



Trafford Parents Forum

TRAFFORD PARENTS FORUM SEND OVERVIEW IN TRAFFORD

Trafford Children and Young Peoples Scrutiny
Committee December 2018

INTRODUCTION

Trafford Parents Forum has independently delivered parent carer participation and engagement since 2013, and with some members of our Management Team and Steering Group involved personally with the Pathfinder task and finish groups' pre-2014 SEND reforms, and the forum believes that we have an excellent overview of SEND in Trafford.

With the recent changes to Trafford Council since the local elections in May 2018, the Forum took the opportunity to provide the new Executive Administration of Trafford Council, a sound and independent viewpoint of SEND services in Trafford from the parent carer experiences shared with us at our events, online and face to face drop-ins.

Whilst the below comments outline issues, concerns and shared experience, we wanted to draw attention to the new Administration that huge strides have been made by key stakeholders to improve participation and engagement opportunities with parent carers in Trafford including the recent successful business case for an Engagement Development Co-ordinator that the Forum put forward to Trafford Council for a voluntary grant (this came from a Department of Education SEND grant given to local authorities 2017/18). The Forum currently has two representatives on the SEND Board, and two representatives on the Communication and Engagement Working Group, and the Forum and parent carers have been involved in a number of positive engagements around Short Breaks, Capital SEND Funding, ND/ADHD Pathways, the Local Offer and Special Schools Speech and Language Therapy Services, a review of the Graduated Approach guidance document.

Co-production has also been a regular agenda item for key stakeholders since it was identified as 'an area for development' within the OFSTED/CQC SEND Inspection January 2017. There has been a 'Voice' co-production workshop for parent carers and professionals from across Trafford back in July 2017, and it also has been a constant agenda item at the SEND Board. There is a foundation from which to build a smoother, more joined up framework for partnership working.

The Forum would like to highlight that there are individuals and pockets of service that are delivering positive outcomes for some families. However, finding the balance of capturing those experiences are often very difficult as those parent carers and families are less likely to seek support from the Parents Forum or share their experience. However, there are all kinds of feedback that has been collated and is continuously updated by the Local Offer Team, and you may wish to look through these to help balance parent carer viewpoints.

Whilst this list is not exhaustive Trafford Parents Forum would like to highlight the priorities in our opinion that should be reviewed by the new Administration. The key areas of priority are listed below:

- Education, Health and Care Plans – All aspects of service including Educational Psychology reports and panel decisions.
- SEND Funding Cuts.
- Exclusions – All aspects of exclusions (official and non-official).
- Therapy Services – Healthy Young Minds, Speech and Language Therapy, Sensory OT, OT Services, Visual and Hearing Impairment service.
- Transition from Children's services to Adult services.
- Co-production and implementing cultural change.
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EDUCATION, HEALTH AND CARE PLANS (EHCP)

The on-going issues for children, young people with SEND, their parents and families plagues this area of SEND continuously in Trafford. On a positive note parent carers report that since the 2017 OFSTED/CQC SEND Inspection that there has been an improvement with communication with the Team and the co-ordinators are more approachable. With high levels of staff turnover, parents are constantly worried that

they will lose the relationships they have built up over time in relation to the child or young person, and as highlighted in the Special Educational Needs and Disability Code of Practice: 0-25 Code of Practice Chapter 9, their involvement or young person's involvement will be adversely affected. More recently we see an increase in the EHC Team but then Co-ordinators are then reassigned, no clear communication with parent carers and confusion. Parent Carers have expressed a wish that the Scrutiny Committee find out why the workforce has such a high turnover, what motivators are the team receiving? how are they being best supported in the role that they are doing? In turn, we feel that a workforce who is committed and passionate, respected and feels worthy will do the best they possible can to produce plans that are well written, quantifiable and specific for the child or young person with SEND.

Exponentially, the forum is hearing from parent carers either from our information events, drop-ins or online with staggering stories of Tribunals around Refusals to Assess for EHCP and Refusal to Issue an EHCP, EHCP's still in draft plan stage even though the process started over 12/14 months, continuous change of EHC co-ordinators, no quality control of plans and no clear explanation about the decision making panels with decisions quite often going to schools first before the family, the list goes on but the most common issues are highlighted below:

- Tribunal Figures
- Referrals for Assessment including how panel decisions are made
- Information, Support and Documents
- Quality and Content of EHCP's
- Timescales

The latest statistical figures from the Department of Education SEN2 which were submitted by Trafford Council for 2017 show that in 2017 the local authority had 1,378 Statement of Special Educational Need (SSEN) or Education Health Care Plans (EHCP) and as a % of EHCP requests against those existing plans is 16.26% and Trafford rank 20th out of 23 North West local authorities for this.

The document also highlights that in 2017 Trafford Council received 224 assessment requests* of which 44 were refusals to assess and 56 were refusals to issue (Refusal to assess/issue as a % of requests is 44.64% and Trafford are ranked 2nd worst out of 23 performing NW local authorities).

The figures also highlight that plans issued in 2017 is 91 (plans issued in 2017 as a % of 2017 requests is 40.62% and Trafford rank 23rd out of 23 NW local authorities) and that 83 referrals were still being assessed (assessments still in progress as a % of requests 37.05% and Trafford rank 3rd out of 23 NW local authorities).

In comparison Trafford's local authority statistical neighbours Stockport and Cheshire East perform as follows:

Local Authority	2017 Plan No (SSEN/EHCP)	2017 Assessment requests	2017 EHCP requests % & rank	2017 Refuse to assess	2017 Refuse to issue	2017 Refusal to assess/issue % & rank	2017 Issued EHCP % and Rank	2017 Still being assessed % and Rank
Cheshire East	1868	378	20.24% 14 th	115	3	31.22% 5th	163 43.12% 21st	189 50% 1st
Stockport	2005	247	12.32% 23rd	36	2	15.38% 17th	205 83% 6th	44 17.81% 10th
Trafford	1378	224	16.26% 20th	44	56	44.64% 2nd	91 40.63% 23rd	83 37.05% 3rd

Tribunals

Parent carers forced into a position whereby they are filing for a tribunal hearing has increased in Trafford and with the impact of SEND funding cuts on support unclear, we can only surmise that the figures will not plateau but increase significantly as the reduction or removal of services takes hold.

Parent carers whose children have a supportive teacher/SENCO/Head teacher who get involved, and help drive the process have indicated a slightly more positive experience. The Local Authority's Graduated Approach guidance for schools and colleges seems to be in theory a very comprehensive support document for schools, however, is quite often used as a barrier to access the EHCP referral process.

Some parent carers are repeatedly told by Schools that their child will only be eligible for an EHCP Assessment if they

- Have an EP report
- Been through 2 cycles of plan/do/review at SEN Support.
- Are two years behind their peers?
- The school have spent £6000 additional support funding

In reality the legal test for statutory assessment under the *Children and Families Act 2014/SEND Code of Practice is in fact whether the children or young people has or may have SEN and it may be necessary for special educational provision to be made for the child or the young person in an EHCP.

We appreciate that Trafford Council has a criteria for making decisions on assessment but these must NOT impose a higher threshold than the legal test.

In our opinion training on SEND law is imperative for all Trafford SEND staff including School Staff and Governors, and not one-off or in-house training but a consideration of an on-going programme that makes sure that all staff will benefit from, without barriers to access and the level of knowledge is kept current and relevant. This training MUST be delivered by an independent and qualified organisation like IPSEA.

Parent carers would like to see a more transparent approach from the council with regard to their tribunal figures. A few questions that have been asked before, that this Committee may consider approaching themselves, are highlighted below:

- How many tribunal cases have been lodged against Trafford Council in 2017?
- How many cases have been resolved amicably before a tribunal in 2017?
- How many cases have been conceded by Trafford Council before a tribunal in 2017?
- For those unresolved or not conceded, how many cases go through to a full tribunal in 2017?
- How many of those cases are heard by the Tribunal as 'paper' cases?
- How many of those cases heard by the Tribunal are represented by a barrister on behalf of Trafford Council?
- How much money does it cost the LA for each full tribunal case?

Panel Decisions

Parent carers repeatedly raise their concern about the TAP (Trafford Assessment Panel) and MAR (Moderation Resource Panel) panels and the major delays they are experiencing in either getting a decision about whether to assess, a decision to issue a plan and agreement to support provision or educational provision. The TAP decision making process, as it generally is around whether or not to access, can be done without a major panel meeting, we are sure that the EHC Manager and her Senior Co-ordinators can determine whether a referral could go through to assessment based on the legal test, which will speed up the process for families.

Parent carers have expressed concern that there are no formal panel meeting minutes or formal notes taken. Parent carers have been told that main actions and the final decision is noted but not readily available to them. Parent carers have also expressed concerns how the new General Data Protection

Regulations (GDPR) fits in around these panels, has it been discussed and is there a sound procedure, and how is then communicated to parent carers.

Parent carers who have had a refusal to assess are highlighting to us that on receipt of a decision letter, are not receiving clear reasons for the refusal, which is leaving them very much in the dark and confused. This is having a detrimental impact on a child's on-going support needs and on parent carer's health and wellbeing.

Information, Support and Documents

Information and documents on the Local Offer around EHCP's and those documents used by school staff and parent carers differ from family to family. There appears an inconsistency across the borough and therefore leaves parent carers feeling they are receiving an inadequate service in comparison to other parent carers they know who would seem to be have a smoother journey through the referral, assessment and review processes.

Also, those parent carers who are able to keep themselves well informed about SEND developments and SEND services express that they feel they have had a slightly better experience primarily because they feel much more aware of the processes and the legislation. Parent Carers inform us that letters from the local authority notifying them of their right of appeals can be very different, with very important information often missing.

The number of parent carers who had the support of TPYPPS since September 2014 has exceeded 850 and Independent Support project September 2014 until July 2018 has been over 500, and those parent carers accessing information/workshops (sometimes attendance more than once) from TPF since 2014 has exceeded 800.

Parent carers continually comment that access to this independent information, advice and support is invaluable to them with parent carers citing these services as exemplary, supportive, committed, lifesaving, a reassuring one point of contact. With the closure of the Independent Support project on the 31st July, parent carers are concerned that TPYPPS which is already working at capacity, will be over-subscribed and understaffed.

The Forum is trialling a parent carer peer to peer/expert by experience one to one support network providing low level support, working with our IASS (TPYPPS) to identify families most in need. The type of support the peer to peer supporters will accompanying parent carers to meetings as a friend or take notes for them at meetings, help parent carer with paperwork, chat, coffee and cake. The Forum also has used Facebook as a 24/7 support platform for parents with our Closed Facebook Group which is moderated by the forum but parent carers lead the support for each other. However, the ongoing project would require further funding something which the Forum is looking into.

Quality and Content of Plans

There has always been a significant variance between good and bad quality plans in Trafford. Parent Carers tell us that the reason that their child or young person has a good plan is down to them re-writing the plan themselves or luck in whoever you get as your co-ordinator. Those Parent Carers who are not so "lucky" consistently report to us:

- Plans are often 'cut and pasted' with frequent grammatical errors or another child's name.
- No apparent quality control or mark of quality control; Senior Co-ordinators or EHC Co-ordinators signing final EHCP's in the signatory box marked for EHC Manager.
- No consistency in the layout of plans and forms
- The version control of plans are sometimes confusing for parent carers, schools and the co-ordinators themselves.

- Plans being held on individual co-ordinators laptops; which means if they leave or are off on long term sick leave quite often other staff cannot get access to the EHCP.
- Plans are reported as not being SMART (specific, measurable, achievable, relevant, time-bound) for example writing in Section E of an EHCP that “Jonny will be able to ride a bike” is not time-bound or that “Jonny will be able to hold a conversation by the time he is 25” is not specific or measurable. Some parent carers have expressed the opportunity be given to them to share with you their child or young person’s plan so that you may see a sample of plans issued.
- Parent Carers report that in the lead up to the final issue date for the transfer of Statement of Education to an EHCP, that Co-ordinators were telling parents that they needed to finalise the plan and that they could make further changes by calling a review after the plan had been issued before 31st March 2014.
- Parent Carers report that their final EHCP had a significantly different date marked on the plan than that date that it was issued by email and typically, before the transfer deadline.

These issues are frequently mentioned by different parent carers to the Forum Team at our events, and on-line, and parent carers are extremely critical about the statement made by the local authority that they had met the deadline for transfers from Statement of Education to EHCP, some saying that it was weeks after before they received a final plan.

Providing quality plans should not be down to ‘luck’ or a ‘postcode lottery’, parent carers experience should be consistent every time.

Timeliness of EHCPs

Parent carers are still exasperated by the length of time it takes to complete draft plans and issuing final plans. Many parent carers are concerned that the multi-agency approach, Education, Health and Social Care is not as cohesive as the reforms intended. One of the obstacles for the EHC team to issue timely plans is due to the difficulty they face in receiving feedback or reports from Health and Social Care; though the latter is a persistent offender. The forum would like you to consider sampling the journey of an EHCP from its first referral through to the final stage wherever that may take you, scrutinising all aspects of the process, it may need to be done a couple of times. The forum is confident that seeing the process in action would be incredibly insightful for both the new Administration, the Scrutiny Committee and useful as a review tool for the EHC Team.

HIGH NEEDS BLOCK FUNDING AND SEND FUNDING CUTS

The Forum has been aware since February 2018 of the major school funding crisis for Trafford in particular the High Needs Block Funding. Whilst the local authority has attempted to respond to some of our questions and respectfully minuted the forums disappointment at a SEND Board meeting when it announced the shortfalls faced by SEND in Trafford earlier this year. The Forum did respond to the Executive Councils funding proposal outlined in July 2018. The Forum’s response was very clear, parent carers, children and young people with SEND do not have the time to ‘wait and see’ the impact on their lives and it is wholly unfair to make them do so! The Forum stated very clearly that parent carers WILL challenge any cuts to the High Needs Block Funding and the LA should be mindful of this.

The Forum prides itself on the genuine and respectful relationship we have with Trafford Council, and as we have emphasised frequently, we see our role as a critical friend. As a critical friend, we are committed to encouraging and being supportive towards the council in an honest and candid way which may make for awkward conversations sometimes, we understand the pressures the council faces and have always expressed willingness to receive a more detailed analysis of how the council intends to balance the High Needs Block Funding. Equally, we are here to support the collective voice of parent carers in Trafford and as such, we will be supporting any parent carer group who wishes to legally challenge Trafford Council on SEND funding cuts. The forum cannot support any such cuts to our SEND community.

The Forum has received an invitation from Karen Samples Director of Education to join other key stakeholders at an initial discussion meeting around High Needs Block Funding and the difficult situation faced by Trafford Council on 12th December 2018, the Forum welcomes this move.

Trafford parent carers have already been given some information and were updated by the forum on the SEND funding cuts at our last information event and there are a significant number of parent carer seeking out more information, understandably! These cuts will affect every family with a child or young person with SEND (EHCP and SEN Support). The Forum is committed to ensure that the voice of parent carers is heard and we will continue to update families on the funding situation in Trafford.

The forum would like to share with the Scrutiny Committee their major concerns that Trafford will be forced to do:

- Apply local policy and override the law; in particular ignoring the legal test for conducting an EHC needs assessment as set out in s. 36 Children's and Families Act 2014.
- Trafford Council may attempt to offer additional funding levels allocated through a SEND Support plan, whilst this would suggest that an EHCP was not necessary, it would question whether families would receive the same benefit of others who already have an EHCP. This would be a different test than required by law s. 37(1) Children's and Families Act 2014; an LA must issue an EHCP if following an EHC needs assessment, it is necessary for provision to be made through an EHC plan.
- Trafford will use an unlawful blanket 'banding' policy related to resource and not needs driven.
- Trafford Council may assume that a child or young person who needs more than £15,000 funding, their needs would be best met in a special school (which operates a different funding model). A child or young person cannot be excluded from mainstream school simply because of financial cost of their needs under S. 38(2) (b) Children's and Families Act 2014 choice of school is that of the parent or young person, and the right to a mainstream school.

THERAPY SERVICES

- Healthy Young Minds
- Speech and Language Therapy Services
- Sensory OT
- OT
- Visual/hearing Impairment Services

The forum continuously receives comments and concerns about all of these service areas.

- Parent carers report a high turnover of staff or no replacement for those professionals who leave.
- In some cases over a two year waiting time after the first referral has been sent through before they have been seen by a suitable professional qualified to make an assessment.
- Difficulty in receiving reports for the EHCP process.
- Inappropriately trained staff.
- Lack of communication with families
- Attempts to hastily discharge children and young people sooner than is necessary.
- Overworked service so is only working on 'Crisis' mode and not looking at positive ways for early intervention support.
- Speech and Language Therapy Service never having any specialism/experience of deaf children and young people in Trafford.
- Direct speech and language therapy all but disappeared within mainstream school and in some instances special schools, with the preferred method of co-ordinating support to school resources (i.e. Teaching Assistants).
- More recently the temporary removal of Specialist School Community Paediatrician clinics.

Again the list is not exhaustive and just scratches the surface of the endemic experiences that families with children and young people are being faced with in Trafford. More recently there has been an interest from services to find out about the concerns and issues faced by families but the Forum would appreciate that all of these services are continually scrutinised and a review report of the council's findings shared with parent carers. The Forum would like to see the voices and involvement of parent carers, children and young people at the very heart of the action planning stages.

TRANSITION FROM CHILDREN SERVICES TO ADULT SERVICES

This is an area of major priority, and one which must not be let to wander into the local policy abyss as there are many services connected to this. The experiences of families is an awful tale of being left on the edge of a precipice, with no support and no direction! The local authority already admit that this is a huge problem for the council, young people with SEND and their families in Trafford, and it is an agenda item on the Transition Board.

The forum is working with LA officers to find a way of capturing feedback through a parent carer/young person journey mapping evaluation, and to play a major role in the influence of change required to give families a more cohesive and positive experience, whilst ensuring that the right services are in place at that transition point and beyond into adult life. The forum would like assurances that this will be a priority for the new Administration too, and the commitment to ensure that parent carers and young people will be at the very heart of changes that are desperately needed.

CO-PRODUCTION AND IMPLEMENTATING CULTURAL CHANGE

Whilst co-production has been one of the main stalwarts to come out of the SEND Code of Practice, it has been the most difficult to impart. Co-production is not just another way of engagement, it is a whole cultural change that has to be guided and nurtured from the top, and everyone takes ownership of the journey ahead.

It is not just an attitude change, it is the openness and willingness to work towards embedding collaborative working into the very fabric of the Councils function. We know there are no quick fixes here since first talking about co-production with LA officers back in 2013. The 'Whole Trafford' approach to co-production is not only about the LA but our Health and Social Care partners too, and any other key stakeholder in SEND in Trafford. This will be a huge challenge at all levels and working towards a clear workable guidance document and a signed commitment charter to working collaboratively will be the start of the journey.

CONCLUSION

To summarise, the experience of parent carers, children and young people with SEND in Trafford varies immensely right across the board of Education, Health and Social Care. The Forum is not referring the differences in support level because those support needs are individualised, but the delivery of services, the whole journey experience for families, the perception for families that getting the right support for the child or young person is going to be an almighty battle, feeling that they are being set up to fail, and feeling that their child or young person is seen merely as a financial inconvenience.

The Forum identifies that there has not been any move to challenge why Trafford parent carers, children and young people with SEND are feeling this way, which is why the forum would welcome another local SEND review similar to that conducted back in 2012, with a clear objective, measurable and demonstrated positive outcomes, with parent carers, children and young people as equal partners in the process.

