

11 October 2016

Report on the delivery of Education Health and Care Plans for children and young people with identified and assessed special educational needs

Ward(s) All

Portfolios: Cllr R Burley, Children's Services

Executive Summary:

The report outlines the progress made in relation to the introduction of Education, Health and Care Plans (EHCPs) in September 2014 which replaced Statements of Special Educational Needs. The Children and Families Act 2014 introduced a new national system for the identification and assessment of children and young people 0 to 25 years who may have special educational needs together with social care and health needs too. The old statements of Special Educational Needs focused on the assessment of educational needs while the new EHCPs extend this to identify care and health needs that impact on the learning and achievement of children and young people. The EHCPs and agreed content and actions of the plan are owned by the Local Authority.

The statutory timescale for completion of the EHCPs from first request for assessment to final agreement to the plans is 20 weeks. The process, when agreement is reached by the Local Authority to assess, will involve assessments by educational psychologists and in many cases assessment by social workers and health services. This report provides an account of how Walsall is performing in relation to the delivery of new assessments since 2014 and the transfer of statements to EHCPs.

Reason for scrutiny:

It is recognised that children and young people in Walsall with special educational needs are performing below the national average and below our statistical neighbours. In order to address this and to improve outcomes for pupils a new Special Educational Needs and Inclusion Challenge Board chaired by an independent person and comprised of many partners across Children's Services, schools, education and health was established on the 13th July 2016. The Board has met so far on three occasions and has noted that the time scales for the completion of EHCPs is not compliant with the time scale of twenty weeks required by the Special educational Needs and Disability Code of Practice: 0 to 25 years. This code supports part 3 of the Children and Families Act 2014 in relation to

special educational needs. Walsall's performance is currently below national and statistical neighbour benchmarks and is a priority improvement.

The Board has challenged Walsall's performance and requested that focussed action is taken to rectify this position. A further report back to the Board at its November 2016 meeting with performance data to demonstrate how the Local Authority is performing in relation to the management of EHCPs and what actions it is taking to improve performance.

This purpose of this report is to inform Members on the current position in relation to the management of EHCPs and to provide what actions are being taken to improve performance in order to be compliant with the Code of Practice and expected timescales.

Recommendations:

That:

1. Members note the content of the report, challenge improved performance and be assured that the right action is being taken to bring about rapid improvement.
2. A highlight progress report is provided as a paper to each Scrutiny Board meeting and a more detailed assurance report provided for discussion at 10 January 2017 meeting.

Background papers:

SEND Code of Practice 2014

Resource and legal considerations:

It is a requirement under the Children and Families Act 2014 and detailed in its accompanying Code of Practice that the EHCPs are completed within 20 weeks and that all current statements of special educational needs and learning disability assessments are transferred to EHCPs by 31st March 2018.

Citizen impact:

Failure to comply with timescale may increase anxiety in children and young people and their parents/carers, may lead to failure to deliver assessed support in a timely manner and may result in unnecessary appeals to the First-tier Tribunal (SEN and Disability).

Environmental impact:

None

Performance management:

The Council's performance in relation to the delivery of EHCPs is monitored annually by the Department for Education (DfE). Failure to deliver EHCPs in a timely manner will cause the DfE to challenge the Council on its performance.

Equality Implications:

Delays in agreeing to assess and issue EHC Plans within timescales may in some cases result in children and young people not receiving identified provision or have their needs met in a timely way.

Consultation:

None

Contact Officers:

Claire Goss
Head of Service - SENDI
Tel: 01922 655761
Email: claire.goss@walsall.gov.uk

Lynda Poole
Assistant Director: Access and Achievement
Tel: 01922 652895
Email: lynda.poole@walsall.gov.uk

1. Report

- 1.1** By 31 March 2018 Walsall will have to Transfer all Statements of Special Educational Needs to Educational Health and Care Plans this process started in September 2014 but there are still significant numbers to Transfer.
- 1.2** Walsall, like many other Local Authorities has since September 2014, struggled to meet all statutory deadlines. This has been a continuing problem which we are addressing. It is nationally recognised that the timescale to implement a new system was very challenging and changes have been made at a national level. The Government has provided additional funding and additional staff have been appointed to the Statutory Assessment Team to ensure that we can fulfil these Statutory Duties and meet statutory timescales.
- 1.3** It is now two years since the implementation of the National SEND reforms. Walsall, like other Local Authorities, is in a position where it is reviewing its implementation to date. The improvements required include:
- Streamline and rationalise process and reduce bureaucracy.
 - More effective work with Partner agencies to ensure the needs of the whole child are met in a co-ordinated and coherent approach.
 - Greater training and development of staff.
 - More rapid processing of assessments and information, provided by external agencies.
 - Better engagement with parents/carers, children and young people.
 - Better information management systems and performance data used to monitor and track performance.
- 1.4** The New permanent Head of SENDI Claire Goss started on 29 August 2016 with a clear mandate for change and improvement. A self-evaluation of current performance and provision has been undertaken and an action plan to address the priorities is being finalised.
- 1.5** Performance management information and data is being collected more regularly and robustly and a new system is being introduced. A report will be shared at the November SENDI Challenge Board summarising the current performance data and setting out the target and trajectory for improvement. This report will be shared with Scrutiny Board.
- 1.6** The format of the Walsall EHCP now needs reviewing as it is overly long and complicated. A working group, including parents, has been convened to develop this.
- 1.7** The suite of paperwork including advice received from social care, health and other partners will be reviewed and new streamlined processes implemented.
- 1.8** The Children and Families Act 2014 gave new duties around the 16-25 Year olds. All Young People with a Learning Difficulties Assessment had to be transferred to an EHCP in the first instance by 31 August 2016. This was

extended to 31 December 2016 and Walsall are on track to complete these within timescale.

- 1.9 The Children and Young People's Partnership have sponsored a piece of work to develop options for an All Age Disability service, initially focussing on 14-25 years and the important transition from children to adult services. The options will be presented to the Children and Young People's Partnership Board in November.

Conclusion

The Local Authority is clear that there is much to do to improve the timescale, quality and delivery of EHCPs. Under new leadership and dedicated staffing, the priorities for improvement have been identified and actions put in place to bring about improvements in an embedded and sustained way. The Governance and challenge through the SENDI Challenge Board will provide assurance that improvements are being made and outcomes for children, young people and their families improve. The Board Chair will report regularly to Scrutiny Board for challenge and monitoring.