

Designated Clinical Officer (DCO) for Special Educational Needs and / or Disability (SEND)

Annual Report 2022/23

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Purpose

The purpose of this report is to provide an overview of the role and responsibilities of the Designated Clinical Officer's (DCOs) for Special Educational Needs and / or Disability (SEND) working at NHS Bath and North East Somerset, Swindon and Wiltshire (BSW) Integrated Care Board (ICB). It will identify some of the work undertaken over the last 12 months and describe plans and aspirations for the next 12 months.

The report will provide assurance and inform Senior Leaders across BSW about functions and accountability of the Integrated Care Board (ICB) in relation to children and young people (CYP) aged 0-25 years with Special Education Needs and/or Disability (SEND) and provide commissioners with an indication of future resources that may be required for the ICB to fulfil its responsibilities in relation to SEND.

This report should not be read or considered in isolation, and for ease, additional reading material and supporting documents have been included at the end, in the appendices.

Legislation and Guidance

The Children and Families Act (2014) and the 0-25 SEND Code of Practice (2015) provide the ICB with details of the statutory legislation it must adhere to. In addition to this, publications such as the SEND and Alternative Improvement Plan (2023) and SEND Inspection Framework (2023) provide further guidance and direction to Local Authorities (LAs) and ICBs.

The Children and Families Act (2014) intended to improve services for children, young people and families with SEND (including those with complex health needs) in three main ways:

- **Identifying children and young people (up to the age of 25) who have SEND.** This includes the timeliness of identification, and the effective use of information from neonatal and newborn screening and early health checks.
- **Assessing and meeting their needs.** This includes securing health input to Education Health and Care (EHC) Plans and information about health services through the Local Offer.
- **Improving their outcomes.** This includes preparation for being as healthy as possible in adult life.

The 0-25 SEND Code of Practice (2014) provides guidance to all professionals in their work with children and young people who have SEND and supports them in:

- Taking into account the views and aspirations of children, young people and families.

- Enabling children, young people and parents to participate in decision-making.
- Collaborating with partners in education, health and social care to provide integrated support.
- Identifying children and young people's needs and outcomes.
- Securing high quality provision to meet the needs of children and young people.
- Focusing on inclusive practice and removing barriers to learning.
- Helping children and young people to prepare for adulthood.

From September 2014 the Clinical Commissioning Groups (which have since been replaced by ICBs) were required to:

- Commission services jointly with Local Authorities for children and young people with SEND, including those with EHC Plans.
- Work with the Local Authority to contribute to a Local Offer of available services.
- Have mechanisms in place to ensure clinicians support the integrated EHC needs assessment process and align it with Children's Continuing Care.
- Have a designated health officer for SEND.
- Agree Personal Budgets, where they are requested, for those with EHC Plans.

SEND and AP Improvement Plan

In March 2023 the Government published the SEND and Alternative Provision (AP) Improvement Plan: 'Right Support, Right Place, Right Time' in response to the green paper consultation which sets out plans to enable high quality, early support for children. This includes setting out expectations for training, a new portfolio of national standards and consideration of each child's unique experience with an overarching ambition to **“create a more inclusive society that celebrates and enables success in all forms.”**

The BSW DCOs were keen to ensure that the Improvement Plan was easily to understand and accessible to all ICB colleagues and system partners, so developed an 'overview' document which identifies the key points raised in the 97 page plan and incorporates some observations entitled 'DCO Reflective Points' which are included to help prompt further discussions and aid a deeper level of understanding (a copy is attached in the appendices).

SEND legislation compliance

Local area SEND inspections are carried out jointly by Ofsted and the Care Quality Commission (CQC) under Section 20 of the Children Act (2004) and focus on how effectively education, health and care services work together to serve children, young people (CYP) and their families with SEND.

SEND Inspection Framework

In January 2023 a new SEND inspection framework was published and the new processes it identifies became operational.

Inspections will now be undertaken over a three-week period (previously two), with inspectors considering how well local areas are operating and working together to improve experiences and outcomes of C&YP with SEND (aged 0-25). Inspectors will do this in several ways, including asking C&YP with SEND, their parents/carers, and practitioners for feedback (surveys and in person) and evaluating case records for individual children, in many instances alongside practitioners.

As part of an integrated thematic review, the inspection will now also consider whether the Local Authority's (LA's) approach to commissioning and oversight of alternative provision (AP) is meeting legal requirements (Section 19 of the Education Act 1996).

The framework provides a clear list of the evaluation criteria inspectors will use to reach a judgement of local area performance. The 3 possible resulting judgements are:

1. Arrangements typically lead to **positive experiences and outcomes** for C&YP with SEND. The local area partnership is taking action where improvements are needed.
2. Arrangements lead to **inconsistent experiences and outcomes** for C&YP with SEND. The local area partnership must work jointly to make improvements.
3. There are widespread and/or systemic failings leading to **significant concerns about the experiences and outcomes** of C&YP with SEND, which the local area partnership must address urgently.

After an inspection, a report of inspectors' findings will be published and the local area partnership will be required to update and publish strategic plans, and where necessary, a priority action plan.

A copy of the new inspection handbook can be found here - [Area SEND: framework and handbook - GOV.UK \(www.gov.uk\)](#) however the ICB DCOs have developed a briefing paper which can be found at the end of this report (in the appendices) which is intended to highlight the important points raised and support system partners to smoothly navigate the framework.

Across BSW previous SEND inspections and reinspection's were carried out on the following dates:

Bath and North East Somerset - 18th and 22nd March 2019

Swindon - 11th and 12th October 2021

Wiltshire - 29th January and 2nd February 2018

The DCOs continue to be actively involved in the ongoing work across BSW to prepare and collate evidence in advance of the anticipated inspections and in accordance with the new framework guidance.

SEND and EHC Plans - A National Overview

On May 12th, 2022, the government published the SEN 2 data which identifies there are currently **473,255** children and young people with Education, Health, and Care Plans (EHCP's) in England, an increase of **42,558 (10%)** from 2021.

The data also identifies that there were **93,302** requests made for EHC Needs Assessments, an increase of **23%** compared with 2020, with **62,180** new EHC Plans being issued, an increase of **3%** from 2020.

(Accessed online via: [Education, health and care plans, Reporting Year 2022 – Explore education statistics – GOV.UK \(explore-education-statistics.service.gov.uk\)](https://explore-education-statistics.service.gov.uk))

SEND and EHC Plans - Local Area Demographics

Bath and North East Somerset (BaNES)

In BaNES the total population is estimated to be **196,357** (Population Census 2020) of which **30,197** is estimated to be of 'school age'.

BaNES Council currently have **1708** Children and Young People with EHCP's which are attributed to the following age groups (SEN2 data 2022):

Aged under 5yrs	54
Aged 5-10yrs	632
Aged 11-15yrs	609
Aged 16-19yrs	334
Aged 20-25 yrs	79

Swindon

In Swindon the total population is estimated to be **222,193** of which **34,979** is identified to be of school age.

4,752 children and young people in Swindon receive additional SEN support within an education setting without the need for an EHCP (Swindon SEND Strategy 2020-2023).

Swindon has a total of **2,264** EHCP's which are attributed to the following age groups (SEN2 data 2022):

Aged under 5yrs	117
Aged 5-10yrs	743

Aged 11-15yrs	801
Aged 16-19yrs	461
Aged 20-25 yrs	142

Wiltshire

In Wiltshire the total population is estimated to be **504,070** of which there are approximately **76,198** children and young people of school age.

Wiltshire has approximately **8,500** children and young people who receive additional SEN support within an education setting without the need for an EHCP.

Wiltshire has a total of **4,287** EHCP's which are attributed to the following age groups (SEN2 data 2022):

Aged under 5yrs	121
Aged 5-10yrs	1557
Aged 11-15yrs	1690
Aged 16-19yrs	804
Aged 20-25 yrs	115

The role of the DCO

The role of the Designated Clinical Officer (DCO) is diverse and multi-factoral, encompassing both operational and strategic elements.

The BSW ICB DCOs have developed a document titled 'Priorities on a Page' (available in the appendices) which provides a workplan overview and a framework which supports a wider action plan. It identifies seven key areas of responsibility, all underpinned by capacity, recognising that the DCOs are currently managing the Children's Continuing Care Clinical Advisers too.

The areas identified are:

- 1. Statutory compliance**
- 2. Governance and reporting**
- 3. Quality Assurance**
- 4. Risk Management**
- 5. Education and Training**
- 6. Participation and Collaboration**
- 7. Service Improvement**

The DCOs are responsible for evidencing the progress made against the associated action plan and providing assurance to the ICB Chief Nurse and Executive Lead for SEND. Some examples in relation to these areas are provided below.

1. Statutory Compliance - Section 23 Notifications

In accordance with the Children and Families Act (2014) the ICB has a statutory responsibility to identify C&YP (up to the age of 25) who have, or may have SEND, and notify the relevant local authority (LA). This process is more commonly known as a Section 23 (S23) notification and helps to support LAs to better understand the emerging needs of the population and effectively develop and commission services for SEND, now and in the future.

The DCOs were aware that working in partnership with 3 LAs across BSW, meant that a simple and standardised approach was necessary to ensure compliance, and were keen to learn from other ICBs who have already successfully implemented a S23 system.

A task and finish group was established and key stakeholders such as Health Visitor and School Nursing Team Leads were invited. The DCOs set out their vision for a BSW approach to S23 notifications and developed a draft template as a starting point for discussions.

The DCOs were aware that NHS Somerset ICB's Parent Carer Forum (PCF) had already developed an information leaflet for families explaining the S23 process and reasons why their consent for information sharing would be required. This has been discussed with the Chair of Wiltshire Parent Carer Council (WPCC) who have agreed to review it with representatives from BaNES and Swindon PCFs and agree a format which can be used across BSW. This is expected to be completed by the end of May 2023 when the new process will then 'go live'.

2. Governance and Reporting - DCO Highlight Reports

The DCOs recognise the benefit of robust data collection and wanted to develop a mechanism for regular reporting on their monthly activity levels. A DCO 'Highlight report' template was developed to capture this, and it is shared each month with BSW system partners including local area SEND Partnership Boards (an example can be found in the appendices).

These reports are intended to provide an overview of quantitative data in a monthly snapshot, such as the number of EHC Plans where the DCOs have provided quality assurance feedback for sections C and G, or the number of new Tribunals registered and being case managed by the DCOs.

The highlight reports have now been operational for 12 months and the DCOs plan to seek feedback to review and evaluate the format and data metrics currently used to ensure the report remains information rich, informative and meaningful.

3. Quality Assurance - The DCO QA Framework

A significant part of the DCO role focuses on quality assurance, this is not only because the ICB have a statutory duty in accordance with the Children and Families Act (2014) and

SEND code of Practice (2015) to 'agree' any health provision specified in Section G of the EHCP in time to be included in the draft EHC plan sent to the child's parent or to the young person. But also, because CYP and their families will report higher levels of satisfaction when they receive a draft EHC plan where the health sections (C and G) are of the highest quality, factually accurate, and individualised.

The DCOs have well established systems and processes in two out of the three LA areas, and discussions are ongoing in the third, to ensure they're able to review and provide QA feedback on all draft EHC Plans.

A DCO Quality Assurance Framework has been developed (available in the appendices) to provide more detail on this area of work and identifies key principles as being:

- A shared commitment to quality.
- Factually accurate, relevant and meaningful health sections.
- Engagement, Participation and Co-Production.
- Clear and transparent decision making.
- Timely information sharing, involvement, and support.
- Continuous review and focus on improvement.

A process map of DCO QA and an example template of the feedback from used is also included in the framework.

In addition to this the DCOs are actively involved in the NHS England national workstreams and task and finish groups on quality assurance which currently involves development of a new QA health audit tool which would allow for a collaborative approach with local and national level benchmarking.

In one local area the DCOs were made aware of a LA and Department for Education (DfE) EHC Plan audit which prompted them to consider QA around the specificity of health provision being identified in Section G of EHC Plans. A critical review was undertaken which involved exploring the available guidance, discussions with senior SEND leaders in NHS England, and reviewing case law examples. Following their critical review, the DCOs concluded that their current holistic QA processes, undertaken on an individual basis and using clear and consistent language to describe health provision in Section G contains sufficient specificity to comply with SEND legislation and best practice guidance. The full briefing paper can be found at the end of this report in the appendices.

4. Risk Management - SEND Tribunals

The BSW ICB DCOs continue to be responsible for case managing all SEND First Tier Tribunal extended appeals when there is a health element for determination.

Much of the DCO work focuses on tribunal avoidance and wherever possible, working alongside the LA to agree or suggest compromises to parental requests for amendments to

be made to Section C (Health Needs) and Section G (Health Provision) of their child's EHCP's.

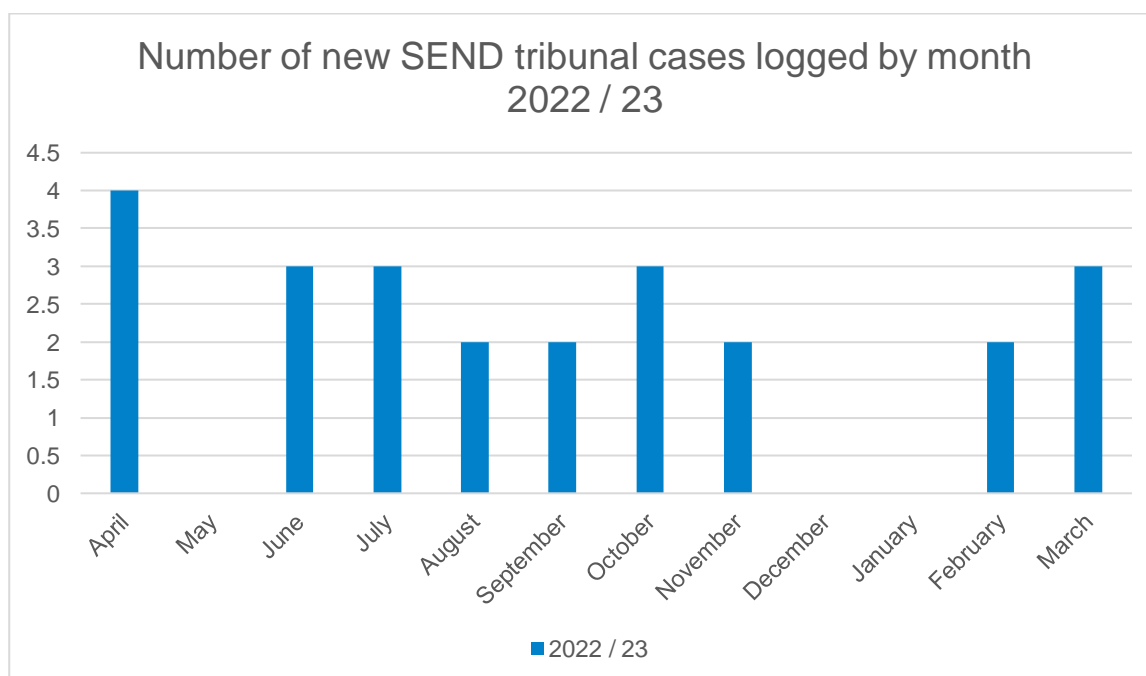
However, when required to do so, the DCO will attend the tribunal appeal hearing or provide a written statement on behalf of the ICB which identifies their position.

The DCOs have significant knowledge, experience and understanding of working across the SEND arena and have undertaken IPSEA accredited legal training and worked closely with specialist legal teams for many years. They have access to legal advice and support from the ICB Solicitor, who will always ensure the ICB acts lawfully when discharging its duties in relation to SEND.

Following a Tribunal appeal hearing the ICB is notified of the outcome in writing and must consider all the court's non-binding health recommendations. A Regulation 6 response letter must then be submitted within five weeks to the LA outlining whether the ICB agrees (or not) to comply with the courts non-binding recommendations, providing clear rationale for their decisions.

The DCOs prepared a briefing paper which was shared with ICB Executives and identifies the ICB responsibilities, and the agreed process followed across BSW following receipt of a tribunal order (attached in the appendices).

Number of registered SEND First Tier Tribunals involving BSW ICB



The graph above shows that in the last twelve months the ICB DCOs have been notified and case managed a total of 24 tribunals involving health, some of which are still ongoing. Of these 24 cases, the DCOs have only had to attend a tribunal hearing as a witness on three occasions, one of which was just to confirm a consent order. This demonstrates that

the DCOs current methods of caseload management add value and are effective at reducing the need for ICB tribunal attendance.

5. Education and Training - Supporting pupils with medical needs

The DCOs provide regular education and training sessions on a wide range of subject areas to diverse audiences across BSW. This often includes presentations to LA SEND teams, school SENCOs and health professionals about the role and responsibilities of the DCO and Quality Assurance of health advice and EHCPs. Bespoke advice and training is also provided at short notice to individuals or teams who are managing complex cases such as tribunals.

The DCOs work closely with the Designated Medical Officers (DMOs) and lead Community Paediatrician for SEND who provide learning and support to medical professionals, identifying, developing and delivering ongoing SEND service improvement. A recent example of this work includes development of a new template for Community Paediatricians to provide health advice as part of an EHC Needs Assessment (EHCNA).

The DCOs have recently reviewed and updated the ICB guidance on supporting education settings to manage CYP with medical needs (attached in the appendices) and presented this at a local area SENCO conference alongside school nurses and community paediatricians to increase awareness and understanding of the guidance and answer questions. This has promoted the DCOs visibility and increased the volume of queries being received, which demonstrate the positive impact that these sessions have had.

6. Participation and Collaboration

The BSW ICB and system partners are committed to working in partnership with C&YP with SEND and their families / carers. Parent Carer Forum representatives are always invited to attend and actively contribute to local area SEND partnership Boards, working alongside system partners to ensure the views and 'voice' of the child and their family is always considered in everything we do. Some recent examples of this include the development of a local area SEND Strategy, Self Evaluation Framework (SEF) and the Section 23 information leaflet.

The DCOs have also been undertaking visits to special schools across BSW where they've had the opportunity to meet with teachers, SENCOs and support staff who assist and care for C&YP with SEND, including those with complex health needs, to access and engage with education. This increased visibility of the DCOs has improved communication flow and increased confidence and understanding of their roles and function.

7. Service Improvement – Developing a team of Health Advisers for SEND (HAS)

SEND legislation requires the responsible health body (the ICB) to provide ‘health advice and information’ to a local authority (LA) within six weeks when they have agreed to undertake a statutory Education Health and Care Needs Assessment (EHCNA).

The DCOs recognised that the ICB discharges its responsibilities differently in all three LA areas, and whilst some could be considered as providing in excess of the legal requirements, other areas who are responding with a “not known to service” response may not be legally complaint.

The DCOs produced a business case outlining their proposals for the ICB to recruit a new team of Health Advisers for SEND (HAS) who will ensure ICB compliance by undertaking a light touch holistic assessment of all C&YP who aren’t currently on a children’s community health service caseload, who’ve been discharged more than 12 months ago or who are currently on a diagnostic pathway / waiting to be seen. This will involve talking to the CYP and their family / carers, reviewing their electronic medical records and liaising with other professionals who know them well such as the school SENCO, school health nurse, GP, health visitor or acute hospital specialists.

A significant amount of interest was shown when these exciting new roles were advertised, with a total of seventeen people applying. Following a successful recruitment campaign the 2 HAS positions have now been recruited to, and an induction programme is expected to begin in the summer.

The DCOs recognise the challenges of setting up a new service and have been working closely with colleagues at a neighbouring ICB health provider who’ve already got a well-established HAS team in place, to ensure learning is shared and a consistent and high-quality approach is modelled and delivered to ensure robust governance is achieved across the wider local area.

The BSW DCOs will line manage the HAS Team and develop data metrics for service monitoring and evaluation purposes which will be included on the SEND data dashboard and scrutinised at both the ICB Quality Committee and local area SEND partnership Boards. This will also ensure careful monitoring, management and evaluation of the demand and capacity issues experienced by this new service, providing a platform to positively utilise the evidence for further expansion and team evolution.

Conclusion

The DCO annual report continues to demonstrate the breadth and depth of the ongoing work the DCOs are involved in, providing an opportunity to highlight some of their many achievements, and showcasing some individual examples of excellence delivered over the

past 12 months which identify the significant impact their role is having, not just across BSW ICB, but system wide.

Aspirations for the next 12 months are likely to be just as ambitious, with many new opportunities and challenges still to navigate such as the Children's Continuing Care (CCC) team transferring to an All Age Continuing Care (AACC) model, implementation and further development of the new SEND Inspection framework and SEND and AP Improvement Plan focusing on development of areas such as key national standards, and operationalising the ICB Health Advisers for SEND (HAS) team across BSW.

You can contact the BSW ICB DCO's on: bswicb.send@nhs.net

Appendix 1

Additional Reading and Useful Resources

BSW ICB DCO SEND Inspection Framework briefing January 2023



BSW SEND Inspection
Framework Briefing Ja

BSW ICB DCO SEND and AP Improvement Plan overview March 2023



BSW ICB DCO
Overview of SEND Imj

BSW ICB DCOs 'Priorities on a Page'



ICB DCO Priorities on
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BSW ICB DCO Section 23 Notification Task and Finish Group initiation



BSW DCO Section 23
Notifications Presenta

BSW ICB Section 23 Draft Notification Template



BSW ICB S23
Notification Template

BSW ICB DCO Highlight Report February 2023



2023 02 BSW DCO
Monthly reporting Feb

BSW ICB DCO Quality Assurance Framework



DCOs Quality
Assurance Framework

BSW ICB DCO Briefing paper on specificity in Sections C and G of EHCPs



BSW ICB DCO
Briefing Paper QA Auc

BSW ICB DCO Briefing paper on Regulation 6 responses



BSW ICB Regulation 6
Briefing Paper .docx

BSW ICB guidance on supporting CYP with medical conditions attending educational settings (updated 2022)



BSW ICB Guidance on
Supporting the needs