

Cabinet Member for Children, Families and Lifelong Learning Decisions
24 September 2024

PROCEDURAL MATTERS – PUBLIC QUESTIONS

1. Question submitted by Gareth Leighton

I am asking this question as the parent of an autistic child who recently received a decision not to assess for an Education, Health, and Care (EHC) Needs Assessment from Surrey County Council. The communication received from the Multi-Disciplinary Team (MDT) suggests that additional criteria is being used by Surrey County Council to assess children with special needs for an EHC Needs Assessment, in addition to the criteria set out in the Children and Families Act 2014, Section 36(8), which states:

"The local authority **must secure** an EHC needs assessment for the child or young person if, after having regard to any views expressed and evidence submitted under subsection (7), the authority is of the opinion that—

- (a) the child or young person **has or may have** special educational needs, and
- (b) it **may be necessary** for special educational provision to be made for the child or young person in accordance with an EHC plan."

In light of this, I would like to ask the following related questions:

- Can the cabinet member please confirm whether any additional policy, criteria, management guidance or informal understanding in any form beyond what is stipulated in the Children and Families Act 2014 has been provided to, or is being used by, the Multi-Disciplinary Team (MDT) when making decisions on behalf of Surrey County Council with respect to EHC Needs Assessments for children with special needs? This includes but is not limited to any additional policy, criteria, management guidance or informal understanding relating to the availability of Surrey County Council's resources, such as financial constraints placed on the Children, Families and Lifelong Learning team, demand for EHC plans and the availability of practitioners to complete assessments.
- Can the cabinet member confirm whether in her capacity as a cabinet member, Surrey County Council is adhering to their agreement with the Department of Education in the "Dedicated Schools Grant 'Safety Valve' Agreement: Surrey", published in March 2022, specifically clause 3.2, which states that "all EHC assessment and decision-making processes ensure all decisions are made transparently, in a timely manner with Children, Young People, and families at the centre", and how as a cabinet member is ensuring that this clause is embedded into every decision made by the Children, Families and Lifelong Learning team?

Reply:

Question 1

Thank you for your question.

I can confirm that the Multi-Disciplinary Team (MDT) within the Education Learning Spa (L-SPA) operates in line with the Children and Families Act 2014, and the Special educational needs and disability code of practice: 0 to 25 years (January 2015). which govern the process of Education, Health, and Care Needs Assessments (EHCNAs). The L-SPA's decision-making process is based on the statutory requirements outlined in this legislation, and no additional policy, criteria, or informal understanding beyond these legal obligations is being used to influence decisions.

We are transparent in our decision making and publish the criteria as set out in law including how we interpret what is special educational provision in the Local Offer [Guidance for parents and professionals to L-SPA processes and practice | Surrey Local Offer](#). L-SPA's role is to determine whether a child or young person has special educational needs (SEN) that require provision through an Education, Health, and Care Plan (EHCP) as per the legal framework. The consideration of Surrey County Council's financial resources, such as budget constraints or staffing availability, does not factor into the decision whether to carry out an EHC Needs Assessment or issue an EHCP. The Council follows a transparent and legally compliant approach, ensuring that decisions are made based solely on the individual needs of the child and not influenced by external factors such as local authority resources, targets, or quotas.

If any additional management guidance is issued, it would only serve to clarify statutory processes or offer operational best practices in line with national legislation, but without altering the fundamental legal criteria set out in the Children and Families Act 2014.

Question 2

Thank you for your question.

I can confirm that Surrey County Council is adhering to its agreement with the Department for Education (DfE) under the "Dedicated Schools Grant (DSG) Safety Valve Agreement: Surrey," published in March 2022. There are 9 strands to our agreement one of which explicitly states that all EHC assessment and decision-making processes must ensure decisions are made transparently, in a timely manner, and with children, young people, and families at the centre.

As the Cabinet Member for Education and Learning, I am responsible for ensuring that these principles are embedded in the processes and actions of the Children, Families, and Lifelong Learning (CFLL) teams. We are making sure these commitments are met by:

1. **Transparency:** We are working to improve our communication strategies with families throughout the EHC Needs Assessment process. This includes making sure that families are regularly updated on the progress of assessments and the rationale behind decisions. This is work in progress and part of our Ofsted improvement plan.
2. **Timeliness:** We have prioritised the improvement of timeliness in EHC needs assessments, as reflected in our recent significant reduction of delayed assessments and enhancements in meeting statutory deadlines for EHCNAs. Our current performance is over 70% of assessments completed within statutory timescales and this is significantly above the current national average of 50%. The teams regularly oversee performance data to monitor progress and drive improvements.
3. **Children and Families at the Centre:** The Council is focusing on co-production with families, ensuring their views and those of young people are central to all decisions. We know we have further work to do here and to ensure the quality of our EHCPs are such that the voice of children and young people is clearly articulated and heard in their EHC plan.

The County Council is fully committed to maintaining these standards, and I can assure you that these values underpin decisions we make in supporting children, young people, and their families in the county.

To ensure that these principles are embedded in the day-to-day operations of the CFLL teams, we provide regular supervision, training and support. Governance structures are also in place within the Council, and with our partners in the Additional needs and Disabilities Partnership Board, to oversee adherence to these commitments.

To deliver these improvements the council has invested an additional £15m in a recovery plan and a further £1.7m in early intervention and support. These measures are designed to support children and young people whether or not they have an EHCP, including providing early help as a means of preventing the need for an EHCP; improve the timeliness of our EHCNAs and Annual Reviews; and build a sustainable long-term service able to maintain the improvements and meet the challenges of rising demand.

Regarding the Safety Valve agreement, it is regularly reviewed, and progress reports are submitted to the Department for Education across all 9 strands of the Safety Valve agreement three times per year.

Clare Curran
Cabinet Member for Children, Families and Lifelong Learning
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