

## **TRAFFORD COUNCIL**

**Report to:** Scrutiny Committee  
**Date:** 22 March 2017  
**Report for:** Approval  
**Report of:** Scrutiny Committee Task & Finish Group: Review of the Education, Health & Care Plan Process

### **Report Title**

Scrutiny Committee Task & Finish Group Review into the Education, Health & Care Plan (EHCP) Process in Trafford.

### **Purpose**

With the introduction of the Children and Families Act of September 2014, children and young people (who require them) are now provided with an Education, Health and Care Plan (EHCP) instead of a Statement of Special Educational Needs (SEN). Anyone with an existing Statement of SEN must begin the 'Transition' to an EHCP and the duty is with the local authority to complete this process by 1<sup>st</sup> April 2018.

Following a number of issues encountered during the 2015/16 academic year when the new processes were introduced, Members agreed to undertake a review of the EHCP process and how it operates in Trafford.

### **Recommendations**

That the recommendations set out below be endorsed by the Scrutiny Committee for referral to the Executive:

Recommendation 1 – That the Executive support the EHCP Manager's team restructure proposals in section 9 of the report, including authorising the additional administrative assistant positions requested.

Recommendation 2 – That the working relationship between the Council and Trafford Parents Forum be championed and encouraged.

Recommendation 3 – That applicants be provided with as much information as possible at the start of the EHCP process, including the options available to them in relation to education (see section 8 of the report).

Recommendation 4 – That the Executive support the scheme of adopting SENCO Champions to encourage good practice in schools.

Recommendation 5 – That the Executive support the proposals to amend the EHCP funding structure, ensuring that the service’s budget is managed in the most efficient way possible.

Contact person for access to background papers and further information:

Name: Chris Gaffey

Extension: 2019

## **1. Background**

With the introduction of the Children and Families Act of September 2014, children and young people (who require them) are now provided with an Education, Health and Care Plan (EHCP) instead of a Statement of Special Educational Needs (SEN). Anyone with an existing Statement of SEN must begin the 'Transition' to an EHCP and the duty is with the local authority to complete this process by 1<sup>st</sup> April 2018.

The parent or anyone involved with the child can choose to apply for an EHC Needs Assessment, and all requests are considered by the Trafford Assessment Panel. If the panel decides to start an EHC Needs Assessment, a named EHC Coordinator is assigned to support and guide the child or young person and parent through the process, which includes a series of discussions, observations and assessments over a 12 week period. If a request for an EHC Plan is accepted, the final Plan should be issued within 20 weeks of the original request being received.

Following the introduction of the new system for the 2015/16 academic year, a number of issues and complaints were raised by service users. In July 2016, the Scrutiny Committee agreed to conduct a review of the EHCP process in an attempt to understand and make recommendations to resolve the concerns that had been raised.

## **2. Review Approach**

Members set out to have a better understanding of the process, and requested a meeting with Senior Officers to learn more. Members were also keen to meet with service users to hear about their experiences with the new system. The overall aim was to produce a report with the group's findings and recommendations to the Executive on how they believe the service could be supported. These are set out in the report.

## **3. Terms of Reference**

The terms of reference for the review was

To undertake a review of the Education, Health & Care Plan (EHCP) Service, ensuring the issues encountered during the 2015/16 academic year are resolved and that robust processes are in place to ensure that a good service is provided going forward.

## **4. Membership of the Scrutiny Task and Finish Group**

The review was carried out by

Councilors: K. Carter, R. Bowker, M. Cordingley, Mrs. P. Dixon, J. Harding and M. Young.

Co-Opted Member for Education Matters: Ms. Saadia Khan.

## **5. The EHCP Process**

There are three different strands of the EHCP process:

## EHC Needs Assessments

- New applications for an EHC Plan
- The process takes 20 weeks to complete
- 6 month wait to reapply for a plan (if rejected) in line with the national statutory guidance

## EHC Annual Reviews

- All current EHC Plans need to be reviewed and amended accordingly on an annual basis
- The Annual Review is a statutory requirement
- The Annual Review is shorter than a full application, lasting 14 weeks in total (the first 6 weeks is the 'Presentation Stage', with the actual assessment lasting 8 weeks after this)

## EHC Transfers

- Children / young persons with a Statement of SEN need to be transferred to the new EHC System
- The process takes 20 weeks to complete

## **6. Introduction of the new legislation and the resulting issues encountered during the 2015/16 academic year**

Under the new process, the EHCP Team confirmed that they encountered several issues. It was found that:

- There were issues with incomplete forms and information for all three strands
- The system in place at the time to capture the required information was substandard, which meant that a lot of resource was used to chase missing information, causing delays
- Schools had not fully understood what was expected of them and did not contribute in the ways that the service had hoped
- The writing of the EHCPs was initially outsourced, something that several Local Authorities had done nationally, however it was felt that the quality of the Plans would be of a better standard when done locally and were brought back in house
- It was nationally recognised that the timescale set were difficult to achieve

The service recognised there had been failings initially, however new processes are now in place and many of the issues have been resolved.

The Group feel that the Council was caught by surprise by these substantial changes, and that proper precautions had not been taken to ensure a smooth transition to the new system. The outsourcing of the writing of the EHCPs involved the sharing of confidential information about the families without their permission. When this came to light, some of the families found this extremely distressing. It was also extremely expensive for the Authority. The Group are pleased that this practice has ended, and the writing of the EHC Plans is now done by Trafford's EHCP Team.

## **7. Steps taken to address these issues**

In April 2016, a new EHCP Manager for Trafford was appointed. In September 2016, the Group met with the new EHCP Manager, the Interim Corporate Director, Children, Families and Wellbeing, and the Head of Service for Access and Inclusion to discuss their concerns. The Officers acknowledged that there had been issues when introducing the new process initially; however new and robust processes were now in place to ensure this would not happen going forward. Over the last year, the following actions have been undertaken:

- A new team structure is now in place and the Council have recruited well
- A mapping exercise was completed to map the whole system and process
- A full timetable has been created to ensure that the assessments, reviews and transfers are correctly managed and tracked (Appendix 1)
- New forms have been created for all three strands to ensure the correct information is being captured first time
- There is now a greater emphasis on coproduction with parents
- New ways for service users to contact the team have been introduced, making it easier for parents to raise any concerns they might have
- Training has been provided at all levels, and will be ongoing to ensure the new processes are embedded

## **8. Service User Experiences**

In January 2017, the Group met with several parents with varying experiences who had agreed to provide their views on the process of applying for / transferring to an EHCP. The Director of the Trafford's Parents Forum was also in attendance.

Several of parents had entered the process during the 2015/16 academic year, and most of these experiences confirmed the issues that were raised at that time. It was clear that some cases were not dealt with at the level of service the Council would expect to provide, and legitimate concerns about staff continuity and delays in issuing the Plans were raised. Members also felt that an important connection between the Council and the Trafford Parents Forum had been diluted, and recommended that both organisations work closer together going forward. Parents also raised their concerns about the outsourcing of the writing of the Plans, and felt that this was an error on the part of the Council.

Following the meeting with parents, the Group had the following observations / recommendations:

- If it is not already standard practice, all documentation relating to EHCPs should be provided to applicants in their initial pack. Although it is understood that all information is available on the Local Offer page of the Trafford Directory, the Group feel that as much information as possible should be provided directly to applicants as standard.
- The Group feels that there should be more information provided to parents on what the child or young person is eligible for in relation to education before they make an application. At present, parents are not sure what to apply for – Members feel that more transparency in this area would make the process less stressful for parents.

- Members feel that the system shouldn't be reliant on parents having to raise issues in order to obtain the services they want.

## 9. Current Situation

The Service recognises that there is still work to be done, but feel that the positive direction of travel demonstrates that the service has improved dramatically and will continue to do so. Following the new EHCP Manager's appointment in April 2016, a monitoring system was introduced to log parents' questions, queries and concerns (these are not formal complaints). As the table below demonstrates, the number of these queries has reduced substantially. April 2016 saw 19 queries raised, with only 3 raised in January 2017. Out of 39 queries raised since April 2016, only 3 were ongoing at the end of January 2017.

Month	No of Issues Raised	No of Issues Resolved	No of Issues Still Active
Apr-16	19	7	12
May-16	8	5	15
Jun-16	1	2	14
Jul-16	1	4	11
Aug-16	0	0	11
Sep-16	1	3	9
Oct-16	3	4	8
Nov-16	3	2	9
Dec-16	0	7	2
Jan-17	3	2	3
<b>Total</b>	<b>39</b>	<b>36</b>	<b>3</b>

The above figures should also be considered in the context that, at the end of February 2017, there were approximately 1500 children or young people with an EHC Plan or were going through one of the three different strands of the process.

In addition to the queries raised, the service has received 36 compliments from parents between September 2016 and January 2017.

It is also clear from the below that service delivery has improved significantly over the past year.

Year 6 completion in time for 15<sup>th</sup> February 2016 = 25%

Year 6 completion in time for 15<sup>th</sup> February 2017 = 80 %

Year 11 completion in time for 31<sup>st</sup> March 2016 = 0%

Year 11 completion in time for 31<sup>st</sup> March 2017 = projected 60% (currently at 25%)

Year 12/13 Transfers – 100% completed by March 2017 as requested by DFE

### New Team Structure

The team has now been split into two phases:

Phase One: 0 - 14 years old

Phase Two: 15 - 25 years old

The EHCP Manager has a deputy responsible for each phase, both of which provide the Manger with regular progress updates. Every EHC Plan is reviewed by the deputies and the manager to ensure adequate scrutiny is undertaken before they are signed off.

The service has recently filled the one vacant position on the EHCP Team (this person is expected to start in in April 2017), which means they will have a full complement of staff for the first time since April 2016. The team's staff are currently on temporary contracts. The EHCP Manager stressed the importance of administrative support – the team currently operates with one general admin assistant, and one financial admin assistant, who are responsible for all of the team's administrative duties.

Members were keen to know the EHCP Manager's views on what was required in the team's structure to ensure that the service is effective going forward. The EHCP Manager suggested the following:

- That the current positions be changed from temporary posts to be permanent posts
- Raising the amount of administrative support posts from two to four - two for each phase, which would ensure that the EHCP Co-ordinators could focus entirely on the work of co-ordinating the plans themselves.

The Group strongly support these suggestions and would ask that the Executive take them into consideration.

### Co-Production

A bigger emphasis is now put on ensuring that parents are an integral part of the process, with co-production championed. Some service users felt that there was not enough emphasis on this when the new system was introduced.

### Funding Restructure

The service's Senior Officers, in conjunction with the EHCP Manager, are currently considering a revised funding structure of the EHC Plans to be more specific. Under the current structure they feel that the funding bands are too wide, meaning some plans might receive more funding than required, with others not receiving enough. Under the new structure, the introduction of more funding bands with a narrower range would allow this to be more focused. This would make the funding more accurate and efficient, leading to a better management of the service's budget. It was suggested that the revaluating of the funding for current EHPs could be done at the EHCP review stage, meaning the additional work would be kept to a minimum.

### SENCO Champions

A better understanding of the EHCP process and when referrals should be made is required by schools in the borough. Trafford is currently above the assessing average, meaning we are receiving a relatively high number of EHCP Assessment referrals for cases that could be dealt with by the school and their resources.

The EHCP Manager has suggested introducing a system of appointing 'SENCO Champions', who would be responsible for cascading the correct information out to schools, as well as assisting with the completing of application forms and other procedural queries. They would be invited to take part in the scheme on a voluntary basis, provided training, and would then advise schools on the correct processes. It is important that schools understand the criteria for referring a case to the EHCP Team. Reducing the amount of incorrect referrals will help the service run more efficiently and enable them to focus their resources effectively.

## **10. Risks to be monitored**

The new legislation means that the scope of the EHCP has gone from 5-16 year olds (under the old SEN system), to cover children and young people between the ages of 0-25. Although the 0-5 cohort will be relatively small, they could be part of the system until they are 25 meaning a much longer period of required support. Also, the 16-25 cohort will continue to grow year on year as more young people transition beyond the age of 16 –under previous legislation they would have ended their journey through the SEN system at this point. No new funding has been provided to account for these additional persons that the Local Authority is required to assist.

## **11. Ensuring that the progress that has already been made continues**

The Group are satisfied that considerable progress has been made since the issues encountered during the 2015/16 academic year, and are keen to ensure that the changes made over the 9 months remain embedded and that progress continues to be made. The Group would like to make the following recommendations:

Recommendation 1 – That the Executive support the EHCP Manager's team restructure proposals in section 9 of the report, including authorising the additional administrative assistant positions requested.

Recommendation 2 – That the working relationship between the Council and Trafford Parents Forum be championed and encouraged.

Recommendation 3 – That applicants be provided with as much information as possible at the start of the EHCP process, including the options available to them in relation to education (see section 8 of the report).

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Recommendation 5 – That the Executive support the proposals to amend the EHCP funding structure, ensuring that the service's budget is managed in the most efficient way possible.

## **12. Summary**

There is no question that serious issues were encountered in the early stages of adopting the new EHCP system, demonstrated by the concerns raised by parents when going through the process during the 2015/16 academic year. However, Members are confident that the service has improved dramatically over the last year and that the direction of travel is now positive. The new leadership, structure and



processes give the Group confidence that the issues encountered are on the way to being resolved. The Group would urge the Executive to consider the above recommendations and provide the service its full support to ensure that the recent changes are embedded, and the service improved as a result.