

**STATUTORY DIRECTION TO BOURNEMOUTH CHRISTCHURCH AND POOLE
IN RELATION TO ITS SPECIAL EDUCATIONAL NEEDS AND DISABILITY
(SEND) SERVICE PROVISION, UNDER SECTION 497A(4B) OF THE EDUCATION
ACT 1996**

WHEREAS:

1. The Secretary of State for Education (“the Secretary of State”) has carefully considered the Joint Ofsted and the Care Quality Commission (CQC) report in respect of Bournemouth, Christchurch and Poole (“the Council”) of its initial inspection carried out between 28 June and 2 July 2021. The inspection report outlined that a Written Statement of Action (WSOA) was required because of 8 significant areas of weakness in the local area’s practice in relation to its Special Educational Needs and Disability (SEND) service provision.
2. The Secretary of State has also carefully considered the WSOA highlight reports from Department for Education Professional SEND Adviser (“DfE SEND Adviser”) and the Council’s 20 weeks EHCP data. The Council’s EHCP performance data and these reports evidence the lack of progress made by the Council towards the WSOA since it was approved by Ofsted in December 2021.
3. The Secretary of State is therefore satisfied that the Council is failing to perform to an adequate standard in some or all of the functions conferred upon the Council under Part 3 of the Children and Families Act 2014 (“the 2014 Act”) (“the SEND functions”) to which s.497A of the Education Act 1996 (“the 1996 Act”) applies.
4. The Secretary of State has appointed John Coughlan as the Improvement Advisor for Children’s Services in the Council (“the Improvement Advisor”). The Secretary of State will be extending the remit of the Improvement Advisor in accordance with, and for the purposes of, the terms of reference (“the Terms of Reference”) set out in the Annex to this direction.
5. The Secretary of State, having considered representations made by the Council, considers it expedient, in accordance with her powers under section 497A(4B) of the 1996 Act, to direct the Council as set out below to ensure that all of the Council’s SEND functions are performed to an adequate standard.

NOW THEREFORE:

6. Pursuant to her powers under section 497A(4B) of the 1996 Act, the Secretary of State directs the Council as follows:
 - a. To comply with any instructions of the Secretary of State or the Improvement Advisor in relation to the improvement of the Council’s exercise of its SEND functions and provide such assistance as either the Secretary of State or the Improvement Advisor may require;
 - b. To co-operate with the Improvement Advisor, including, on request, allowing the Improvement Advisor at all reasonable times access to:

- i. any premises of the Council;
- ii. any document of, or relating to, the Council; and
- iii. any employee or member of the Council,

which appear to him to be necessary for achieving the purposes of and carrying out the responsibilities set out in the Terms of Reference.

- c. To provide the Improvement Advisor with such amenities, services, and administrative support as he may reasonably require from time to time for the carrying out of his responsibilities in accordance with the Terms of Reference, including:
 - i. providing officers' time or support;
 - ii. providing office space, meeting rooms or computer facilities.

7. To engage with the Department who will undertake reviews of progress against the WSoA at least every four months, and more regularly where appropriate. These reviews may cover but are not exclusive to: culture; performance; leadership, management, and governance; quality of workforce training and support; multi-agency arrangements – including the role and contribution of health providers; joint commissioning; and the timeliness and quality of Education, Health and Care plans.

8. This direction will remain in force until it is revoked by the Secretary of State and does not affect the Direction to Bournemouth, Christchurch and Poole in relation to Children's Services dated 08 April 2022.

Signed on behalf of the Secretary of State for Education



Lucy Livings

A Senior Civil Servant in the Department for Education

Date: 26 February 2024

ANNEX

Strategic SEND Improvement Adviser

Terms of Reference – February 2024

The Improvement Adviser will support the Council in continuing to develop and implement robust, realistic and achievable plans to improve its SEND functions, in particular those areas which have been judged by Ofsted and / or CQC as areas of weakness. In particular they will:

- Provide effective oversight to ensure the pace of improvement is appropriate and that improvements to SEND functions are sustainable;
- Provide support and advice as necessary when assessing and driving progress, taking account of the weaknesses identified by Ofsted and CQC and of other diagnostic work;
- Apply their expertise and experience to support and challenge the Council's Director of Children's Services, Chief Executive, Members, and wider corporate leadership team in addressing areas of weakness and system/strategic blockages to improvement; this may also include working with practitioners of different levels to:
 - develop competence and improve performance; and
 - help foster a culture of reflection, challenge and support;
- Make use of wider contacts to support and advise the Council on potential solutions to issues and signpost examples of good practice where possible;
- To chair the Council's SEND Improvement Boards;
- Work closely with any other local authority improvement partners to maximise impact of work and avoid unnecessary duplication;
- Engage, support and where necessary challenge the wider partnership including NHS Dorset ICB and other partner agencies as identified by the Children Act 2004 (Section 11);
- Identify key deliverables and produce a plan detailing the outputs and KPIs which the Improvement Adviser will meet over the duration of their appointment, and agree this with the Department for Education ("DfE") within 6 weeks of appointment;
- Participate in any DfE-led review of the Council's progress and
- To deliver quarterly written updates on the Council's progress to the Parliamentary Under Secretary of State for Children and Families, which is to

include a six-month review on whether the pace of progress of improvement is sufficient.