

Children, Families, Lifelong Learning and Culture Select Committee

PUBLIC QUESTIONS AND RESPONSES

4b Public Questions

Question (1) From Amanda Lazenby:

The EHCP Recovery Plan is being hailed as a great success, and whilst I cannot argue that the objective of clearing overdue EP advice has been achieved, I am aware of a growing concern that plans are being issued which are totally unsuitable for the child/young person. The impact of such a plan is that the CYP remains out of education or within a completely wrong setting, where their needs cannot be met. Can you please release the figures relating to the amount of mediation and appeals lodged after issue, both prior to, and during, the EHCP Recovery Plan?

ANSWERED BY: Assistant Director - Inclusion & Additional Needs

RESPONSE: *The EHCP Recovery Plan is being hailed as a great success, and whilst I cannot argue that the objective of clearing overdue EP advice has been achieved, I am aware of a growing concern that plans are being issued which are totally unsuitable for the child/young person. The impact of such a plan is that the CYP remains out of education or within a completely wrong setting, where their needs cannot be met. Can you please release the figures relating to the amount of mediation and appeals lodged after issue, both prior to, and during, the EHCP Recovery Plan?*

Whilst having made incredibly significant progress in improving timescales (since November 2023 when timeliness was at 10%, timeliness for July was 63%) we know that further work is still required to improve the quality of our plans.

Since March 2024, following the clearance of overdue EP advice, we have been able to issue a high number of EHCPs so that we have nearly eliminated the number of overdue EHCNAs.

To complete this work, we have established a SEND recovery team whose work has been closely supervised to maintain our quality standards. There have been occasions where plans have been issued and it has become known that the full information was not available. This has led to around 5% (i.e. 1 in 20) needing revision due to lack of information at the time.

We need to be measuring quality of EHCPs as well as timeliness as the real impact is felt entirely by the CYP and their families when the full picture is not given.

Overall, we have a regular multi-agency auditing process using a nationally recognised tool called "Invision." This enables us to assess the quality of our plans against nationally recognised standards and to provide individual feedback to plan contributors (including health and social work professionals) and plan writers, and to share findings through team events and training to address quality issues.

The main findings from these audits have identified the completeness of the plan, the currency of it (i.e. how up to date it is), ensuring the child and parental voice is heard, as well as setting out clear and measurable outcomes in the plan.

Plan writing often involves synthesising much diverse and varied professional information into a coherent story describing a child’s needs and what additional specialist provision is needed to meet them. It requires a high degree of professional knowledge and understanding, as well as writing skills.

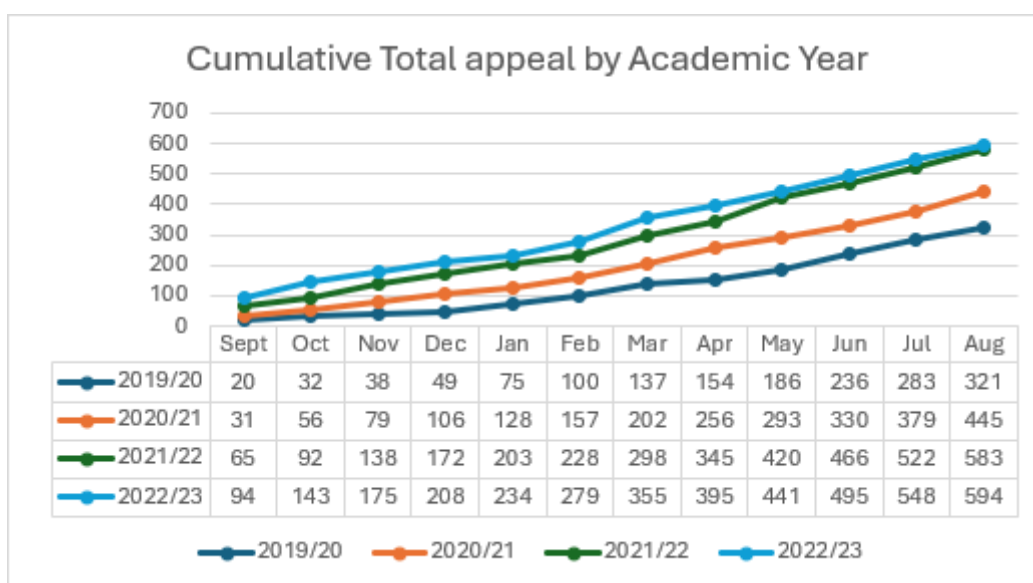
In summary, the quality and consistency of our plans has been affected by a range of factors including staff turnover and stability and, during this period of a significant increase in the number of EHCNA requests and plans (2,635 plans issued so far in the academic year 2023/2024 compared to 1,840 in 2022/2023), overall workload. These issues are being addressed through:

- a staff recruitment, retention, and culture strategy focusing on hard to recruit and retain roles (e.g. educational psychologists and SEND officers),
- additional capacity to address EHCNA capacity and reviews,
- our “end to end review” which will look to “right size” team capacity and ensure our processes and systems are streamlined and efficient and effective,
- training and development for managers and staff relating to improving the quality of plans, and;
- developing a range of early intervention and support services as part of an overall early intervention and support offer to support children without the need for a statutory assessment and plan.

Appeals:

The total number of appeals to SCC has risen by 84% over the last 4 academic years to 2022/23, compared to an average increase nationally of 58%.






There has been a year-on-year increase in SEND appeals lodged with SCC since 2019 (see graph below). SCC received a record high number of appeals in 2022/23, with 594 appeals during the reporting period.



The data for the 2023/4 suggests these numbers have increased further with just over 700 appeals lodged. Whilst a detailed analysis of reasons has yet to be completed, much of the increase relates to the decisions taken not to assess or not to issue a plan

as we seek to meet children’s needs through ordinarily available provision in our schools and other additional early intervention and support services.

For the 2022/3 data the following information sets out the basis for the appeals in Surrey against national data

Type of Appeal	% of total Appeals Nationally	% of total Appeals in Surrey	Comparison
Refusal to Assess	27%	16%	 11%
Refusal to Issue	9%	13%	 4%
Sections relating to Needs (B), description of provision (F), name and type of placement (I)	25%	45%	 20%
name and type of placement (I)	25%	25%	 0%
Cease to Maintain	<1%	<1%	 0%

Mediation data

Between September 22 and July 23 (i.e. in the academic year prior to the recovery plan), **26** parents choose to engage in formal mediation. Between September 2023 and July 2024 (to date), **32** parents choose to go to mediation.

Whilst mediation must be offered before tribunal access is granted, parental success rates at tribunals nationally is over 96% so there can be a disincentive to engage in mediation when there is almost certainty that parents will succeed at tribunal.

By way of an example of an unsuitable EHCP which was issued: a young person who was likely Autistic but undiagnosed due to waiting times (in terms of years), and had not attended school for all of year 11 - in fact could not even leave the home independently as their anxiety was so great. They were issued an EHCP with no placement named, but 'type' given as a 'Further Education College'. So that EHCP could be hailed as a success if issued within the 20-week timescale, and yet it was totally unsuitable for the young person as they could not possibly access the type of setting due to being unable to leave the home.

It is the case that the local authority may issue a plan naming a type of provision while it seeks a placement. This is not to meet a statutory timescale but to enable a child or young person access to other elements of their plan while a placement is sought (for example health provision) and then the EHCP is updated as soon as a place is secure. We do recognise that waiting for a named placement is frustrating and causes children and young people and family’s anxiety but also feel on balance issuing an EHCP as soon as possible is important.

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