

Our reference SUR098993

Action: The Council should review its procedures for how it arranges and monitors delivery of provisions in the EHC Plans of its children and young people that it is under a non delegable duty to ensure are provided. This should ensure that provision within a plan is put in place in a timely way after a plan is finalised and a clear process for the Council to monitor this thereafter.

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This review will consider both the arranging of support at the time of issuing a plan and also the review of arrangements.

#### Arranging provision at the time of issuing a plan-

When a final plan is issued to a child it will be pertinent if a child is currently in a setting or not.

It is the expectation of the Local Authority that where a child can be in an educational setting this should be enabled wherever possible

If the child or young person is in a setting the local authority liaises with the setting and provides a level of support in order for the setting to be able to deliver the provision as specified in the EHCP through IPSB or EIF. The setting will be aware of the level of provision required as detailed in the EHCP and will make the necessary arrangements for the plan to be enacted. At this time, and within 15 days of the plan being issued, the setting should make representation to the authority if there are elements of the provision which are of concern. Any considerations will then be provided to the authority's Education Health and Care Plan Governance Board (EGB) for consideration by the multi disciplinary panel. A decision from the panel will be provided to the setting within 5 working days of the panel taking place in order for the setting to put in place the appropriate provision. A meeting with senior officials from the SEND department will then be offered to the setting to establish how all elements of the provision will be secured.

Where a child is not in a setting and where the family have not elected to make alternative arrangements such as Electively Home Educating their child, the authority may have responsibility for delivery of education as well as securing special educational provision that will meet needs as outlined in the plan. Where this is specified in section I, delivery may be through an EOTAS (Education Other Than At School) package of support. This can be considered alongside the published personal budget policy, dependent on how the family wishes to proceed at this point. Independent advice is available at this time to the family through the surrey SILC services - [Surrey Independent Living Charity \(SILC\) \(surreyilc.org.uk\)](http://surreyilc.org.uk)

Where delivery cannot be provided by Surrey's currently commissioned services the Local Authority will then establish how these services can be provided to meet the provision as detailed in the plan using independent or alternative providers. Capacity for providing securing independent providers is a increasing concern. We maintain

an extensive Alternative Provision Directory for officers to determine providers and liaise with families to secure quality assured special education provision.

The aim for all provision should be, where possible for a child to be educated within a setting. Any deviation from this should be for the shortest possible time and with a plan of reintegration in place.

Families may use the personal budget process to secure provision in collaboration with local authority officers.

### Monitoring provision

The review of a child's engagement in learning is an essential part of the annual review process. The statutory review takes place at least annually and an interim review can also be called, if it is necessary to review the child's support package more frequently. This review can be called by the child, or at the request of the parent or school. In Surrey, we have incorporated our review and the monitoring of the non-delegable duty to ensure education is provided into the annual review process.

Surrey annual review template documents have recently been updated, along with revised guidance for practitioners. In order to complete this task, a working group was established, the membership of which included SCC SEN Case Officers, SCC SEN Senior Case Managers, SCC SEN Officers, School SENCOs, Family Voice Surrey (parent carer forum) members, and representatives from Surrey Virtual School.

The working group developed new annual review documentation to strengthen the following within the templates:

- Enabling the young person's voice to be captured.
- Reviewing and updating the needs, outcomes and provision detailed in the EHCP.
- Clearly identifying whether provision is or is not being delivered and enabling this to be recorded clearly.

The updated guidance for SENCOs and practitioners now includes the instructions below, which set out how information about provision not being delivered should be recorded.

**'Section 42 Children and Families Act 2014: Duty to secure special educational provision and health care provision in accordance with EHC Plan. All provision set out on the EHC Plan should be in place and delivered unless there is a clear rationale for this, for example, it is no longer required. If provision is not being delivered please identify this in this section. This would include any provision in Section F, C or G of the EHCP including SLT, OT and Health not only education. Please give a clear explanation or rationale as to why the provision is not being delivered. For example 'CYP's needs have changed and this provision is no longer required as outlined in the SLT report XX has been discharged as of xxxxxx'**

Following the review where this is not apparent the further actions will now be taken by the school:

- A conversation will be held with the SEND service and the case officer in the first instance to establish what additional education is required to meet the duty to provide a suitable education.
- If a part time timetable is in place the inclusion services will ensure that the school have parental consent and that this arrangement is time bonded.
- If the school do not feel that the full entitlement is being provided the responsibility would be for them to inform the SEND team and an interim annual review would need to be convened.

Where a child is not in school:

- The SEND case officer or Senior Case Manager (SCM) will discuss the provision with the allocated provider
- If provided through A2E, the local authority's service for children who are out of school, reports will be provided as part of the annual/interim review process

If the provider is employed by the family and commissioned directly:

- The local authority will discuss this at the annual/interim review as above and advise accordingly on a case by case basis

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