

THURSDAY 12 SEPTEMBER 2024

## **THE REPORT OF THE ADDITIONAL NEEDS AND DISABILITIES: PARENT/CARER EXPERIENCE TASK GROUP**

**Purpose of report:** To provide the findings and recommendations of the Additional Needs and Disabilities: Parent/Carer Experience Task Group, which was tasked with considering what changes could improve the Council's support of parents and carers of Children and Young People (CYP) with Additional Needs and Disabilities (AND), and ensure it strives to put families at the centre of the Education, Health and Care Plan (EHCP) process to as far as possible meet the needs of CYP.

### **Executive Summary and Recommendations**

The Select Committee has noted the profound dissatisfaction of some parents and carers with the way in which Surrey County Council (SCC) administers the Education, Health and Care Plan (EHCP) procedure. It set up a task group to understand how SCC supports and communicates with service users, to discover the main themes of complaint, and consider what is best practice and how barriers to this might be overcome.

Primary data was collected through focus groups with 25 parents and carers and triangulated by conducting a survey of Members' AND casework and reviewing complaints and appeals data. There were discussions with young people, SCC case officers, management and caseworkers in the Learners' Single Point of Access (LSPA).

On examining the EHCP process, Members found conflict built into the system, with 'hand-off' points that contribute to communication issues. This results in Member involvement at various stages and a survey of Members showed that poor communication from SCC was a key factor in disputes. Parents and carers who participated in the focus groups, already burdened with child worries, are further stressed by a system they enter into looking for support. A focus group with case officers illustrated the pressures of an individual helping around 200 parents negotiate an excessively complicated system, in a role where the parent expects an advocate while the law expects compliance with a timeline, in an environment lacking sufficient places of the type sought by families. The result can often be emotional overload on both sides.

Seven recommendations endeavour to better support the family in their aim to meet the educational needs of a child with additional needs, by improvement in the following areas: staffing and training, communication, monitoring of timeliness, quality assurance, process, dispute resolution and training in schools.

## **Recommendations**

### **1) Staffing and training**

The AND workforce must be appropriately sized to meet demand and better equipped to cope with the challenges of the role:

- (a) All officers in the Inclusion and Additional Needs teams should have compulsory (i) training in SEND legal obligations from IPSEA and (ii) training in neurodiversity and needs of families from a charity with lived experience, such as National Autistic Society.
- (b) Increase the number of permanent, customer-facing case officers by 50% to 120, to help ensure EHCPs are both child-centric and timely.
- (c) Revise the case officer job description so that it reflects the need for difficult and complex interaction with customers, to ensure recruitment is geared towards the needs of the role.
- (d) Given that case officers are recruited from a diverse range of backgrounds, a more thorough induction in the first month of employment should include: (i) clear guidance in how staff are expected to deliver and what is held to be important, (ii) the Code of Practice, (iii) the self-presented real-life experiences of parents and carers to foster empathy and (iv) how to de-escalate aggression stemming from personal trauma.
- (e) Make a level 3 qualification in SEND casework compulsory for all case officers to be completed in their first 12 months, and provide them with appropriate study time to achieve this.
- (f) Provide therapeutic supervision for case officers, a supported space in which they can reflect on the impact of the work on them.
- (g) Award a new senior practitioner role to experienced and resilient case officers who display excellence in customer focus, who will move around Surrey quadrants and not be tied to a particular school-based area.

### **2) Communication**

Support for families must be more personal and easier to access:

- (a) SEND case managers must improve the attention they give to parental experience. They should be trained in a person-centred approach to support, develop and spread good practice, and relieve pressure on the front line to afford case officers the time to

consider how to communicate with parents and carers in a way that avoids conflict, and for example,

- (i) Communicate through face-to-face conversations at every stage possible;
  - (ii) Individualise communication plans based on parental preference e.g. some prefer to hear from the case officer regardless of progress, while others do not want regular contact reporting no news;
  - (iii) Add a more personal and empathetic narrative to the automated holding response that emails will be responded to within 5 working days.
- (b) The guide for parents and carers of children with AND should:
- (i) Include a jargon-free explanation of the statutory EHCP process, making clear what roles different officers do at each step of the way;
  - (ii) Be distributed by schools termly with their newsletter (SEND Support Advisors to request);
  - (iii) Be digitally distributed by Member Services to all Surrey county councillors to assist them in their casework and help in their role facilitating communication.
- (c) Produce an easy-read version of the EHCP Governance Board (EGB) Terms of Reference, simplifying language wherever possible to aide understanding, and automatically make available to parents and carers in good time before a Panel decision is due.

### **3) Timeliness monitoring**

The system used by Inclusion and Additional Needs teams needs to enable full monitoring of Key Performance Indicators:

- (a) Develop a way SEND case managers can monitor the response times of parent and carer communications with case officers, and review performance monthly at Director level.
- (b) Such monitoring may require a reduction of the multiple and varied means of contact to those which can be sent to a centralised database. This would enable communications to be distributed between colleagues to cover when the recipient is not at work.

### **4) Quality assurance**

To mitigate a decline in quality during the clearance of the backlog, bring forward annual reviews due in the next 12 months to the earliest possible opportunity.

## 5) Process

The excessively complicated EHCP procedure needs to be improved, for example:

- (a) Create more opportunities for co-production with families, including checking with parents before the EGB makes a decision that it is privy to all information they expect.
- (b) The Task Group supports the exploration of AI technology to support with internal admin and free up case officers to focus on relational work, but stresses this should be non-customer facing. It recommends a comparison of performance before and after its introduction.

## 6) Dispute resolution

When only 2% of Local Authority decisions are being fully upheld at tribunal, there is a need to reduce the number reaching that stage. For example,

- (a) A Tribunal Officer should be assigned to familiarise themselves with case law and reflect on common causes of tribunals, in order to ascertain swiftly following a case being registered if it is worth pursuing.
- (b) A business plan should be prepared to evidence the merits of expanding the mediation and dispute resolutions pilot and extending beyond 12 months.

## 7) Training for schools

SCC should lobby the Government to continue PINS in the future, and should encourage more schools to take up the offer. SEN and building relationships with families should not be the sole responsibility of one person in a school. To achieve this:

- (a) When the PINS programme ends, neurodiversity advisors in conjunction with FVS-facilitated parent groups should continue to work with schools to upskill ALL teaching staff (not just the SENCo, and including senior leadership) and help them to instil (i) a strong understanding of neurodiversity and inclusive education principles and mental health and (ii) the importance of engaging with parents and carers of CYP to incorporate their perspectives into classroom activities.
- (b) Training should reflect that the primary needs of CYP aged 2-25 with SEN are autism and speech, language and communication, closely followed by social, emotional and mental health needs for six to 25-year-olds. Training should be varied to reflect the autistic spectrum, include Pathological Demand Avoidance (PDA), and be followed up by checking that knowledge taught has been acquired.

- (c) Data on key indicators and outcomes of the PINS pilot needs to be collected and analysed to make an evidence-based plea to extend the DfE’s programme funding beyond March 2025.
- (d) The pilot’s achievements need to be vigorously promoted amongst settings, involving families in its promotion.

## Introduction

1. In 2023/24, nearly one in five Surrey pupils (19.5%) had identified special educational needs (SEN). In the same year, 27.1% of Surrey pupils with SEN had an Education, Health and Care Plan (EHCP), an increase of 4 percentage points in five years. Requests continue to increase year-on-year for an EHCP, a legal document setting out how a child’s SEN should be met if they cannot be met by Ordinarily Available Provision (OAP). In the county, need is rising faster than the national average, and more of those with need are awarded an EHCP.

2. Surrey County Council’s response to Additional Needs and Disabilities (AND) - the preferred terminology for Special Educational Needs and Disabilities (SEND) - is a source of discontent for some Surrey residents. The 1,225 complaints to Surrey County Council’s complaints team, 502 enquiries from Councillors and MPs, and 157 complaints to the Local Government and Social Care Ombudsman in 2023/24 in relation to AND, all demonstrate a level of dissatisfaction with the Council in this Service. A major source of tension has been the number of EHCPs being issued outside the statutory timeline of 20 weeks. This reached a critical low in 2023 as increased demand coincided with a national shortage of Educational Psychologists (EP) who contribute to assessments. It prompted a Recovery Plan to address timeliness and in July 2023 the Cabinet approved a £15 million investment, which has succeeded in reducing more than 1,000 overdue EP advice requests to 31 a year later. More than one third (36%) of the complaints received in the first four months of 2024/25, however, related not to timeliness but to poor communication and not being kept informed.

3. The Local Area SEND inspection outcome published in November 2023 asked for improvements in both communication and timeliness, as well as a review of the Alternative Provision offer and improvement of interventions monitoring. Although Ofsted and the Care Quality Commission said leaders “have put in place important actions that are starting to make a difference”, they described Surrey’s children and young people with SEND as having “variable” and “inconsistent experiences and outcomes”. This Task Group aims to support the Council and its partners to ensure the experiences and insights of parents and carers are taken into consideration in its strategic plan. It is hoped it will complement the findings of an end-to-end review by the Service since May 2023 of the statutory processes of the EHCP needs assessment and annual review.

## Acknowledgements

4. The Task Group would like to take this opportunity to thank all who have given their time to help shape the findings of this review, particularly the parents and carers who spoke openly about very difficult experiences.

## Objectives

5. A Task Group was established by the Children, Families, Lifelong Learning and Culture Select Committee in January 2024.

Membership of the Task Group was agreed as follows:

- Jeremy Webster, Chairman
- Jonathan Essex
- Bob Hughes
- Mark Sugden

6. The Task Group's purpose was to answer the following: How can the Council improve its support of parents and carers of Children and Young People (CYP) with Additional Needs and Disabilities (AND)? Its agreed objectives were:

- Build a comprehensive picture of how SCC supports and communicates with parents of CYP with AND at each stage of the process.
- Understand the main themes of complaint, if there are any problematic stages in particular, what problems are endemic and what the root causes are.
- Investigate what makes a good experience for parents of CYP with AND, what the barriers are to the Council facilitating this and how/if these barriers can be overcome.
- Hear the CYP's views on support from Council.
- Compare Surrey County Council's current policy and documented procedure with what families report having experienced. If these are not in alignment, discern how and why they differ.
- Understand if there are barriers that prevent the Council from following policy and if so, if and how these could be overcome.

7. While the Task Group recognises the impact of the Council's health partners on parents and carers, it limited the scope of its scrutiny to the Council's role, where it could be most influential. The scope originally included education settings as witnesses but this was later revised as it was found to be too ambitious within the timeframe and, similarly, schools sit outside Surrey County Council's ability to directly lead change.

## Evidence gathering

8. All of the evidence that was received in the course of this enquiry with permission for publication can be found in the appendices of this report.

Primary data was gathered from the following sources:

- Survey of Members on their SEND casework conducted 23 February to 29 March 2024
- Four focus groups with parents and carers held on 18 March, 20 March, 22 April and 24 April 2024
- Discussion with young people hosted by ATLAS in May 2024
- Focus group with case officers in May 2024
- Witness session with SCC SEND leadership and management in June 2024
- Visit to LSPA (single point of access for CYP with AND) to speak with caseworkers and managers in July 2024

The Task Group met with the following staff members on the dates stated:

- 24 January 2024, 21 February 2024 and 12 June 2024: SEND County Service Planning & Performance Leader – to examine EHCP process
- 1 May 2024: SEND Recruitment, Retention & Workforce Development Manager and four SEND Case Officers, one from each quadrant
- 24 June 2024: Assistant Director for Inclusion & Additional Needs - SEN Recovery and Educational Psychology; SEND County Service Planning & Performance Leader - SEN Recovery; Service Manager for SEND Practice; Service Manager for Learners' Single Point of Access
- 18 July 2024: Service Manager for Learners' Single Point of Access; SEND Support Advisors and Senior Case Managers in the LSPA Early Intervention Team; Neurodiversity Advisors involved in the Partnership for Inclusion of Neurodiversity in Schools (PINS) pilot.

### **Focus groups with parents and carers**

#### Method

9. A series of four focus groups was held, totalling eight hours and involving 25 participants, to hear parents' and carers' own accounts of their experiences. These were held in both West and East Surrey as well as remote evening options to enable equity of access. Participants were recruited by Family Voice Surrey and although it was a convenience sample, the parent-carer forum was asked for an equal mix of those with an EHCP and those on SEN support without a Plan, as well as a variety of key stages and quadrants.

10. Participants were asked the following questions:

- What assistance, and what barriers, have you encountered in accessing support for additional needs and disabilities for your child?
- What are your key areas of concern with regard to the Council specifically?
- What might the Council do differently to make your lives easier and build confidence and trust with parents and carers?

The Task Group was mindful of the words of counselling psychologist Dr Joanna Griffin: “The emotional cost to parents of recounting difficult and often traumatic experiences must not be underestimated. Yet it is critical that decision makers up to the highest levels hear directly from these families. They can have no doubt that the SEN and school systems are having a devastating impact on the lives of many, particularly for ND [neurodivergent] individuals and their families.” (Griffin et al., 2024).

11. Thematic analysis was carried out to identify patterns in opinions and feelings (Appendix 3). This was inductive with codes emerging from the data, so as not to predetermine what might be said. Codes were cleaned up to give consistency within and across transcripts and allow similar concepts to be counted. These were then grouped into five themes:

- Where support was found
- Perceived bad practice
- Consequences of bad practice
- Barriers to Local Authority providing good support
- Suggestions for improvement

All of those who participated in the focus groups gave permission for their anonymised contributions to be shared (Appendix 2).

#### What parents and carers experience

12. An ‘us against them’ mentality was evident in the adversarial language used, with parents and carers viewing the Council not as a source of help but as a barrier to what they want. They describe their experience in terms of a fight or a battle; these words were used 16 times, with the concept also expressed as “trying to get blood out of a stone”, “If you want anything done in Surrey you have to force them” and the perception of the Council as “gatekeepers”. The Council is viewed as part of a system that blocks parents at every turn:

*“It's like being on a roundabout and nobody gives way to you. You try every avenue but doors shut everywhere you go.”*

*“You don't even know how to find out something. It's fundamentally about, your day is hard enough. Why can it not just help you?”*

13. About two thirds maintained they were not listened to or not involved in the EHCP process.

*“They just think the parents are bonkers and they know better.”*

*“We just want to be listened to and anxiety taken seriously.”*



*“A mother’s instinct is something that is real, but a lot of the time we get labelled as neurotic individuals.”*

*“When you first identify that there's a problem, nobody really takes it seriously. And as parents, you kind of know. And so, when you're starting to say we need a bit of help, we need a bit of support, we need a bit of flexibility, nobody takes you seriously until you've got many letters from doctors and assessment and things. Actually, if you could just get that bit of flex quite early on, some of these problems wouldn't maybe even occur.”*

This is at odds with the first of five pillars of partnership in the Surrey Inclusion and Additional Needs Partnership Strategy: “We will seek to co-produce our individual assessments as well as systemic changes alongside children, young people, parents, carers and partners.”

14. About half of participants referred to the quality of EHCPs, ranging from assertions of a lack of clarity and precision or measurable goals to specific errors such as text inserted into the wrong section of the Plan, resulting in the outlined provision not being fulfilled.

15. Between the 25 people there were 43 mentions of poor timeliness, most commonly relating to delays in receiving a response, closely followed by issuing the Plan and getting an assessment.

16. Many had experienced frequent changes of personnel; one mother with four children said she had had 30 case officers.

*“Half the time I didn't know who my case worker was.”*

*“The average a caseworker was staying was two weeks, they were joining and then I think realising what they'd got themselves into and then going on sick leave.”*

*“You get a caseworker and then they disappear off the face of the planet. No one tells you that they've left. No one tells you who the replacement is.”*

17. The word communication was used negatively 20 times, with 27 specific mentions of not being replied to, updated or informed of information, ranging from the general remit of the Council and how the process works, to entitlement to Alternative Provision or the outcome of a Panel.

*“The lack of communication is extraordinary, frustrating, and it makes the journey so much harder for everyone.”*

*“I’m being ignored, I think I’m on a list for Surrey of ‘Don’t reply to this crazy woman’. I copied in the manager 64 days ago and I haven’t had a reply. I might be persona non grata.”*

*“I have no idea what’s happening with my daughter’s education. She’s got an EHCP issued, but no school named. So, who’s going to provide the provision on it? And you speak to them, and they say, oh, that’s a good question. I’ll ask my manager, I’ll get back to you tomorrow. And then you wait another three months and you cannot get hold of a person, and you get hold of the department heads, you email them, it bounces back saying this person’s on long term sick leave or this person no longer works for the Council.”*

In October 2023, the Select Committee recommended that line managers ensure leavers have a handover meeting with their successor and remind leavers to set up an out of office reply that includes the identity and contact details of their successor. The Communications Protocol was subsequently revised.

18. It was not just the timeliness but also the tone of some communication that irked parents and carers, with some declaring they felt it lacked empathy and compassion.

*“There isn’t a recognition in the people that are processing the EHCP, those case officers, they don’t know the struggle that as a parent of a seriously disabled child, that you go through every single day, just to get up in the morning and get your other children out the door to their school.”*

In addition, some gave examples of language used that could be described as incendiary.

*“She phoned up her case worker who said, Have you got a new number? I wouldn’t have answered if I’d known it was you.”*

*“I’ve been told by a duty case officer to go away and I’m a pushy mother.”*

*“I did a subject access request and I actually laughed when I heard the things he was saying about me, he said I was “doing his head in”.”*

19. A significant number spoke of feeling blamed or accused when trying to access support.

*“They have no understanding of it [autism], they just have no idea. So in their frame of reference all they can reason is that it must be bad parenting, they think it must be a broken home. They are defaulting to what the majority of the population would assume in their position. Their child probably hasn’t kicked them.”*

*“Do this course do that course, it is very demoralising and demeaning; you do question your own parenting and sanity.”*

*“I thought we were, you know, one of the goodies. It was like, we did the right thing. Then all of a sudden your child starts to struggle, and you think, okay, my child's struggling, so now the system will help me. So the medical system and the school system and all the people out there will say helpful things and know what we need and help us. And it was like, it wasn't even that there was a lack of support. It was that we were suddenly being targeted, we felt like we were being treated like criminals. It was, really, I'd say it was frightening. It was really frightening.”*

20. From some it came across that there was an expectation that decisions should be accepted without being explained. They said the complicated language used in EHCPs was not explained to them and suggested, because of confusion in the process, they would find the equivalent of a union representative useful.

*“It's been a no at every single turn and a slammed door and no explanation.”*

*“No one's really gone through with me what the EHCP means. There's loads of stuff in it, I don't really understand half of it.”*

*“Parents are educated by other parents, not by the LA, on the SEN code, definitions etc.”*

There was a sense that parents and carers can feel powerless and kept in the dark.

*“Panel could be Mickey Mouse and friends for all we know.”*

More information could be empowering, but would need to be in layman's language to have a positive effect. Having someone take the time to explain it on the phone, or even better in person, would be desirable. Expectations can be managed if people are informed honestly from the start.

*“I don't care how long it is but I just want an honest answer on what the timeframe will be and all I ever received was that generic response, which rubs you up the wrong way.”*

21. Parent groups were valued because, *“You finally found someone who understood where you were coming from, and you weren't crazy”*. The third sector was applauded by multiple people, but at the same time others were not aware of the help available from charities. Several mentioned not being signposted to other support and only hearing what there was *“through the grapevine”*. Facebook groups were mentioned multiple times as a source of information and support. If this is not forthcoming or timely from professionals, parents will seek it from social media, where it may not be accurate and which an LSPA officer referred to as a *“Wild West of information”*.

## How does this impact parents and carers?

22. The high turnover of case officers has consequences for communications, parents' experiences of SCC and their emotional wellbeing. The trauma of an already emotionally draining situation can be exacerbated if the Council's response is not understanding, transparent and easily navigable. Fifteen of the 25 people volunteered the emotional impact it had on themselves.

*"I really can't tell you what utter Hell we've been through in the last 18 months. It's nearly broken us as a family."*

*"It's driven me to absolute madness."*

*"I can only describe it as emotional torture. The provision had started, other children were attending, my daughter was saying, Am I gonna go, am I not gonna go?"*

23. Nearly half spoke about the negative consequences for their child's health and wellbeing. Some had developed alopecia and psoriasis and this was attributed to the stress of the drawn-out and byzantine process. The idea of reaching a crisis point that could have been avoided by an earlier intervention was not uncommon. Parents described an escalation of their child's needs while waiting, leading to, for example, Emotionally Based School Non-Attendance and tragically also suicidal ideation. Parents told how in the meantime their child spent time out of school, in some cases considerable time, and the harm this was doing to their opportunities in life, their confidence and their mental health.

*"Later on she simply says, 'There's no point in living if I can't get an education because I'm not worth it'."*

*"Families have been ripped apart by the pressure of trying to get an EHCP. What do they think these children are not sensitive, they don't know what's going on? They take it on themselves and think, if I didn't have this brain, you wouldn't be fighting."*

24. Parents also spoke about the financial impact on their family, taking out bank loans and struggling to pay bills after spending tens of thousands of pounds on tribunals and private assessments trying to speed up the process. Tribunals were particularly damaging for families. Those resulting from a refusal to assess were perceived to be unjustified in view of the proportion finding in favour of parents, and it was suggested the money spent on these would be better directed into education and that all children starting school should be assessed, something the Service said it would not have enough practitioners to do.

25. There was a perception by some that by refusing to assess, the Council was acting illegally. This may stem from a lack of clarity in the statutory framework, which says a Local Authority must secure a needs assessment (EHCNA) if it is “*of the opinion that the child or young person has or may have special educational needs, and it may be necessary for special educational provision to be made for the child or young person in accordance with an EHC plan*” (Children and Families Act 2014, section 36(8), emphasis added). The legislation does not specify the type or severity of SEN that would constitute the need for an EHCP, thus creating the potential for adversary. A third of participants expressed a suspicion that decisions were motivated by budgetary constraints.

### What good looks like

26. Explaining the process or reason for a decision, being responsive, empathetic, honest, and owning mistakes were all valued. There were several examples given of good practice in schools and by various parts of the Local Authority, including many LSPA caseworkers / SEND case officers. This shows there is good practice to be found, but it cannot be relied upon; such a lack of consistency was pointed out in the Local Area inspection in September 2023. The common factors leading to satisfaction were when the professional themselves had lived experience and so a first-hand understanding, and when the professional met with the parent face-to-face. This could also be a video call, but involved a two-way conversation having sight of the person.

*“She was amazing, she had SEND kids herself so that definitely helped. She was able to communicate with the schools and she was empathetic.”*

*“She was good because she had a kid with special needs. She would answer the phone.”*

*“Because we were speaking to her, we weren't just a number, she could see who we were. She could see what our child was like, and it felt more personal.”*

This can be compared to a situation made worse because a conversation was lacking, leading to frustration:

*“Because she didn't speak to me, I was heightened; I was probably up here and the actual reason was probably there.”*

*“If I could have spoken to her and had that honest conversation, we could have spoken like humans.”*

Conversing can lead to an understanding on both sides – the reason for saying no as well as the reason for asking. If the parent feels that they have genuinely been acknowledged and that someone cares, and that whatever decision is taken is an informed one, the decision may well be easier to bear.

*“If somebody explains to you why it happened, you can understand it better. You don't have to love what somebody saying to you, but if they talk to you and you feel like you've got some kind of rapport then makes it a lot easier.”*

### Barriers to good practice: Lack of funding, sufficiency and knowledge

27. There was a palpable sense that parents felt they were competing for scarce resources. Being underfunded, and in particular short of staff, was brought up 30 times by 17 parents and carers, and this was believed to impact standards.

*“They [case officers] are not consuming it, because they don't have time to have a proper look, step back and understand the case.”*

*“Her [EP] report four years ago and her report one-and-a-half years ago is hugely vastly different in quality, and I'm sure that's down to pressure.”*

28. It was stated that provision was not provided despite it being on the child's Plan, something 41% of respondents to the Member survey said they had been contacted about. The importance placed on an EHCP as an end goal was apparent, for example: *“I want an EHCP for my daughter whatever the cost. I don't care if we have to remortgage the home. We're doing it to future-proof her.”* Unfortunately availability will remain an impediment regardless of whether a child's needs are set out in a legal document. The sufficiency of specialist school places was raised as an issue, particularly for autistic girls. Surrey is having to rely on the more expensive Independent sector to educate some of its pupils with EHCPs, which is not financially sustainable. SCC has a capital programme to expand specialist provision but numbers have had to be contained due to rising construction costs. Parents and carers will continue to feel shortchanged as long as they do not feel their child's school is meeting their needs, and this was an issue raised by almost half of participants. Two secondaries said they were not suitable despite being named on their child's EHCP.

29. The effectiveness of a placement in parents' and carers' eyes very much depends on how well teachers know the child and understand the child's diagnosis. After timeliness, communication and lack of resources, the barrier brought up more times than any other issue, was a belief that teachers (including SENCos), and also SEND officers, lacked sufficient knowledge of SEND in general and autism/Pathological Demand Avoidance (PDA) in particular. A mother who works as a teacher noted the limited training in SEND during her teacher training. There were also comments on the limited uptake of training for teachers that is made available by the third sector. One father spoke of how his daughter's behaviour at home improved once he utilised this and became more educated in her condition. A lack of knowledge amongst teaching staff can lead to children incorrectly being labelled as 'naughty', which risks becoming a self-fulfilling prophecy leading to the child not reaching their potential. Notably, several mentioned the need for teachers to understand the different presentations of autism spectrum disorder (ASD), including anxiety, with help not being given to children (particularly girls) who mask.

*“When I have educators who say, ‘We have 30 years in education and we know autism’ - in the last 30 years, autistic girls have been deeply traumatised and marginalised in schools. What you should say is, ‘I took courses in new research every one of those 30 years’.”*

### What parents and carers say they want

30. A full list of improvements suggested by parents and carers can be found at the end of Appendix 3. The following quotes are representative of the focus groups and illustrate that co-production is not working in these cases.

*“I can’t repeat this often enough but communicate, communicate, communicate; even if it’s bad news, just tell me. I can take bad news; constant no news where I have to chase 10 people is a waste of my time and my blood pressure goes up.”*

*“What I would have loved was someone I could speak to face-to-face, to tell me what my legal rights were, what the obligations of schools were, what the Council’s obligations were.”*

*“Understand the families they’re working with and take the time to get to know their families. My children are not just their EHCPs.”*

*“Putting child front and centre is forgotten so much. They are treated like pieces of paper objects; it’s not just their education, their mental health, it’s their life on the line.”*

### Conclusions

31. There is a widespread feeling amongst the participants of being failed by the Council, and of not being understood by SCC staff. Parents and carers value case officers who talk from experience and empathise with their situation. Discrimination legislation would prohibit a requirement for staff to have lived experience of AND, but case officers should have mandatory training in neurodiversity and be educated in the lived experience of families by inviting parents and carers to present their experiences as part of their induction. This could be done by video to avoid reliving trauma, though if there was a bank of willing parents, it could be more impactful in fostering empathy if done in person.

32. Staff need to build trusted relationships to enable parents and carers to feel involved and have their confidence in the system restored and this is done best through face-to-face conversations, particularly, but ideally not just, when delivering an unwelcome decision. The relational work of the new Family Communication Officers (FCO) is an example of good practice. Before SCC created the role in December 2023, a ‘no to assess’ decision would have been communicated to the family by anyone in the LSPA team and either by phone or email. Now, it will always be by telephone from an FCO,

which is important because the accompanying letter has a necessarily legalistic tone which is impersonal but cannot be changed. A 'no to issue' decision should similarly be communicated face-to-face by the case officer. How a decision is received by parents is not just about whether they agree with it, but whether it is relayed with compassion.

33. Parents and carers need to be better supported to understand the system and be better informed about how and why decisions are made. Greater transparency could help to counter an apparent lack of trust in the system. When the Local Offer and Guide for Parents and Carers were mentioned, some were not aware of their existence. The guide has a useful explanation of different types of additional needs and some helpful contact details for organisations that can help. What it does not do is explain the statutory EHCP process and what the case officer does and does not do. Parents are not notified of the whole process and its length at the point of an EHCNA request. This can be found with a timeline on the Local Offer website, which is easily navigable from the home page; however, providing it outright instead of directing them to where it can be found if asked would remove an obstacle, albeit slight. Not offering information unless it is requested may prompt preventable phonecalls to LSPA. It is possible to give a full picture of what to expect – such as is provided at the point of a 'yes to assess' decision – without giving the impression that it will always proceed to assessment. Being fully informed from the start can empower, alleviate anxiety and foster trust.

34. Having such a long drawn-out process is detrimental to both the child's education and the family's wellbeing. Another common theme was that later intervention exacerbated the funding required long-term by the Local Authority. The SEND Communications Protocol does set out the expectation to respond to an email within five working days (with an acknowledgement email sent within one working day) and a phonecall within two working days. However, despite having Key Performance Indicators in place, there is currently no way of monitoring compliance.

35. Furthermore, the lack of flexibility in the statutory timeline is not supportive of the family. The Code dictates a decision on whether to assess must be made within six weeks and this is met by SCC 99% of the time. However, it should be considered whether this is at the expense of timeliness overall, because if critical evidence is received even just one day after Panel takes place, there can be a very long delay once the appeal process begins. If it looks like there is evidence is missing when the EHCP Governance Board is due to meet to recommend whether a Plan should be issued, it should be referred to a senior manager to decide whether it is fundamental enough to warrant postponement (with parental consent), thus avoiding the longer delay of an appeal. However, this would require a national change in legislation.

36. There will inevitably be tension whilst an EHCP is considered to be the SEN 'holy grail' at the same time the Council's policy is to reduce the number of EHCP requests, only engaging a child in the EHCP process 'if necessary' in an attempt to make the model sustainable. The Council will understandably only convince parents an EHCP is not necessary if schools are able to meet children's individual needs without one. From



the parents' perspective, this requires the upskilling of teaching staff as well as national investment to be sufficiently resourced.

37. The Task Group also heard how parents and carers often already feel failed by Mindworks by the time they get to contacting the Council. SCC must continue to find routes to improve partnership working with mental health services.

### ATLAS discussion with children and young people

38. ATLAS (Accept, Teach, Listen, Access, Support) is Surrey's participation group of children and young people, whose co-production work was described by SEND Local Area inspectors as a "shining beacon". They welcomed the Task Group Chairman, who asked the following:

1. What, or who, has made a positive difference to your education?

*"The head teacher at my primary school was really fantastic and she made a really big difference to my mental health and my experience. She used to help me out a lot."*

*"For me it was my SENCo at secondary school who just listened to me and saw me as a person, they stood at my side and fought for what I needed. Some teachers would fight against reasonable adjustments, but they were always by my side."*

2. What barriers exist for children and young people with additional needs and disabilities in education?

- *not enough specialist places*
- *lack of knowledge and understanding from teachers and TAs*
- *there wasn't as much help during the unstructured times (break and lunch) and the social aspect of these could be overwhelming.*

3. If you could change one thing about the education system, what would it be?

- *More specialist schools "for people in the middle", autism friendly with enough quiet spaces and sensory rooms*
- *Don't treat people differently*
- *Fairness, kindness, empathy, support*
- *Flexibility and understanding.*

It was clear that what left a positive impression on the young people was someone who was responsive and available to them when needed.

39. As complained of by parents, ATLAS reported problems with staff turnover in March 2023:

*“We would like to be informed if our caseworker changes, so that we don’t spend time with trying to chase someone who doesn’t work there anymore.”*

*“At every annual review I have a new case worker and I am never informed about this in advance. I was chasing my case worker up for my apprenticeship only to find out that it had gotten changed again.”*

They also raised, on behalf of an alternative learning provision, that young people with additional needs and disabilities do not understand what EHCPs are for or what is expected from them in a review. Guidance was made available here: [Young people | Surrey Local Offer](#)

### **Survey of Members’ AND casework**

40. To build up a more overarching picture of what AND issues parents and carers are contacting their councillors for help with, from 23 February 2024 to 29 March 2024, the Task Group ran an online survey for all Surrey County Council Members, on the volume and nature of their AND casework since the beginning of 2023. This was a way of triangulating the qualitative data collected from parents and carers and checking (a) if an issue they mention is an isolated incident or apparently more common and (b) if an issue that may have happened to their family historically appears to still be relevant if it is commonly being flagged to councillors in the recent past. The response rate was 42 per cent (34/81 councillors). Full results can be found in Appendix 4.

#### How many councillors are contacted about AND issues?

41. Members were asked how many parents and/or carers contacted them to seek help for their child with additional needs and disabilities in the calendar year 2023. Only one councillor who responded received none. Most - more than two thirds (68%) - were asked for help by up to eight parents and carers; half were contacted by between five and 12. A few heard from more than 20 though this was rare (9%).

Over half of respondents said they were contacted by more parents on the subject in 2023 than in 2022. For just over a third it was about the same, while contacts decreased for just one person.

#### For what kind of issues are parents and carers seeking help?

42. Councillors were asked to indicate all reasons why parents/carers of children and young people with AND had made contact with them, from the start of 2023 to date. The reasons provided to choose from were the result of a brainstorming exercise by Select Committee Members from their own casework. Respondents could select as many as they wished. Table 1 presents the reasons given, in order of how many councillors were contacted about them.

**Table 1.** Reasons for contacting councillor about AND

<b>Option</b>	<b>Total</b>	<b>Percent</b>
<b>EHCP - delay in issuing plan</b>	25	73.5%
<b>Child out of school because no placement arranged</b>	23	67.7%
<b>Communication with case officer(s)</b>	21	61.8%
<b>Assessment to determine if Education, Health and Care Plan (EHCP) is needed - declined or delayed</b>	21	61.8%
<b>Child not allocated preferred type of school (mainstream/special)</b>	18	52.9%
<b>Home to school travel assistance - delay in communicating/putting in place</b>	18	52.9%
<b>Communication with LSPA/SEND team</b>	17	50.0%
<b>Communication with school(s)</b>	15	44.1%
<b>Support outlined in EHCP not being provided to child</b>	14	41.2%
<b>Home to school travel assistance - dissatisfied with arrangement offered</b>	10	29.4%
<b>EHCP - plan declined following assessment</b>	9	26.5%
<b>Not knowing how to go about accessing support for their child</b>	8	23.5%
<b>Unclear wording in EHCP about what support child is entitled to</b>	6	17.7%
<b>None of the above</b>	1	2.9%
<b>Not Answered</b>	0	0.0%

The issue that more councillors got contacted about than anything else was a delayed EHCP. This was closely followed by their child having no school placement, communication with case officer and the assessment needed to get an EHCP being declined or delayed.

Respondents also had the opportunity to add other reasons and submitted the following:

- EHCP inaccurate
- Time they are having to commit to reworking the EHCP
- Delays in commencing EHCNA even when it is clear that a mainstream setting isn't going to work
- Inability to hire / difficulty in retaining Personal Assistants
- Lack of respite
- Constant change in officers dealing with them, abrupt and inaccurate communication and apparent inability to read the file before contact
- Short breaks provision not being continued [children's social care remit]
- Parents at breaking point as kids not attending school due to no support in place.

43. The most common reason for making contact was communication with case officers. When answering this they were asked to discount home to school travel assistance, since this has a separate recovery plan assigned to it and is not within the scope of the

task group's project. Many councillors felt unable to pick any one reason in particular and indicated they were being contacted about multiple issues.

#### How are Members dealing with contacts and are they being supported?

44. A specific inbox dedicated to children's services and education related enquiries from Members went live in November 2023, with the intention of directing them to the appropriate team for a timely response and reducing the duplication that can arise when the same case is copied to a number of different officers. However, only just over a quarter of the councillors who responded to the survey are using the Council's intended means of reporting as their usual procedure, and half had never used it. A more common first response was to email the Cabinet Member, although the most common usual procedure, for almost one third, was to email a named Children, Families, Lifelong Learning (CFL) officer. Comments displayed reluctance on behalf of some councillors to change, and an enthusiasm for using the same email address for all queries regardless of what directorate the issue relates to.

When asked for the response time when emailing the dedicated inbox, the number of responses was limited because many had never used it. Of the 16 who had, 56.3% were responded to within two weeks more than half the time. For 43.7%, it took more than two weeks to reply more than half the time. The majority (62.5%) found it generally very or reasonably helpful, though comments revealed a lot of variation in the quality of responses received.

#### Conclusions

45. Nearly three-quarters of councillors (74%) who responded were contacted between January 2023 and February/March 2024 about a delay in issuing an EHCP. Sixty-eight per cent were contacted because a child did not have a school placement and 62% were contacted by a parent or carer complaining about communication with a case officer.

This supports timeliness and communication as the main sources of frustration for parents and carers. Twenty-one councillors said they were contacted by at least five parents and carers last year, showing the issues reported in focus groups were not isolated incidents.

The email address for CFL Member enquiries was reported to be helpful by most; improved timeliness in responding may encourage its use.

#### **Focus group with Surrey County Council SEND case officers**

#### Findings

46. Case officers described how parents can become exasperated when left wondering if their case is progressing because it is not possible for them to answer their calls, texts,

emails and messages left with LSPA straight away, or often even in a reasonable timescale, due to the sheer number of parents attempting to make contact. Holding around 200 cases is currently a normality, yet the Task Group heard from management they consider around 130 to be manageable. For staff this is mentally and emotionally draining, not just because of the workload, but because the constant grind does not allow them job satisfaction and some feel like they are letting down the families, who they are aware can be left worrying and waiting for answers. Assessment delays are out of their control but they are the ones having to deliver bad, or no, news. They receive varying levels of pastoral support and some have seen colleagues or have themselves been 'named and shamed' in online parent forum groups. It is not unusual that this strain leads to long-term sick leave, or voluntary turnover (24.4% in 2022 but reduced by half in 2024), which in turn increases the workload of other staff and perpetuates the strain on them, as well as leaving parents without continuity. All can be traced back to an unmanageable volume of cases.

47. Case officers spoke of teams never being fully staffed. The quick turnover of managerial staff – in 2023 most noticeably 21.6% for SEND senior case managers and 50% for Area SEND managers - is unsettling for case officers and may result in a vacuum of support and lack of direction. The top two reasons given in exit interviews for case officers and their managers leaving are work/life balance and lack of opportunities. Joint third is child dependents and health, which would include work-related stress.

48. Since October 2023, SEND case officer staffing has increased to 81 case officers in the core team, 30 case officers in the EHCNA recovery team and 18 case officers in the Annual Review recovery team. It may be problematic for communication that those in recovery teams are not contracted to be customer-facing and therefore do not have phones. The team of agency staff working to clear the backlog were said to be prioritising quantity over quality of plans and adding to the workload of permanent staff who had to redo them. Management recognises that trying to finalise so many has diminished a person-centred approach. They say that, critically, the description of need and provision against need is found on the whole to be accurate, but concur they do not meet their preferred standards on describing the child and their journey through education.

49. Other points of note are as follows:

- Frustration was said to also stem from a lack of knowledge about how the process works. It was suggested parents could be better informed from the start of who makes decisions, to counter feelings of helplessness and set realistic expectations.
- The Task Group heard there was friction when the Panel and a school disagree over whether the school can meet the child's needs. Some schools were said to be reluctant to accept SEND children for fear of impacting their results.

- Officers spoke of a shortage of specialist places leaving nowhere suitable for children to go. Parents had seen their children blossom in small class sizes during lockdown, something not realistic outside of a pandemic.
- The system was said to be an unequal playing field that prioritises those who “shout the loudest”. Case officers admitted being tempted to encourage this behaviour because they want the best for the child.
- The case officers said they know the relevant parts of the Code of Practice and have access to legally trained staff who can provide answers when required, but it could be problematic that the Code is open to interpretation in different ways.
- Case officers informed that problems with the implementation of a new digital case recording and management system was contributing to, rather than easing, their workload. Management say EHM (Early Help Module) and Wisdom have required changes to ensure they are fit for purpose but they are essential to provide a single view of the child.

#### Orbis audit of case officer communications

50. Following a recommendation by the Select Committee in October 2023 to carry out an audit on the quality and timeliness of communication on the subject of EHCPs, Orbis reviewed a sample of communications over the course of 2023. Auditors found that a significant number across all four quadrants were not being stored in the assigned place according to the Council’s SEND Communications Protocol (they were held on the service’s I-Drive rather than on EHM). In one instance, a document relating to a different child was placed amongst correspondence relating to a different case, which could have led to a data breach. Some phonecalls and Teams meetings were not logged anywhere. This is problematic where turnover and sick leave is high, because if new recruits and/or alternative staff members do not have a complete record to refer to, this could cause delays in the system, and frustration if parents are having to repeat information and/or requests.

51. In the majority of communications reviewed in the audit, staff had responded to communications according to the Key Performance Indicators stated in the Protocol. There was no way of quantifying the percentage this represented, however, as the system does not enable the volume of phonecalls or emails in and out of the service to be measured. Orbis advised developing a system that enables team and management oversight, putting in place arrangements for communications to be maintained on the occasion of staff absence, and more clarity in the Protocol to avoid confusion and encourage compliance.

#### Conclusions

52. The following sources of tension, which emerged from the discussion with case officers, corroborate those raised by parents and carers:

- Unmanageable volume of cases
- High staff turnover
- Lack of understanding amongst parents and carers of process and case officer role
- Shortage of specialist places
- Mainstream schools disagreeing they can meet the child's needs
- Lack of SEND knowledge amongst some teachers
- Variance in the quality of assessment reports
- Some poorer quality plans when Recovery Team prioritise speed.

53. Both case officers and parents/carers voiced concerns about plans' quality, supported by auditors, reflecting the speed at which they have been issued under the Recovery Plan. The downstream consequences of poor quality EHCPs can be traumatic for the family and lead to more tribunals. There is a need to help SEND staff, and colleagues providing advice, to better represent the voice of the child, and involving parents and carers more in the process would both help to ensure their child is humanised and reduce the scope for error. A meeting to check with parents that no information is missing before the EHCP Governance Board would be greatly welcomed, as currently a co-production meeting comes after the panel decision when it is too late to influence it.

54. To maintain 15,500 EHC Plans at a manageable level, the number of case officers would need to increase from its current core of 81 to 120. Case officers recruited have a very diverse range of backgrounds and although the person specification mentions knowledge of the Code of Practice, this is not tested and as such would not be guaranteed, a bone of contention amongst parents. It takes two to three years for a case officer to become fully experienced in the variety of casework, and on average they are leaving Surrey after 3.6 years, so it is important to the quality of EHCPs that they are incentivised to stay. To make this happen, officers need to feel valued, which can be demonstrated through (a) development opportunities and (b) emotional support.

(a) Nasen level 3 is currently optional and although take-up is 73%, the completion rate is low. Making a relevant course mandatory should increase knowledge of neurodiversity and the Code of Practice as parents advocate, and also help to foster pride in the role to help retention.

(b) Management supervision should include working through the projection of parent/carer trauma. Case officers need supported time to reflect as an outlet for the trauma they are dealing with on a regular basis, espoused by Griffin et al (2024): "Professionals can also be affected by vicarious trauma so ensure you have reflective time and space to gain support on these issues."

55. There appears to be several different means of contacting a case officer (call to mobile, email, text, Teams message, letter, messages left with LSPA), which does not seem very manageable. The Communications Protocol says case officers should

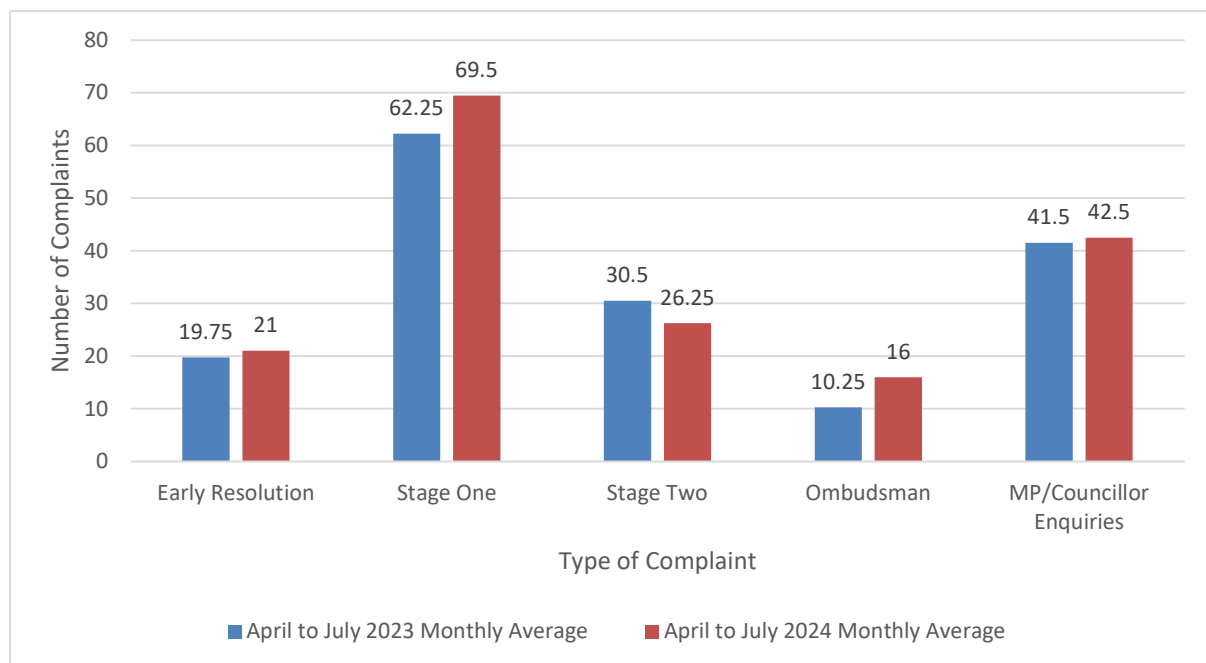
prioritise answering phonecalls but also to respond to emails as a priority so it is not clear which should in fact be prioritised.

## Complaints

56. The complaints team received 1,225 complaints about SEND in 2023/24, comprising 179 early resolution, 728 stage one and 318 stage two. In addition, in the same year, SEND was the subject of 502 enquiries from Councillors and MPs, and 157 complaints to the Local Government and Social Care Ombudsman.

57. An EHCP Recovery Plan has been working to bring Education, Health and Care Needs Assessment (EHCNA) timeliness in line with the Council's statutory duties, a significant source of tension amongst parents. Timeliness in issuing plans within the statutory 20 weeks has risen steadily since a low of 10% in December 2023 (compared to a national average across 2023 of 50%) and reached 71% in July 2024. This has reduced the volume of complaints on this particular issue; 36% of those to Surrey County Council's complaints team so far in 2024/25 related not to timeliness but to communication.

As illustrated in Figure 1, however, data for this financial year shows no overall downward trend despite the clearance of the backlog.



**Figure 1:** Complaints to SCC about SEND services

Although the proportion of complaints relating to EP advice timeliness has very significantly reduced as a result of the Recovery Plan work over the past year, these have been replaced by different types of complaints, such as delays in getting annual reviews done.

58. In June 2024 16% of EHCPs were graded outstanding or good during auditing, suggesting that the focus on reducing the number of Plans issued late as part of the



Recovery Plan may have resulted in the quality of the EHCPs suffering. It may also have affected how many annual reviews are done on time, which was 36% at the start of 2024 and rose to 55% in July 2024.

59. The main themes in the four months of the current financial year, in order of prevalence, are:

1. Continually chasing for updates
2. Emails not responded to
3. Calls not returned
4. Delay finding a school place (SEN)
5. Young Person out of school
6. Delay responding to Annual Review
7. EHCP not completed to time (once they have said yes to issue)
8. Exceeding statutory timeframe (EHCP request) (not yet agreed to issue)

### Conclusions

60. Complaints data corroborates the common issues raised in the Task Group's focus groups. The fact that the first three themes, all relating to not being kept informed, comprise 36% of all SEND complaints received, suggests that despite operational improvements there will continue to be complaints, unless there is improvement in communication.

### **Appeals**

61. More parents in Surrey take a Council decision on SEND to tribunal than other parts of the country – 4.7% of appealable decisions in 2023 compared to an England average of 2.5%.

Current annual staffing costs associated with tribunals are £517,602; legal representation is sought only in very rare cases meaning legal fees are said to be minimal.

62. There were 594 appeals registered during the 2022-23 academic year. With regard to how they were disposed of,

- 20% were heard at tribunal. Quarter of these (about 30 cases) were agreed by consent – although classed as 'heard' and some were taken to a hearing, most were agreed in the five days leading up to the hearing date, described by parents as "*the eleventh hour*" and "*causing headaches*".
- 45% did not progress to a hearing because they were resolved at least five days before the hearing date.
- 34% were ongoing because delays within SENDIST, the Special Educational Needs and Disability Tribunal, meant at times there was a 12-month wait for a hearing date (these delays remain in 2024).

Of the heard tribunals, 2.3% found in favour of the Local Authority, which is in line with the national picture, and 10% were part in favour of the LA and part in favour of the parent.

63. This is the latest available Surrey data, however since the period it relates to there are two things of note. Firstly, the number of appeals in the county is rising significantly, while at the same time the size of the tribunals team has not grown. In the first half of 2024, 653 appeals had been received, compared with 340 in the first half of 2023. This was partly the result of an increasing tendency to say no to assess – 40% rather than 20% last year. Secondly, a pilot of two Mediation and Dispute Resolutions Officers is demonstrating success in achieving early resolution. They worked on a sample of 105 families' cases between January and August 2024 and resolved 53 of those, in each case avoiding a hearing.

### Conclusions

64. The SEND Service needs to address the high number of disputes being taken to tribunal and allowed, causing weeks or months of potentially preventable worry for families. Studying precedents would present an opportunity for lessons to be learned and help to circumvent last minute agreement which infuriates parents and carers. The work of the Mediation and Dispute Resolutions Officers in 2024 is very welcome and, if it continues to be effective, should be extended and expanded to all cases.

### **Schools**

65. In order to keep its scope manageable the Task Group did not interview schools in the course of its research. Keeping in mind the Task Group has not heard schools' perspectives, so cannot know if schools feel they are being well-supported by SCC, it was given a flavour of the challenges from LSPA staff (SEND support advisors) who work closely with SENCOs in schools:

*“Schools are telling us they spend as much time supporting the parents as the children and heads are worried that they don't always have the skills to do that.”*

*“They [SENCOs] may only have quarter of a day a week to dedicate to the role. Their head is scrambled. The smallest thing can reduce you to tears because your cup is so full.”*

It also heard children and young people's experiences of school from their parents, for example:

*“The SENCO is also deputy head. And so the time is a challenge. They're doing a really great job, but actually the number of cases that go through one person and become a bottleneck.”*

The statutory requirement is one SENCo per school, and they may be shared between schools in the same trust. Members of the Association of School and College Leaders described their schools as the ‘fourth emergency service’ due to the ever-expanding expectations on them (ASCL, 2023).

66. The previous and current government focus is on improving inclusivity in mainstream schools, but parents and carers told the Task Group the expertise there is lacking. A SENCo does not have to have an SEN qualification until they’ve been in the post for three years, which explains the apparent variation in their level of knowledge flagged by both parents and case officers. When nearly one in five (18.4%) of all pupils in England and 19.5% in Surrey have identified SEN<sup>i</sup> it cannot be right to leave it to one person in a school to have a thorough knowledge of special educational needs.

67. According to the Children and Families Act, it is the governing body of a maintained school or nursery/the Academy proprietor/management committee of a Pupil Referral Unit that “must use its best endeavours to secure that the special educational provision called for by the pupil’s or student’s special educational needs is made” (Part 3 Section 66). Therefore it is the responsibility of *schools* to prioritise training in this area for all staff. It is, however, in the best interest of SCC to train mainstream school staff to meet need, for the following reasons:

- It is expected to improve the skills of staff in mainstream schools to support children with SEND as part of the Safety Valve Agreement with the Government;
- The LA has a legal duty to secure the provision detailed in an EHCP (Part 3 Section 42);
- It is a Local Authority function under the 2014 Act to support the child “to help him or her achieve the best possible educational and other outcomes” (Part 3 Section 19);
- If a child needs more support than nursery, school or college can give, the LA must carry out an EHC needs assessment (Part 3 Section 36(8)), so to avoid this route – in accordance with its policy - and ensure the success of its policy to meet need wherever possible through Ordinarily Available Provision (OAP) in mainstream;
- A school can put child on the SEN register but this gives the school extra work and, unlike an EHCP, no extra money. Since there is no financial incentive for a school to engage with OAP and the policy relies on altruism, the LA should do all in its power to make it easier for the overworked schools.

### Partnership for Inclusion of Neurodiversity in Schools (PINS)

68. PINS is a pilot initiative led by the Department for Education, Department for Health and Social Care, and NHS England where integrated care boards (ICBs) work in partnership with schools and parent carer forums to foster inclusive educational environments for neurodiverse students. Schools will get five days of support to develop learning, from ND advisors recruited by SCC and sitting in the LSPA team. Through having a parent participation group for each school, facilitated by FVS, PINS recognises that parents are experts through their experience, something that parents in the Task

Group's focus groups asked for. The Neurodiversity Advisors have created an online resource on Padlet.com with information on a wide range of needs, an example of good practice which will be useful to both settings and parents.

### Conclusions

69. A recurring complaint from parents was a lack of knowledge among school staff. It is of concern that it was offered to 157 schools which had relatively high referral rates to ND services, but only 43 agreed to be involved. There are 357 mainstream schools in Surrey, of which 299 are primary, so only 12% of mainstream schools and 14.4% of primaries will benefit from the exemplar programme. The LA's neurodiversity advisors should be made 'business as usual' and made available to all schools. Outcomes data should be analysed and achievements promoted to encourage schools to take up the offer.

### **Task Group Conclusions**

70. The current strategic plan, Inclusion and Additional Needs Partnership Strategy (2023 to 2026), sets out SCC's ambition that all Surrey children and young people with additional needs and/or disabilities and their families:

- are heard and are involved in the decisions that affect them;
- learn and achieve their educational potential.

The Task Group's research found that SCC does not appear to have fully realised these ambitions. In terms of being heard, in the parents' feedback there was little evidence of the child and their parent being fully involved at every stage of the EHC needs assessment and plan development, which is also the intention stated in the Code of Practice. Families already experiencing huge emotional difficulties report feeling let down by the system they looked to for help. The relationship between SCC and parents and carers needs to be made a priority, with more opportunities for co-production throughout to keep the process humanised. If the mothers' assertion they are labelled as neurotic are well-founded, it will require a cultural change to recognise them as subject matter experts on their children and fully embrace the principle of co-production in order to achieve the ambition of involving and hearing families.

71. In terms of achieving educational potential, 35% for pupils in Surrey with an EHCP, and 25% of those on SEN support, were persistently absent from school in 2023/24. As the system stands, the Council is held accountable for a child's learning outcomes yet has no direct control over education settings. A policy built on pushing the merits of SEN support without an EHCP is unfortunately setting itself up to fail unless all schools are well-equipped to provide that support. The Local Authority will only win the trust of parents when they can see that their children's needs are being met - and what the focus groups show is that at the moment parents do not have faith in schools to be able to do this, for various reasons suggested by parents including a lack of funding, training

and in some cases an aversion to harming results. Therefore, helping Surrey schools to upskill is a critical part of fixing the AND system.

72. Despite the considerable efforts of its staff, and although Surrey has invested in and successfully reduced the backlog, the system is still not fit for purpose. It is understaffed and confrontational, reflected in the 2% of cases at tribunal being found fully in favour of the LA. Having more constructive engagement via informal mediation would better support parents and carers and help prevent such heavy financial and emotional investment; the positive results of the new Mediation and Dispute Resolutions Officers show what can be achieved.

73. From the focus group with case officers, it can be understood how mistakes can come about in an underfunded environment of immense pressure. The focus groups with parents and carers provide powerful examples of the distressing impact a mistake can have on a child, such as a forgotten assessment meaning the start of another long wait, or not updating need meaning a school considers itself unsuitable. The small sample of 25 cannot be generalised to the population but does produce valuable insight into some parents' and carers' experiences, particularly when viewed in conjunction with the Member survey and complaints data. Across all three sources, communication is the predominant issue, with families requesting more timely responses as well as more compassion. To parents, staff can appear uncaring. To case officers, they are troubled by not having enough time to show they care. It is not just a matter of more resources or administrative improvement, though these efforts do need to be made in order to afford staff the space to imbue the system with more warmth and increase opportunities for involving and supporting parents and carers.

### Next steps

74. The Task Group's report will be considered by the Children, Families, Lifelong Learning and Culture Select Committee on 12 September 2024, with recommendations submitted to Cabinet on 24 September 2024.

75. It is intended that, should Cabinet agree them, all recommendations are implemented over the next 12 months.

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### **Councillor Jeremy Webster, Chairman of the Additional Needs: Parent/Carer Experience Task Group**

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## Sources/background papers

[Towards an effective and financially sustainable approach to SEND in England, ISOS Partnership, July 2024](#)

[House of Commons Library Research Briefing, Special Educational Needs: Support in England, 19 July 2024](#)

[Explore education statistics, Education, health and care plans, 13 June 2024](#)

SCC presentation on EHCP statutory processes end-to-end review, June 2024

Parent Carer Trauma: A discussion paper on trauma and parents of children with Special Educational Needs and Disabilities (Parent Carers), Griffin et al., May 2024

Mindworks EBSNA Project Group Session with Dr David Damon, Educational Psychologist SABP NHS Trust, 3 May 2024

SCC's SEND Communications Protocol, April 2024

Orbis internal audit on Education Health and Care Needs Assessments Communications, March 2024

[Surrey Local Area SEND Partnership improvement plan, \(January 2024\)](#)

[Association of School and College Leaders \(ASCL\) Manifesto for the General Election, 2023](#)

Reports to Select Committee on EHCP Timeliness, responses to actions and recommendations, July 2023 & October 2023

[Area SEND Inspection of Surrey Local Area Partnership \(25-29 September 2023\)](#)

[Special Educational Needs and Disabilities \(SEND\) and Alternative Provision \(AP\) Improvement Plan: Right Support, Right Place, Right Time \(March 2023\)](#)

ATLAS discussions (Council's participation group of young people with additional needs and disabilities) on EHCPs and case workers, February & March 2023

Family Voice Surrey's case officer survey, March 2023

Surrey Inclusion and Additional Needs Partnership Strategy 2023-2026, [p361](#), approved by Cabinet January 2023

SCC's annual parent-carer survey, September 2022

SEND Review: Right support, right place, right time. Government consultation on the SEND and alternative provision system in England, March 2022

[SEND Code of Practice, January 2015](#)

[Children and Families Act, 2014](#)

[Surrey Local Offer website](#)

A guide for parents and carers of children with additional needs and/or disabilities

SCC Case Officer job description and person specification

[All-Age Autism Strategy 2021-26](#)

## Appendices

Appendix 1 – Task Group Terms of Reference

Appendix 2 – Transcripts of focus groups with parents and carers, between March and April 2024

Appendix 3 – Coding and themes of focus groups with parents and carers

Appendix 4 – Collated responses to the Member survey, conducted 23 February-29 March 2024

Appendix 5 – Transcript of focus group with case officers, on 1 May 2024