

CABINET – 30 MAY 2023**PROCEDURAL MATTERS**

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Public Questions:**Question (1): Ellen Nicholson**

The care facility 'Hearthside Care Home' located on Coley Avenue in Mount Hermon ward, Woking has now closed. As a Surrey County Council owned facility, can you inform me as one of the Borough councillors for the ward, of proposed plans for the site and likely timeframes for any changes to the site. Also whether there will be any proposed consultation for a change of use to the site with the residents and councillors in the nearby locality.

Reply:

Surrey County Council are currently undertaking feasibility for the development of the site for alternative council service use. It is anticipated this will be concluded by autumn 2023, after which consultation on any future plans would commence.

Mark Nuti
Cabinet Member for Adults and Health
30 May 2023

Question (2): Malcolm Robertson

How much waste was burnt by the Charlton Lane gasifier during the course of 2022?

Reply:

For the period 1 January 2022 to 31 December 2022, 27,036 tonnes of prepared refuse derived fuel were gasified. This includes a period when the gasifier was still undergoing testing prior to the issue of the Acceptance Certificate on 9 March 2022 and a further planned outage period from 24 June to 9 August 2022.

Natalie Bramhall
Cabinet Member for Property and Waste
30 May 2023

Question (3): Anna Sutherland

As you know, hundreds of Surrey families who have children with special educational needs and disabilities submit appeals to the Independent SEND Tribunal each year (in 2022, 620 applications against Surrey Council were submitted).

The number of SEND appeals per appealable decision is far higher in Surrey than the national average (in 2022, the mean national average for LAs was 1.6%, and Surrey had 4.6%).

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In addition, for the financial year 2022 to 2023, Surrey Council had to pay out £182,342.76 to families as complaint related financial remedies regarding both SEND Education and mainstream education provision.

The cost to Surrey of the SEND tribunals was £376,000 in the 2022/2023 financial year. These figures all point to the fact that while of course Surrey is getting the SEND/EHCP process right for many, many families, mistakes are still being made which have serious negative consequences for the affected children and their families.

A newly qualified city lawyer starts on £65k. So you could get an NQ to 3 years qualified lawyer for around £40k, given the job is outside of London, is likely to have good benefits and is likely to be 9 to 5.

This being the case, my question is:

Why doesn't Surrey appoint a lawyer, to ensure absolutely consistent legal compliance at the SEND decision making panel meetings? The judge at the SEND Tribunal hearings finds in favour of the families in the majority of cases, so it is evidently, incontrovertibly true that at present, these panel meetings are not always making decisions which align with the SEND regulations. Maybe this would significantly reduce the cost to the council of the financial remedies and tribunal process, and would help Surrey to make sure even more children with SEND get the right support at the right time?

Reply:

Officers work hard to ensure that children with Education Health and Care Plans (EHCPs) are receiving the right support and to avoid families needing to appeal to the first-tier tribunal, however we recognise that parents and carers may not always be in agreement with the decisions the Local Authority makes. When there is a disagreement about a decision that has been made, parents have the right to appeal. This does not mean however, that the decisions made by the Local Authority are not legally compliant.

In Surrey, there are a number of SEN decision-making panels. These panels are multiagency and are attended by a wide number of professionals to ensure that there is robust discussion and careful consideration of the issues before a decision is made. All decisions are based on the assessment of the evidence available. Panel members include senior managers with SEN expertise who will have knowledge of the relevant legislation on which decisions are made.

There were 620 appeals in Surrey during the 2022 calendar year. This is in line with the national increased rate of appeals. Nationally, the tribunal is in receipt of an average of 300 new appeals being registered each day, with only 12 salaried Judges in post, which highlights the pressures on the system as a whole.

When forecasting the tribunal numbers in Surrey for 2023, it is anticipated that if appeals continue to be registered against Surrey at their present rate there would be a reduction in appeal numbers in 2023.

Tribunal cases can change over time, and it is commonplace for new evidence to be submitted by both parties as part of this process, which would not have been available to the Local Authority at the time a decision was initially made. The presentation and consideration of this new evidence does not mean that the decision made by the Local Authority was not legally compliant. Surrey Tribunal Officers are trained and experienced in presenting cases to the tribunal. They work closely with the SEN teams to consider the evidence and the decision that has been made. Legal advice is sought from the Council legal team, where necessary.

Where possible, we try to resolve disagreements through mediation and only those cases where this has not been possible go through to a full tribunal hearing. 41% of cases were resolved via mediation.

This may be, for example, where a parent would like their child to be placed at a particular school, perhaps an independent specialist school outside of the county, however the Council are able to offer an alternative specialist school placement which is closer to home and can meet all of the child's special educational needs. In this case, the Council would be required to set out the placement that they are able to offer in order to demonstrate effective use of public funds. Tribunal Officers will be required to set out clearly the rationale on which any decisions have been made, as part of a tribunal hearing.

Clare Curran
Cabinet Member for Education and Learning
30 May 2023

Question (4): Louise Gannon

Surrey have an extremely high turn over of SEN case workers. Do you feel this high turn over of staff has contributed towards SEN failings within Surrey CC and the vast amount of money having to be paid out to compensate & what are you doing to do to resolve this ongoing problem?

Reply:

Children with additional needs and disabilities receive support across education, health, and social care and for most children Ordinarily Available Provision meets their needs. However, for children with complex needs, a plan of education, care and health is required which sets out a child's needs, the provision necessary to meet needs and anticipated outcomes because of the provision stipulated in the plan. These plans are known as Education Health and Care Plans (EHCPs), and they are issued following a multiagency statutory assessment process which is coordinated by Surrey County Council's SEND service.

The SEND service is responsible for the coordination of the EHC needs assessment and annual review process and aims to provide children, young people and families, schools and other stakeholders with a timely and informed experience of the statutory SEND system. Children and young people are at the centre of the work of the service, and they work, through coproduction, to put measures in place so that children can achieve their outcomes.

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The SEND service is delivered through four quadrant teams and Case Officers are the key workers coordinating the statutory assessment and annual review process.

Nationally, SEND services tend to experience high case officer staff turnover as the roles can often lead to promotion opportunities and there is competition between local authorities to recruit skilled and experienced staff. In Surrey, this has been recognised and a number of approaches have been put in place to mitigate the impact of turnover on statutory work and to retain staff.

Mitigation of the impact of staff turnover has included a centralised approach to recruitment which means that all the teams have a regular opportunity to appoint staff from the central pool. There have also been measures established to ensure that the children and young people who need support are able to access a Case Officer by way of a 'duty system' to address gaps where it has not been possible to allocate a named Case Officer. The use of agency staff on an interim basis has been enabled to ensure that statutory duties are covered. In addition, an increase in the total number of case officers, senior case officers and their support staff has recently been agreed in order to reduce overall caseloads to a level in keeping with regional benchmarks and ensure support is in place for induction and supervision.

Staff retention has been supported through a focus on the training and development of Case Officers. By providing enhanced training opportunities together with an emphasis on supervision, our aim is to reduce turnover and increase staff stability.

While capacity has been enhanced and the SEND service is stabilising, we acknowledge that timely and proactive communication with schools and parents is not as we would like it to be. This has not always supported early dispute resolution and has resulted in higher levels of complaints.

An end-to-end review of the SEND systems and procedures is currently underway as part of a continuous service improvement cycle which will review the SEND systems, processes, the SEND organisational structure and staffing resources.

Our expectation is that the systems review, together with the recruitment and training measures now in place, will support the proposed proactive communication model by way of an early resolution approach. This in turn should result in an improved service to families and a reduction of complaints and escalations.

Clare Curran
Cabinet Member for Education and Learning
30 May 2023

Question (5): Ralph Barber

Do you think that the Surrey County Council SEN department are doing a good job and how do they plan to rectify the current failings within the system?

Reply:

Surrey County Council's SEND service is part of a much wider SEND system that supports children with additional needs and disabilities in Surrey. This includes schools, colleges and early years settings, health commissioners and health providers, social care and the voluntary sector.

The government's SEND review in 2022, and the subsequent government SEND and Alternative Provision Improvement Plan published in March 2023, acknowledged the significant issues that pervade the SEND system. These frustrate families and put huge pressures on providers and services for children with additional needs. The government's plan for 'right support, right place and right time' for children will be delivered through a new national SEND system that delivers timely, high-quality services and support in mainstream settings, alongside more local state specialist settings, where required.

We fully support the government's intentions, and our partnership Inclusion and Additional Needs Strategy puts the inclusion of children with additional needs in mainstream schools at its heart. Surrey County Council's £180million capital investment is expanding our state-maintained specialist settings, so that more children can be educated in their local school and communities. These improvements to the SEND system, national and local, will take time to reach their full impact but we are already seeing much smoother transitions of children into their next phase of education at key stage transfers.

We do know that there is more to do to support our SEND teams to do their best work for children and families. For instance, staff retention has been supported through a focus on the training and development of Case Officers by providing enhanced training opportunities together with an emphasis on supervision. An end-to-end review of the SEND systems and procedures is currently underway as part of a continuous service improvement cycle which will review the SEND systems, processes, the SEND organisational structure and staffing resources.

Clare Curran
Cabinet Member for Education and Learning
30 May 2023

Question (6): Colin Pugh

Following on from our complaints to your organisation it seems to us parents that your special needs provision is not fit for purpose.

Can we ask you to put in place a quarterly committee of parents and senior management, where families can raise issues on behalf of other families and has teeth that can get those complaints sorted?

Too many parents, and I speak from experience simply get ignored by your handlers managers and directors. They are forced to get irate simply to get their legal rights listened too. This cannot be allowed to continue.

Reply:

We want every child or young person with additional needs and their family to have a positive experience of the SEND system and receive the 'right support at the right time' to enable them to achieve positive outcomes. We are aware that we don't always get it right and when this is the case, we always aim to learn from this and to put in measures that will help us to improve our processes and our practice.

If families are not happy with the services and support they have received, there are a number of ways they can raise issues with us, and we will try to resolve these wherever possible.

The routes to raise concerns include:

- Families are encouraged to raise any concerns directly with their **SEN Case Officer** in the first instance. Contact can be made via telephone or email directly to the Case Officer or to their manager or to the generic SEN team inbox.
- Parents can also make contact via the **Learners Single Point of Access** contact centre on 0300 200 1015 <https://www.surreylocaloffer.org.uk/lspa>
- SEN Managers also make themselves directly available to talk with families about any issues they want to raise via **face to face locality 'drop-in' sessions** which form part of the Additional Needs Service Showcases publicised on the local offer website [Surrey Local Offer](https://www.surreylocaloffer.org.uk).
- Families can access free, impartial SEND-related information advice and support from **SEND Advice** <https://www.sendadvice.surrey.org.uk/>
- In addition to the above routes, if families remain unhappy, the Council operates a two-tier formal complaint process which is managed by the CFLL Customer Relations Team. Information on how to access the complaint process can be found on the Customer Relations Webpage together with the link to the online complaint portal. [Children's social care, education and SEND complaints – Surrey County Council \(surreycc.gov.uk\)](https://www.surreycc.gov.uk/childrens-social-care-education-and-send-complaints)

The suggestion above of regular meetings is already in place via the parent/carer forum. **Family Voice Surrey** is the official parent carer forum, specifically set up to represent the views of parents and carers of children and young people with additional needs. Family Voice Surrey meets regularly with senior managers in the council and in other services across the Additional Needs and Disabilities partnership to ensure that any issues raised on behalf of other families are addressed. Often this is through raising 'Action Cards.' The outcomes of these are published on the Family Voice Surrey website <https://familyvoicesurrey.org/your-voice-matters/> . One of the areas of work that Family Voice Surrey are involved with is the Education Health and Care Plan

(EHCP) Focus group which is ensuring that the views of parents and carers are helping to shape service improvements.

In addition, Surrey Additional Needs and Disabilities Partnership carry out a regular **parent/carers survey** to seek the views of parents. In 2022 there were over 1,000 responses to the parent carer survey. Any concerns raised through survey responses are taken seriously and have helped us to shape our Inclusion and Additional Needs strategy, which identified the priority actions required over the next 3 years to continue our improvement journey.

<https://www.surreylocaloffer.org.uk/practitioners/resources/surrey-inclusion-and-additional-needs-partnership-strategy-2023-to-2026>

Clare Curran
Cabinet Member for Education and Learning
30 May 2023

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