

## TRAFFORD COUNCIL

**Report to:** Children and Young People's  
**Date:** 19 March 2019  
**Report for:** Approval  
**Report of:** Children and Young People's Scrutiny Committee Task & Finish Group: Review of the Education, Health & Care Plan Process

### Report Title

Children and Young People's Scrutiny Committee Task & Finish Group Review into the Education, Health & Care Plan (EHCP) Process in Trafford.

### Summary

The report details the work of the Children and Young People's Scrutiny Committee in reviewing EHCPs within Trafford. The report details the approach taken and the sources of information gathered by the Councilors. The report then details the findings of the Councilors in 10 areas of concern that were identified relating to EHCPs.

### Recommendations

### Contact person for access to background papers and further information:

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## **Background**

EHCPs have been part of the provision for children with Special Educational needs since they were introduced in 2014. The Councils Scrutiny Committee had previously done a piece of work on EHCPs in 2016 (Appendix 1) which made five recommendations to the Executive. The report in 2014 identified that there were a number of issues with the delivery of EHCPs and the Councillors wanted to see whether progress had been made in these areas while looking to see whether any new issues or areas of good practice had developed.

## **Membership**

The Children and Young People's Scrutiny Committee (CYPS) agreed at their first meeting 10 July 2018 that they would like to form a task and finish Councillors within their first year. Committee Members were asked to contact officers if they wished to partake in the work and the following Councillors volunteered;

Denies Western (Chair),  
Jayne Dillon  
Adele New  
Daniel Jerrome  
Graham Whitham  
Johnathan Coup.

## **Approach**

The Councillors agreed to follow a similar approach to that taken by the previous review by gathering information from and meeting with senior officers and parents involved in the service. In addition the Councillors met with the EHCP team to understand the work that they were doing and how they perceived the position within the Council. Through the review process it became clear that the Councillors would not be able to do a full extensive review within one year. The work that has been conducted this year, summarised within this report, will help to structure further work of the Committee so that a comprehensive review of the EHCP process within the Council can be completed.

## **Initial Meeting**

At the first meeting of the group in August Councillor Jerrome informed the other Councillors that he had been contacted by a resident whose children had Autism and had issues in accessing support. Councillor New added that she was aware of issues that parents were having in getting their children assessed and recognised as having SEND. The Councillors then discussed the importance of early identification of need and swift implementation of support for children with SEND. The Councillors agreed that EHCP assessment would be the main area of focus. The Chair informed

the group that the Scrutiny Committee had previously completed a piece of task and finish work looking at EHCPs in 2016 and the Councillors requested copies of the report for information. The group then discussed the aspects of assessments and came up with a list of questions to be put to senior officers in order to focus their work. The Councillors came up with 16 questions and requests for information which were then submitted to the Acting Corporate Director for Children's Services and the Director Education Standards, Quality and Performance. The officers were also asked to attend the next meeting of the Councillors on the 9<sup>th</sup> October 2018.

### **Meeting with Acting Corporate Director of Children's Services and Director for Education Standards, Quality and Performance**

Prior to the meeting the responses to the questions posed at the first meeting were sent through to the Members (Appendix 2). At the meeting the Councillors and officers went through each question, the response that had been provided to the Councillors, and then the Councillors asked any further questions that stemmed from the response. It was made clear to the Councillors that as the Head of Service had been on leave there were a number of answers that could not be provided or that were incomplete. There were also some questions which were vague so while information had been given the officers were not certain whether it was what the Councillors wanted and asked them to clarify if they wanted other information.

The Councillors had asked for anonymised versions of successful and unsuccessful referrals so that they could compare them and better understand why they had been successful or not. The Officers had been unable to provide these example forms as they were held on liquid logic. However, the team were working on training SENCOs on how to complete the forms and they would share that with the Councillors once it was ready. The Officers explained the training and told the Councillors that it was aimed at setting the expectations of what was required for an EHCP to be awarded and the information the panel required to make their decisions.

At the meeting the Councillors were satisfied with many of the answers and explanations that they received from the Officers. It was clear that the Council still had a number of issues regarding SEND and that officers were working on ways of improving the service. The Officers made it clear that they wanted to work with both Scrutiny and parents in improving the service.

### **Meeting with Trafford Parent and Young Peoples' Partnership Service (PYPPS)**

The Councillors met with the Chair of PYPPS, the lead support officer for the service, the Head Teacher of Delamere School, and two Trafford Parents. At the meeting the Chair of PYPPS raised a number of concerns with the Councillors. Their concerns included; the level of communication between the Council and parents, the number

of cases refused by the Council, the quality of EHCPs being completed and the time that it took to complete them.

The two parents who attended the meeting had varying experiences when trying to access support from the Council. One parent had been well supported throughout and her child had been placed on an EHCP plan quickly and received the support they required. The other parent had needed to battle the Council at every juncture and it had taken years for her to gain any support at all. Hearing these stories it seemed clear to the Councillors that the child who had a clear disability was given the support they required. However, the parent of the two children who were high performing in school had struggled to get the Council to recognise their children's disabilities and had to pay for independent assessments by child psychologists in order to confirm that her children actually had special educational needs.

The Head teacher of Delamere School spoke about the journey that the school had been through to get to a point where they were recognised as a school that provided excellent SEND support. At the meeting she expressed her concerns over communications with the Council and the lack of a cohesive collaborative approach towards SEND between schools and the Council. This included a lack of involvement with the council in the review of plans. She stated that the best plans for children in her school were the ones which were created by the school.

All those who were at the meeting told the Councillors about their concerns regarding the cuts to funding that were planned by the Council. While this issue lays outside of the area that the Councillors were looking at they were concerned that services which appear to be struggling to cope with demand, and that parents feel are currently failing them and their child, will be reduced further.

Following the meeting PYPPS sent two reports (Appendices 3 and 4) to the Councillors for information. These reports gave an overview of PYPPS understanding of the position of SEND services within Trafford and the work that PYPPS were undertaking to support parents in the area. The information from these reports has helped to inform the Councillors of the issues within Trafford, covered in detail below, and given the Councillors ideas in where they need to focus their continued review as well as some possible solutions to problems.

### **Meeting with the Trafford EHCP Team**

The Councillors met with the managers and members of the EHCP team along with a number of officers who helped to provide the other services which supported the work of the team. Some of those in attendance sat upon the assessment panels and were able to give the Councillors an insight on how the panels worked. At the meeting the work of the EHCP team was described to the Councillors which included the process that the panels went through in order to make their decision. The EHCP

coordinators were the key officers for each case and coordinated the work being done by schools and parents in order to prepare cases to go to the panel. The Councillors were told that if the panel ever felt that the information provided was not adequate that they would request further information from the parent or school as required. Following the panel's decision the EHCP Coordinator continued to work on the case meeting with the other people involved in providing support to the Child and working with them to write the EHCP. The Coordinator would then be involved in conducting reviews and act as a point of contact for those providing support for the child going forward.

The Councillors were informed of the changes that had been made within the team in the last 12 months. The team had been increased so that there were 8 EHCP Coordinators and 2 Senior Coordinators. The Councillors were told that the Council had a number of staff hired as plan writers who had been brought in to help the team in clearing a backlog of plans. This backlog was close to being cleared and it was made clear to the Councillors that these positions would not be permanent. There had also been a large change within the team in terms of the levels of support offered to them by managers and the Council in general.

The Councillors were told that the implementation of the Liquid Logic System had greatly improved the processes relating to EHCPs. As a single system was now being used by all of the professionals from both health and social care it meant that they all had access to all the information relating to each case. The system also set reminders and aided the coordinators in the organisation and management of their workload. The attitude of all of the EHCP team who were at the meeting was very positive and they all spoke of the improvements that had been seen in the past year.

### **Task and Finish Councillors Findings**

Following the meetings and the review of the documents and information provided by both the Officers, PYPPS, parents, and the Head Teacher of Delamere a number of issues became apparent within Trafford. As shown by the 2107 data provided by PYPPS Trafford had been performing at one of the lowest levels out of the 23 Councils within the North West. Below is a summary of each of the issues that were identified by the Councillors, and what they would like to do next.

#### **Increase in Referrals**

In all of the meetings that the Councillors attended the increase in the number of referrals, especially parent referrals, was listed as an issue. Despite all parties being aware of this there was very little known about why the number of referrals was increasing. The Councillors want to better understand the issues surrounding the increase in referrals through an analysis of where referrals are being received from so any trends within Trafford can be identified. The Councillors would like to look at trends among parental referrals in particular as the increase here suggests that

either the needs of parents are not being met or that parents do not understand the process they should be following.

With regards to needs not being met the Councillors had concerns that children who were disruptive within class would be the ones most likely for schools to refer for support. It was felt that those children who had SEND but were quiet and well behaved maybe being over looked and this could be causing parents to make referrals themselves. The Councillors want to look at the referrals received from parents to see if this could be a reason behind the increase.

#### SENCO Training and Support

In the two meetings held with officers the Councillors were informed of the two SENCO forums that had been created. The Councillors were told that these forums were well attended and that they functioned well in providing a conduit for communication between SENCOS and the Council. However, at the meeting with PYPPS the Head Teacher of Delamere School spoke of the lack of engagement with school staff in general although whether this was with the SENCO in particular or the wider faculty was not clear.

The Councillors were told by officers about the new guidance and training that was being developed for SENCOS. The Councillors would like to see the new guidance and the training programme for SENCOS, which was offered when they met with Officers on the 9 October 2018. The Head Teacher at Delamere and the PYPPS both raised that training should be offered to all staff involved with SEND as such the Councillors would like to know whether the training being offered to SENCOS could be rolled out on a larger scale.

#### Panel Process and Decision Communication with Parents

From the beginning of the work the Councillors tried to gain a better understanding of the panels decisions regarding referrals. It was not until they met with members of the panel that a clear coherent picture of the process followed by the panel became known. Once the process was explained to the Councillors they were satisfied that it was robust and that the panel were looking at each case in detail. However, this was the experience of Councillors with the support officers who provided them with information and met with them face to face, not that of a parent that had no one to contact to aid them.

PYPPS highlighted the lack of communication and understanding around decision making as a major factor in the frustration of parents. When speaking to parents the Councillors were told the lack of detail in this response had a negative impact upon them. If parents were not informed of the reasons they are left to assume what the reasons are and this can lead to doubt of their perceptions of their child and their ability as a parent.

The Councillors would like there to be a full review of the documentation available to parents. This is to include the guidance available on the council's website, the documents that are sent to parents at each stage of the process especially those following a decision. The Councillors would like to be part of this review along with representatives from PYPPS.

Another possibility raised by PYPPS was the taking of formal minutes for the panel meetings. While there could be issues in terms of child protection and GDPR the Councillors would like for the possibility for this to be considered for distribution to those involved with the case up to the point that it goes to the Panel.

The Councillors would also like for full process maps and customer journeys to be provided for each stage of the EHCP process so that they can be assured that communication with parents is built into the system at all key points. If process maps and customer journeys are not available the Councillors would like for them to be developed in collaboration with PYPPS.

#### Tribunals

All the people that the Councillors met with and information they received showed that there had been an increase in the number of cases going to tribunal. While all those contacted noted the increase the reasons for the increase differed greatly. Parents felt that lack of communication and a focus upon budgets above children's needs were the main reasons behind the increase. Conversely officers believed that the increase was due to external factors making parents more adversarial towards the Council.

Of the 15 tribunals that were entered into only 2 ended in the panel's decision being overturned. Only 9 of the 15 got to the stage of the decision being challenged and of those 5 cases had reached an agreement with the Council. The low number of overturned decisions suggests that the decisions reached were accurate. The large number of cases where agreement was reached indicates that Trafford's mediation process is not performing well with parents not partaking in the process and preferring to go to tribunal.

The Councillors would like look at the mediation procedure and find out why parents are unwilling to take part in these meetings. At the meeting with PYPPS it was highlighted that parents often felt intimidated by the mediation process as it was held entirely with Council officers. The Councillors would like to look into ways that independent support, such as a PYPPS member, could be offered to parents going through mediation so that they did not feel outnumbered and isolated.

This is another area where the communications that are sent to parents following panel decisions are vital, especially in cases when a child should be in receipt of

other support. The Councillors want to know what follow up is in place in these cases to ensure that the children are set on the path to receiving that support.

The Councillors would like to look into ways that contact could be made with parents going through a Tribunal to ascertain the reasons for their action. It would be particularly useful to hear from those parents who refused mediation but then reached agreement with the Council afterwards.

#### EHCP Assessment

A large area of concern for the Councillors was the difference in assessments that had been reported by parents who had paid for their own assessments to be conducted. The Councillors had concerns about this from the start of their work as the parents who had contacted Councillor Jerrome had expressed that they had paid for an independent assessment and found that it was far more in depth and of a higher standard than that of the Council. Another Councillor backed this view up due to their personnel experience with the service and this was further supported by the information received from the PYPPS.

When concern was raised with officers about the quality of the assessments the Councillors were told that it was hard to tell which one was of better quality without having them side by side. The reason that assessments were a particular concern for the Councillors was the cost of external assessments meant that only affluent parents could afford them. This meant that if there was an issue with Trafford's approach it would disproportionately affect disadvantaged families.

The Councillors would like for this comparison to be carried out to provide assurance that the Trafford assessments are of an adequate standard. One of the differences in the assessments between those of the Council and those by external therapists was that external therapists gave a declaration giving their professional guarantee to its quality and accuracy. The Trafford assessments do not have this and it is felt that such a declaration would help assure parents that these assessments were being done to the best of the therapist's abilities.

#### EHCPs

The quality and consistency of EHCPs was another issue that was highlighted by PYPPS. In the information provided to the Councillors they described how parents felt that the quality of their child's EHCP was down to the luck of which officer was writing the plan. They gave reports of plans that looked like they had been simply copied and pasted from other plans with some having the wrong child's name on them. However, the information received also stated that an improvement had been noticed since the Ofsted inspection in 2017. Given the information received by the Councillors regarding the improvement within the EHCP team it is felt that this improvement could be a lasting change. The Councillors would like to receive a random selection of anonymised plans for them to see the standard that are being

produced. The Councillors would also like the PYPPS to contact them if they receive any further reports of low quality plans.

### EHCP Reviews

The parents who contacted Councillor Jerrome and the PPYS reported that while schools made changes to the EHCP annually following their reviews the Council did not. When the Councillors met with the EHCP team they were told that this was due to them trying not to make too many adjustments to the plan and instead focusing on changes at key transitional phases and following any major disruption. The team explained that there were a number of other elements to the support received by children that were updated in accordance with the outcomes of the annual review. The Councillors felt that this approach was not being communicated well, if at all, to parents and that this was another area where the PYPPS should be consulted to improve the service.

### Advertising and Capacity of PYPPS

When the Councillors asked officers about support for parents the Councillors were told about PYPPS. All feedback received about PYPPS and the Councillors own experience of working with them was extremely positive. The report conducted in 2016 recommended that the working relationship between the Council and PYPPS be championed and encouraged. When meeting with PYPPS it seemed as though this recommendation had not yet come to fruition. The Councillors would like to reiterate this recommendation and to look at ways that the Council could help parents to find and contact the service. The Councillors are aware that the documentation sent out to parents going through the EHCP process mentions PYPPS as a contact but the Councillors want to ensure it is clear that PYPPS are independent from the Council and exist specifically to support parents.

An area of concern for the Councillors was the part of the report received from PYPPS which spoke about their own capacity. It stated that they were functioning at the limits of their capacity and would struggle to provide additional support. They were looking at ways of coping with this demand themselves, by seeking additional funding and peer support, but the Councillors feel that the Council should look at how they can support PYPPS to increase their capacity as the service represents excellent value for money, which would be increased further through full utilisation by Council officers.

### Exclusions

The Officers and PYPPS both acknowledged that the number of exclusions within Trafford had been increasing. This was an area that the Councillors had very little time to spend on but due to the wide reaching impact these cases have upon the system they feel that this area should be reviewed in depth. As exclusions are often the result of issues within the system the Councillors felt that this review should happen once they had gained a good understanding of the system.

When exclusions were raised with Officers they informed the Councillors of work that was ongoing to tackle the issue. These pieces of work included increasing the number of schools within the area that are well suited to supporting children with challenging needs. There is also an organisation called “the Bridge” who works with schools to help challenging children back into education. The Officers informed the Councillors that the number of exclusions were on the rise across greater Manchester so it maybe something that needs to be looked at in a wider context.

#### EHCP team structure and the high turnover of staff

The final area that was highlighted throughout the Councillors meetings was the high level of turnover of staff within the EHCP team. This was noticed by the Councillors through their own experience and highlighted as one of the main concerns of PYPPS. The high level of turnover had a huge impact upon the service as relationships between the officers, school staff, and parents are vitally important to providing consistent high quality support to a child.

When the Councillors met with the EHCP team they were assured that the changes that had been made to the structure would create a more stable environment and that the high level of turnover would reduce. They were also told that the implementation of the liquid logic system would greatly reduce the impact that staff leaving would have, as there would not be the loss of information that happened previously as it was all held within the system. PYPPS had also noted that since the Ofsted report in 2017 there had been an improvement in communication with the team and that the coordinators were more approachable. This is an area that the committee would like to keep an eye upon to ensure that the improvements that have been seen are long term. One way that they would like to do this is to conduct an anonymised survey with staff to get their feedback on their working environment and the progress being made by the service.

#### **Recommendations**