

CHILDREN, FAMILIES, LIFELONG LEARNING AND CULTURE SELECT COMMITTEE

THURSDAY, 13 MARCH 2025

PUBLIC QUESTIONS

Q1	<p>Submitted by Sarah Moran</p> <p><i>“Please could you advise the following: SCC’s average annual spend on a pupil with SEND, categorised by sex and ethnicity; and what percentage of pupils with an EHCP receive their first choice of placement, including those decided by tribunal?”</i></p> <p>Answer</p> <p>SCC’ average annual spend on a pupil with SEND, categorised by sex and ethnicity</p> <table border="1"> <thead> <tr> <th>Ethnicity</th> <th>Female</th> <th>Male</th> <th>Undetermined</th> <th>Average by Ethnicity</th> <th>Number of Pupils</th> </tr> </thead> <tbody> <tr> <td>Asian, Asian British or Asian Welsh</td> <td>£20,845.63</td> <td>£22,684.50</td> <td></td> <td>£22,175.11</td> <td>1019</td> </tr> <tr> <td>Black, Black British, Black Welsh, Caribbean or African</td> <td>£28,598.16</td> <td>£25,101.39</td> <td></td> <td>£25,947.39</td> <td>248</td> </tr> <tr> <td>Mixed or multiple ethnic groups</td> <td>£19,067.57</td> <td>£21,002.56</td> <td></td> <td>£20,447.74</td> <td>422</td> </tr> <tr> <td>Other ethnic group</td> <td>£23,959.31</td> <td>£25,452.19</td> <td></td> <td>£25,193.22</td> <td>98</td> </tr> <tr> <td>White</td> <td>£21,355.47</td> <td>£21,422.07</td> <td>£31,771.65</td> <td>£21,408.21</td> <td>8110</td> </tr> <tr> <td>Information not yet obtained</td> <td>£29,682.70</td> <td>£31,417.72</td> <td></td> <td>£31,023.99</td> <td>401</td> </tr> <tr> <td>Refused</td> <td>£22,591.93</td> <td>£18,600.23</td> <td></td> <td>£19,791.78</td> <td>67</td> </tr> <tr> <td>Average by sex</td> <td>£21,645.58</td> <td>£22,064.37</td> <td>£31,771.65</td> <td>£21,950.91</td> <td>10365</td> </tr> </tbody> </table> <ul style="list-style-type: none"> • All costs outlined in the table apply to financial year 2023/24 • The table is based on pupils of statutory school age in the financial year who have an EHCP and for which a financial record exists (10,365) • Costs have been annualised with the exception of Alternative Provision arrangements, due to their temporary nature • Costs for mainstream placements include place funding 					Ethnicity	Female	Male	Undetermined	Average by Ethnicity	Number of Pupils	Asian, Asian British or Asian Welsh	£20,845.63	£22,684.50		£22,175.11	1019	Black, Black British, Black Welsh, Caribbean or African	£28,598.16	£25,101.39		£25,947.39	248	Mixed or multiple ethnic groups	£19,067.57	£21,002.56		£20,447.74	422	Other ethnic group	£23,959.31	£25,452.19		£25,193.22	98	White	£21,355.47	£21,422.07	£31,771.65	£21,408.21	8110	Information not yet obtained	£29,682.70	£31,417.72		£31,023.99	401	Refused	£22,591.93	£18,600.23		£19,791.78	67	Average by sex	£21,645.58	£22,064.37	£31,771.65	£21,950.91	10365
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- 4.5% of records do not have ethnicity details as the information has not yet been obtained or has been refused
- The number of records is not provided by sex to prevent possible identification due to low numbers in one category

What percentage of pupils with an EHCP receive their first preference of placement, including those decided by tribunal

Consultations undertaken in FY 2023/24	5,112	
- of which had an outcome recorded	4,253	83%
-- of which had a parental preference recorded	3,691	87%
--- of which resulted in a decision to name the parental preference in Section I of the child's EHCP	2,071	56%

- Data refers to financial year 2023/24 and includes cases decided at Tribunal
- There can be multiple consultations undertaken for the same child or young person in the same financial year

Q2

Submitted by Amanda Lazenby

“£15m of additional funding was allocated to improve Surrey's SEND Service in 2023, however, there has been an increase of appeals registered with Tribunal in years 2023/24 of 86% which shows the decision making in Surrey is extremely poor and significantly worsening, particularly when in the region of 98% of appeals are lost by the LA. Would the service agree that the evidence shows the real issue is Surrey's decision making rather than the often-used reasoning given by Surrey that the biggest problems are due to parental wishes or expectations? Tribunal can only make decisions based in law and therefore are immune to anyone's 'wishes'.”

Answer

The additional £15m of funding allocated in 2023 over three years was earmarked to improve Surrey's SEND Service in 2023, to supplement the HNB funding (currently £225.5m), to support the EHCP recovery plan, and to right size the SEND teams. The funding has supported significant improvements in EHCNA timeliness, annual reviews, a reduction in complaints, and demonstrable improvements in the quality of the content of EHCPs.

With regard to tribunals, all families have the right to submit an appeal to the SEND Tribunal if they disagree with a decision taken by a local authority about whether to assess, whether to issue a plan, or the EHCPs contents regarding a child's needs, provision being made, or the type or named school proposed.

The increase in SEND Tribunal appeals is a significant national issue, not just one faced by Surrey. Over the past five years, there has been a significant increase in the number of Special Educational Needs and Disabilities (SEND) tribunal appeals across England. The figures are as follows:

- 2019-20: < 7,000 appeals

- 2020-21: 7,968 appeals
- 2021-22: 9,607 appeals
- 2022-23: 12,273 appeals
- 2023-24: 21,102 appeals

The national data indicates that from 2019-20 to 2023-24, the number of SEND tribunal appeals increased from around under 7,000 to 21,000, representing a 200% rise over the five-year period. The most significant annual increase occurred between 2022-23 and 2023-24, with appeals rising by 71%.

Tribunal applications have risen due to ongoing pressures on the SEND system, as highlighted in national enquiries and reports such as the Commons Education Select Committee and the National Audit Office (NAO) report (October 2024), which concluded that the system is "not working for children and families, nor for councils." Tribunal outcomes may be influenced by factors beyond the law and individual decision making, including the provision of new or additional information after an EHC needs assessment or review took place, procedural issues, delays, or the adequacy of evidence presented at the time of an appeal.

Consistent with national data, Surrey has experienced an increase in tribunal applications year on year: 2019/20- 2020/21 a 38% increase, 2020/21- 2021/22 a 31% increase, and between 2021/22-2022/23 just a 1% increase. The increase in tribunal applications (lodged or heard) in 2023/24 was 79% in Surrey, not 86% as quoted in the question. This was largely linked to addressing the backlog of Education, Health, and Care Needs Assessments (EHCNAs) that were outstanding in the service and cleared through the work of the Recovery plan.

In Surrey in 2024, 10.5% of cases that went to a hearing were upheld in favour of the local authority. This is significantly higher than the national average of 1.5% alluded to in the question. This suggests that while tribunal numbers have increased, Surrey is securing a greater proportion of decisions in its favour than most local authorities.

Surrey County Council remains committed to reducing the number of cases that escalate to a tribunal hearing. To strengthen early dispute resolution, Surrey has introduced a dedicated Mediation and Dispute Resolution Team to work more closely with families at the earliest possible stage. This approach aims to reduce stress for families, avoid unnecessary legal costs, and ensure children receive appropriate support as quickly as possible. In 2024, 43% of appeals were successfully resolved through mediation and dispute resolution, avoiding the need for a tribunal hearing altogether.

Surrey County Council continues to work to ensure that decision-making is and is to be seen to be robust and transparent. We remain committed to continuing to improve the quality and timeliness of decision-making and ensuring that families are engaged constructively throughout the process. Surrey's focus remains on improving SEND provision, resolving disputes early, and working in partnership with families to meet children's needs effectively whilst we continue to lobby central government regarding reform of the SEND system.

Q3

Submitted by Kathryn Adam

“Recognising the increasing demand for young people with additional needs and the efforts being undertaken to improve outcomes, especially responsiveness and communication, sadly my own recent experience is one of complication, confusion, lack of clarity and very stressful. Does the Committee believe that significant improvements are being made by the Service; that the Local Authority always complies with the legal requirement naming the parent preference for school in the EHCP and specifically is the Cullum Centre at Hinchley Wood School considered mainstream or not and how many placements are historically allocated annually by SCC here?”

Answer

Surrey is aware of the increasing numbers of children being identified with additional needs across the County. This trend in Surrey has matched the national trend – we have seen a 46% increase in the number of EHCPs in Surrey between January 2020 and January 2024 compared with a 48% increase nationally (latest published data). As of the end of February 2025, Surrey maintains over 16,200 plans, compared with just under 9,800 in January 2020. The number of requests for assessment has increased by more than a third from the 2019 to 2024 calendar years. In response to this we have increased our offer of early intervention support, for example the investment in Specialist Teachers for Inclusive Practice (STIPs), team around the school (TAS) and partnership for Inclusion of Neurodiversity in Schools (PINS).

Where additional needs culminate in a request for an education health and care assessment, we have significantly improved our statutory timeliness in completing these assessments, improving from 16% in March 2024 to 91% in February 2025. We have made improvement in the communications with families a priority of our transformation work and while evidence does show that this is better, we are aware that there is still more that can be done to meet families’ expectations. We are determined that our work programme will improve the experience of families as they experience the complex SEND system.

In line with the Code of Practice 2014, a parent has the right to request a particular school, college or other institution of the following types:

- Maintained Nursery School
- Maintained School and any form of academy or free school (mainstream or special)
- Non-Maintained Special School
- Further education or sixth form college
- Independent school or independent specialist college (when they have been approved for this purpose by the secretary of state and published in a list available to all parents and young people) (Section 41 approved)

The local authority will look where possible to comply with parental preference unless:

- It would be unsuitable for the age, ability, aptitude or SEN of the child or young person, or
- The attendance of the child or young person there would be incompatible with the efficient education of others, or the efficient use of resources

The local authority must take multiple factors into account when determining the allocation of places for pupils, including distance/travel assistance eligibility, legislation, suitability of age, ability, aptitude or SEN of the child or young person, the compatibility of efficient education of others, or the efficient use of resources and demand.

If a school is oversubscribed, then places will be allocated to Surrey students first based on and in order of the below criteria:

1. Suitability: Age, ability, aptitude or SEND
2. Children who are Looked After and Children who were Previously Looked After.
3. Siblings already attending (if criteria 1 is also satisfied)
4. Faith (evidenced based on admissions requirements of the school (if criteria 1 is also satisfied))
5. Distance order to home address, measured as a straight line (if criteria 1 is also satisfied)

All units or specialist resource provision in Surrey are regarded as specialist provision above a mainstream placement, however, as they are not registered with the DfE as separate institutions and encompassed within the mainstream school's registration, it is the mainstream school that is named on a final EHCP. The interventions and provision stated in section F however, should reflect that of specialist interventions provided by the unit or specialist resource provision.

The planned places for Hinchley Wood Cullum Centre for Academic Year 2024/2025 and for 2025/6 is 20 places which is their maximum capacity

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