions or concerns about a child’s assessment, plan or educational provision. They will also contact parents and carers where they have identified that actions need to be taken by the Council and Achieving for Children as a result of the review.</p> <p>The detailed findings of the review by SWLAP and the independent professionals will be reported to the Local Government and Social Care Ombudsman. A summary of the findings and the actions required will be published on the Local Offer website.</p>

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