



## Report to Policy Committee

**Author/Lead Officer of Report:** Joe Horobin

**Tel:** *(Insert contact number of author)*

**Report of:** *Andrew Jones Director of Children's Services*

**Report to:** *Strategy and Resources Committee*

**Date of Decision:** *30<sup>th</sup> August 2022*

**Subject:** *Ombudsman report and improvements to the support and services for young people as they become adults including social care, education and multi agency support including health*

Has an Equality Impact Assessment (EIA) been undertaken?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If YES, what EIA reference number has it been given? <i>An initial EIA has been undertaken and a more detailed assessment will be undertaken through the development and delivery of improvements and changes as described below.</i>				
Has appropriate consultation taken place?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Does the report contain confidential or exempt information?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-				
<i>"The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended)."</i>				

### Purpose of Report:

- To provide a briefing to the Committee regarding the Ombudsman's report issued on public interest grounds' that resulted from the Council's failure to support a young person through their transition to adulthood.
- To provide an update to the Committee on progress made to improve transitions to adulthood for children and young people in response to the Ombudsman report and the improvements that the Council committed to in the One Year Plan 2021/22.

**Recommendations:**

- *That the Committee note the content of the report.*
- *That the Committee give due consideration to the findings in the Ombudsman's report .*
- *That the Committee note the progress made to date to improve the Council's approach to supporting young people to adulthood and the next steps for this work.*

**Background Papers:**

- [Link to the Ombudsman report](#)
- [Link to the One Year Plan](#)
- [SEND APP Plan and Overview](#)

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	
	Finance: <i>Liz Gough</i>	
	Legal: <i>Nadine Wynter</i>	
	Equalities & Consultation: <i>Adele Robinson</i>	
	Climate:	
	<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	<b>SLB member who approved submission:</b> <i>Alexis Chappell</i>	
3	<b>Committee Chair consulted:</b>	
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the SLB member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	<table border="1"> <tr> <td><b>Lead Officer Name:</b> <i>Joe Horobin</i></td> <td><b>Job Title:</b> <i>Director of Integrated Commissioning</i></td> </tr> </table>	<b>Lead Officer Name:</b> <i>Joe Horobin</i>
<b>Lead Officer Name:</b> <i>Joe Horobin</i>	<b>Job Title:</b> <i>Director of Integrated Commissioning</i>	

Date: 17 August 2022

## 1. PROPOSAL

### 1.1 Background:

This report sets out the findings of the May 2022 Local Government Ombudsman Investigation and Public Interest Notice regarding a complaint it upheld about the support to a young person with SEND over the period 2017 to 2021.

The report also provides an update on the actions undertaken by the Council over the last 18 months to improve our approach to the transition of young people from children services to adult services: the development of a rapid improvement plan for SEND multi agency transitions; the investment in and reshaping of children and adults social care teams; and the next steps to ensure the best outcomes and experience for young people as they become adults.

1.1.1 **Ombudsman Findings:** The complaint upheld by the Ombudsman was that Sheffield City Council's Education and Children's Services failed to provide appropriate support to meet the young person's care and support needs following problems with their care provider. Because of the problems with care services, and lack of appropriate support, the young person (referred to as Ms C in the Ombudsman report) could not attend college due to her anxiety and depression. The complaint was that SCC failed to properly review her Education, Health and Care plan between 2016 and 2021 and that it did not provide her with education from September 2017 to 2021, as it failed to consider alternative provision.

1.1.2 The Ombudsman has required the Council to take remedial action and published a public interest notice on their website in July 2022. One of the requirements is that the report be considered at a high decision-making level such as full Council, Cabinet or another Committee with delegated authority.

1.1.3 The Ombudsman's summary as published in July 2022 states:

*The Council must consider the report and confirm within three months the action it has taken or proposes to take. The Council should consider the report at its full Council, Cabinet or other appropriately delegated committee of elected members and we will require evidence of this. (Local Government Act 1974, section 31(2), as amended)*

*In addition to the requirement above and the actions it is already taking, to acknowledge the significant impact on Ms C and Mrs B, we recommend the Council:*

- *refund £605.12 which Ms C wrongly paid towards her care support, plus interest on this amount based on the retail price index;*
- *pay both Mrs B (Ms C's mother) and Ms C £1,500 each to recognise their distress, and the time and trouble Mrs B has had trying to get the Council to put things right over many years;*
- *pay Ms C £500 a month for every month where the Council failed to provide her with education, from September 2017 until the current provision was put in place;*
- *consider any discretion to provide educational support to Ms C beyond the age of 25, to support her completing any course she is undertaking. Write to Ms C to explain what it has decided in terms of post-25 support and its reasoning. If the Council cannot provide this from its education budget, perhaps it can from its adult social care budget; and*
- *provide us with evidence of the actions it has taken to improve its services following the learning from this complaint.*

1.2.1 **Corporate Plan Commitment:** The Council set out its commitment to improving the experience of children and young people in the Sheffield Council One Year Plan 2021/22. The plan set out the following specific priorities for the year:

- *We will improve the transition to adulthood for all our learners.*
- *We will improve our approach to transition of young people from children services to adult services.*

1.3.1 **Ofsted SEND Revisit:** Ofsted revisited Sheffield in February 2022 to review the Council's progress against 7 areas of weakness identified at the 2018 inspection. This inspection revisit identified that while sufficient progress had been made against six of the areas, there was insufficient progress in improvements to the multi-agency approach to SEND transitions in the city. The Department for Education reinspection outcome letter stated that:

*Securing effective multi-agency transition arrangements for children and young people with SEND: transition is poor at post-16, post -18, and beyond. Information on transition is not readily and easily accessible for young people with SEND and their families. Little progress has been made to address this area of significant weakness.*

1.3.2 Sheffield was asked to complete an accelerator progress plan setting out:

- Governance and accountability structures and processes that will support the next phase of improvement
- The actions we are now taking (and have taken since the inspector's revisit) to respond to their outstanding concerns
- The impact measures and milestones to which we are working, being clear on the improvements we will deliver in the next 3, 6 and 12 months.

1.4.1 ***CQC Inspection Adult Health and Social Care:*** The Care Quality Commission is currently developing a new national inspection framework for Local Authorities and Health. It is anticipated that this framework will include outcomes relating to our response to transitions in adult services.

1.5 **Update on Ombudsman Actions:**

The Head of Lifelong Learning and the Assistant Director of Children and Families Fieldwork met with Mrs B and Ms C to offer a full apology and have agreed to meet again to talk through the findings of the report and the internal investigation.

The payments recommended by the Ombudsman will be made by the Council (from Education and from Adult Social Care budgets) by mid September.

Ms C will continue to be supported by the Council's Sheaf Training (SEND College) and the team that have supported her this year, the cost of this will be borne by Sheaf from core funding.

1.6 **Update on Improvement Actions in Adults and Children's Social Care:**

1.6.1 ***Increased investment and reshaping of services:*** Additional investment and reshaping of resource was agreed by the Lead Member for Children and Families, and the Lead Member for Adult Health and Social Care in October 2021 to support a step change in the approach to transitions. It was clear that support was required earlier in a young person's journey to adulthood to shift the approach from crisis intervention triggered by insufficient support and planning, to longer-term, person-centred support and planning for adulthood. It was acknowledged that there was an opportunity to change the culture and practice surrounding transitions for young people from the age of 14 to 25 years by placing transitions planning at the heart of a young person's support planning rather than leaving it too late and as an 'add on'.

1.6.2 Investment in adult and children's services will enable the Preparation for Adulthood team to focus on pro-actively working with young people aged

14-18 years to promote autonomy and independence. To do this a new tool called a 247 grid is currently being introduced to enable families, young people, professions (across children's and adults) and non-social care professionals such as teachers, to have a shared approach to understanding and tracking goals and aspirations. At each annual review the 247 grid is reviewed and, because of the shared focus on key goals by all people working with the family, each year there should be visual improvement in levels of independence and autonomy.

- 1.6.3 Investment was also made to commission the license for the 247 grid and the necessary bespoke training for staff across Children's, Adults and Schools to monitor the effectiveness of new ways of working with families and service delivery partners.
- 1.6.4 Investment was also agreed to recruit a new team of 7 social workers and care managers able to accept transitions cases into adult services at the age of 18. This Transitions team will continue to develop the independence and autonomy of young people up to the age of 25. They will also be able to review and assess young people at the age of 25 who may have finished an extended time at college and potentially need adult social care provisions.

1.7 **Progress so far:**

- 1.8.1 **Recruitment in Social Care:** The new Transitions Team and the Preparation for Adulthood Team (PAT) are almost fully recruited to. From September 2022 the PAT team will be able to start to work with people under 18. This will initially be with 17 year olds, then 16 year olds then younger, as capacity allows. There are still a significant number of cases allocated to the PAT that are over 18 compared to the number under 18 years but this balance will shift as current allocated cases move to either the Adult Transitions Teams, the Adult Locality Teams or the Adults Future Options Team. Newly allocated cases to the PAT will be under 18 years from that point onwards.
- 1.8.2 **Social Care Practice:** Service managers in both adults' and children's services, across health, social care and education, will proactively identify and plan for young people in their locality with transition support needs. The worker who co-ordinates this won't always be in the PAT as many of the children that will need support with transition will not necessarily require adult social care. The Transitions Team will be using the adult decision-making tool when supporting a young person to ensure that they and their families are aware of the support and opportunities that they will be eligible for as they transition into adulthood.
- 1.9 **Progress of SEND Accelerator Progress Plan:** The SEND Accelerator Progress Plan was signed off by DfE in May 2022 and sets out the actions designed to lead to rapid improvement for multi agency transitions to adulthood. The Accelerator Progress Plan action plan is
- 1.9.1

driven by a multi-agency SEND Transitions Group and sponsored by the Director of Integrated Commissioning (Sheffield Council) and the Director of Planning (Sheffield Place Integrated Care Board – formerly Sheffield CCG). The SEND Transitions Group reports to the Inclusion Improvement Board under the oversight of the Sheffield Health and Wellbeing Board and the Joint Commissioning Committee.

1.9.2 The actions are grouped into workstreams aligned to the Council's Inclusion Strategy:

- Planning for Adulthood
- Post 16 Opportunities
- Transition Processes
- Coproduction, Communication and Information
- Workforce Development

1.9.3 Each workstream has clear milestones for 3,6, and 12 months and KPIs to track delivery. The focus during the first 3 months of delivery has been on establishing new multi agency working relationships through the SEND Transitions Group and its workstreams and driving the actions identified in the plan. The first monitoring meeting with the DfE was held in July with positive feedback about the level of commitment and the progress made.

1.9.4 The next phase of the SEND Accelerator Plan focuses on the impact of the changes and new ways of working and how this is evidenced through effective coproduction, engagement and the voice of young people, their families and carers and the workforce.

1.9.5 Sheffield will receive a 6 month summative review which is expected to take place in November 2022. We will be expected to demonstrate significant progress and impact on the actions within the plan. If sufficient progress is deemed to have been made, then the APP will progress to a second six month phase of 'sustainability'. Regular review meetings with our DfE and NHS England advisors will be held throughout the life of the plan.

1.10 **Next Steps:**

- The remedial payments will be completed in line with the Ombudsman's requirements by mid September.
- The changes to practice and reshaping and investment in social care resources for children's and adults' services will be embedded and monitored to ensure that young people experience significantly improved and timely support as they transition to adulthood, whether they will go on to have adult social care or not.
- The SEND Multi Agency Accelerator Plan will continue to deliver the agreed actions with a focus on evidencing the positive impact for young people and their families and carers.
- A report on progress following the six month summative review of



the SEND APP can be brought to the relevant Policy Committee and include further updates on the progress in social care.

## **2. HOW DOES THIS DECISION CONTRIBUTE?**

- 2.1 This update report ensures that the Ombudsman findings are given appropriate consideration and that the Council's Strategy and Resources Committee have oversight of the remedial actions required and also the progress in improving the Council's approach to transitions for young people and next steps in ensuring improvements are embedded and sustained.
- 2.2 This update report also describes the contribution made to the ambitions within the One Year Plan in relation to improving the experience of transition to adulthood for children and young people with SEND and/or moving from children to adults' services.
- 2.3 The improvements to date and the next steps described in section 1 of this report contribute to ensuring that every person in Sheffield can achieve their full potential. The improvements address educational inequalities and support people to stay fit and healthy, so fewer people reach crisis point and families can thrive.

## **3. HAS THERE BEEN ANY CONSULTATION?**

(Clearly indicate the degree and character of public engagement and participation which has been undertaken on the issue. *Refer to the Consultation Principles and Involvement Guide. Indicate whether the Council is required to consult on the proposal, and provide details of any consultation activities undertaken and their outcomes.*)

- 3.1 The senior field work manager in the PAT has an ongoing programme to visit the various training providers and the special schools to speak with the young people to get their views as to what opportunities they would like to see. The SFM has also met with the parent carer forum.
- 3.2 The SEND Transitions Group is fully committed to coproduction across each of its workstreams and has parent carer representation on the group and within workstreams. As the plan progresses, the emphasis will increasingly be on ensuring that the voice of young people and their carers are at the centre of our evidence about whether the actions are improving the experience and outcomes. The consultation will be via a range of channels, opportunities, forums etc. and in collaboration with a range of partners to ensure the broadest range of voices are heard including those of people with communication support needs and from communities that our services historically have sought the voices of.

## **4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION**

#### 4.1 Equality Implications

4.1.1 The work described above contributes to tackling inequalities for children and young people moving from children's services to adults services. An initial assessment of equality impact has been undertaken and a further in depth assessment will be made and regularly reviewed through the course of the SEND Accelerator Plan delivery.

#### 4.2 Financial and Commercial Implications

4.2.1 The cost of the remedial payments recommended by the Ombudsman will be met through Education, Children's and Adults budgets. There are no financial or commercial implications beyond the remedial payments.

#### 4.3 Legal Implications

4.3.1 **Ombudsman legal implications:** Section 30 of the 1974 Act requires the Council to place two public notices in local newspapers and/or newspaper websites and also make copies of the report available free of charge at one or more of our offices. The Ombudsman's finding was that of maladministration and injustice. Since the Ombudsman has found that the person suffered injustice as a result of the Council's fault, under Section 31(2) of the 1974 Act, the Council must formally consider their report.

4.3.2 There are a number of statutory requirements in relation to supporting children through to adulthood as set out below. The improvements to children and adults social care and the multi agency approach to SEND transitions will support the Council to ensure it is compliant with these and the duties set out in the Children and Families Act 2014.

4.3.3 When a child reaches 18 years of age, they are legally an adult and responsibility for meeting their needs moves from the council's children services to its adult services. The legal basis for assessing their needs changes from the Children Act 1989 to the Care Act 2014. However, councils can decide to treat a children's assessment as an adult assessment and can also carry out joint assessments.

4.3.4 Sections 9 and 10 of the Care Act 2014 require councils to carry out an assessment for any adult with an appearance of need for care and support. They must provide an assessment to everyone regardless of their finances or whether the council thinks the person has eligible needs. The assessment must be of the adult's needs and how they impact on their wellbeing and the results they want to achieve. It must also involve the individual and where suitable their carer or any other person they might want involved.

4.3.5

The Care Act 2014 gives councils a legal responsibility to provide a care and support plan (or a support plan for a carer). The care and support plan should consider what needs the person has, what they want to achieve, what they can do by themselves or with existing support and what care and support may be available in the local area. When preparing a care and support plan the council must involve any carer the adult has. The support plan must include a personal budget, which is the money the council has worked out it will cost to arrange the necessary care and support for that person.

#### 4.3.6

Section 27 of the Care Act 2014 says councils should keep care and support plans under review. Government Care and Support Statutory Guidance says councils should review plans at least every 12 months. Councils should consider a light touch review six to eight weeks after agreeing and signing off the plan and personal budget. They should carry out reviews as quickly as is reasonably practicable in a timely manner proportionate to the needs to be met. Councils must also conduct a review if an adult or a person acting on the adult's behalf makes a reasonable request for one.

#### 4.3.7

Improvements through the SEND Accelerator Plan will ensure that the Council and Health partners are compliant with DfE requirements.

#### 4.3.8

Other improvements meet wider statutory duties such as the provision of information and advice regarding, for example, changing funding arrangements and the differing legislative frameworks that apply as young people grow into adulthood. For example, the Mental Capacity Act 2005 that applies to young people at the age of 16, and the National Framework for Continuing Health care 2007 which sets out changes in the availability of Continuing Health Care for children as opposed to adults.

### 4.4 Climate Implications

4.4.1 There are no climate implications for this report.

### 4.4 Other Implications

4.4.1 There are no other implications for this report.

## 5. **ALTERNATIVE OPTIONS CONSIDERED**

*(Outline any alternative options which were considered but rejected in the course of developing the proposal.)*

5.1 There are no alternative options identified as this work is a requirement of the Ombudsman and to ensure compliance with regulatory frameworks of CQC and Ofsted and the DfE SEND Accelerator Progress Plan.

## **6. REASONS FOR RECOMMENDATIONS**

- 6.1 The report describes the improvements made and reiterates the Council's commitment to continuing to work with children, young people and families as well as our health and independent sector partners to improve the systems and processes that support them through this key journey into adulthood and ensure that there is a wide range of opportunities that they are about to access and which support the fulfilment of young people's needs and aspirations for their future.

Close of Report