

## CABINET – 11 DECEMBER 2023

## PROCEDURAL MATTERS

**Public Questions:****Question (1): Chris Young**

How is the review, update and delivery of EHCPs monitored and to what extent has the monitoring officer been involved where statutory requirements are not being met?

**Reply:**

The SEN service is responsible for the EHCP statutory processes. Each case officer has a caseload which is overseen by a senior case manager, through supervision, to check that work is on track. The area SEN manager oversees the performance of the teams and reports to the education and inclusion service manager who monitors the timeliness of completion of EHC needs assessments and annual reviews. As a result of this we know that there have been delays and a growing backlog of work. An EHCP recovery plan is in place and is monitored by the Executive Director for Children Families and Lifelong Learning, the Cabinet Member for Education and Learning and relevant directors. Regular progress reports are provided to the Select Committee Children Families and Lifelong (CFL) Learning Practice Improvement and Performance Information group, the CFL Transformation Assurance Board and the Inclusion and Additional Needs Partnership Board. The Inclusion and Additional Needs Partnership Board consists of members from partner agencies, the school sector as well as Surrey Family Voice and our user voice team. There is also a fortnightly operational assurance meeting led by the Director of Education and Lifelong Learning to oversee the implementation of the programme, this work is supported by a stakeholder group chaired by the Leader of the County Council.

An external consultancy review of the approach to the EHCP Timeliness Recovery commissioned by Corporate Transformation was carried out in July 2023. This concluded that the project is operating well, with some areas for development appropriate to the phase of the project.

The Monitoring Officer reports any finding of serious maladministration by the Local Government Ombudsman concerning EHCPs to the Cabinet and draws the report to the attention of each Member of the Council.

**Clare Curran**

**Cabinet Member for Children and Families, Lifelong Learning**

**11 December 2023**

**Question (2): Catherine Mackinlay**

Why is Surrey County Council not conforming with post tribunal, SENDIST orders in the legal timeframe and forcing the public to serve pre action papers on the Local Authority?

## **Reply:**

It is recognised that going through a tribunal and awaiting a SEND Tribunal decision is an anxious time for parents and families. When a Tribunal decision is issued, all parties are keen to implement any provision ordered by SENDIST at the earliest opportunity.

The timescales with which the Local Authority is required to comply are set out in section 25 of the 2014 SEN Regulations. These vary from a requirement to comply with immediate effect to 5 weeks from the date of the tribunal decision, dependent on the type of appeal.

The Local Authority is committed to complying with these deadlines. The actions required may involve more than one service. Training has been provided for staff to ensure there is a good understanding of the importance of complying with these deadlines. New monitoring systems are being put in place to ensure there is careful oversight of the performance in this area.

Unfortunately, there are times when tribunal decisions are complex and this may, in exceptional circumstances lead to some delays such as when a specific educational provision needs to be commissioned from external providers . The Local Authority works hard to avoid such circumstances and recognises that such delays may cause additional anxiety for families. If families are concerned about any delay, then they can seek an update from their SEN Case Officer or their Tribunal Officer.

**Clare Curran**  
**Cabinet Member for Children and Families, Lifelong Learning**  
**11 December 2023**

<b>Question (3): Louise Gannon</b>
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May I refer you back to your comment in Surrey Live report dated 10/03/22.

"We're not going to stand still we're going to listen again to our children and their families and our workforce as we strive to move forward". Then your latest statement to Surrey Live dated 24/11/23. Nothing has changed same apologies and excuses. Surrey CC lack of care and support is causing parents undue stress. It's hard enough for parents to support their children with SEN needs and then having to fight Surrey CC to get what your child is legally entitled to is having a detrimental effect on families. It's causing parents to have breakdowns, feel suicidal and having to seek help from their GP's. We're getting the same sorry's and excuses time and time again. The onus falls on to the top management.

My question is: What are you going to do differently this time to make changes that work because it's very obvious the system used is not working, case workers are always leaving, delays effect the children time and time again, or are we going to get the same old excuses and sorry's in another 3 years whilst in the meantime Surrey continue time and time again to fail our children.

"No one is left behind" says Surrey. Well what about the hundreds of children that continue to be let down by Surrey.

**Reply:**

We understand that there is still work to do in improving our SEN system and our Ofsted report highlights this. It has been recognised that Surrey's services for children and young people with additional needs and disabilities are making progress, but there are inconsistencies in experiences. The findings appear to be a fair reflection of areas for focus and further improvement, as well as of good practice.

All Partners acknowledge that the service and support some children, young people and their parents and carers are receiving in Surrey is currently not good enough, and we apologise to families when this is the case. We also recognise the frustrations felt by some families and practitioners within Surrey while trying to navigate the complex SEND system and access the right support for their children.

The Inspection report highlights the Partnership's collective commitment to make a difference and deliver the plans already in place for improvement. We are undertaking a range of new areas of work supported by a £15 million additional investment over three years to achieve this. We are coming to the conclusion of our SEN end-to-end review of the system and are developing proposals which will enhance the way that the SEN service operates.

SEN staffing has been strengthened and we have increased the size of the SEN service by over 50%. The service is at 95% staffed and a number of new ways of working are being introduced. For example, we will have an Additional Needs and Disability (SEND) helpdesk in operation next term which will improve the communication and support for families.

The EHCP recovery programme is progressing positively. We have increased our educational psychology service capacity so that children who are identified with additional vulnerabilities continue to have their assessments completed on time. The number of overdue EP assessments has now halved. This will lead to an increase in timelier plans.

Our Specialist Teachers for Inclusive Practice continue to work with schools where there are children with outstanding assessments to offer help and support. They have played a key part in providing advice to schools so that children and families awaiting an overdue needs assessment are able to access support to better meet their needs.

The Team Around the School (TAS) model has also been extended and the Learners' Single Point of Access (L-SPA) increased capacity to deliver support to schools, to help schools become increasingly able to meet needs at SEN Support.

All these measures are steps towards ensuring the no one is left behind. We will continue to work hard to resolve the poor experiences of families and children and drive towards consistently good experiences.

**Clare Curran**

**Cabinet Member for Children and Families, Lifelong Learning**

**11 December 2023**

#### Question (4): Amanda Lazenby

Within the Local Area SEND Inspection Report it states:

"Many children and young people with SEND and their families wait too long for neurodevelopmental (ND) assessments."

Can you please then explain why it has been decided to entirely withdraw the schools referral to Neurodevelopmental Diagnostic Assessment Pathway (other than for 2 students per school who are most at risk)? This was announced on the Mindworks website on 30th November. The announcement states "We recognise this is an exceptionally difficult position to be in and not one we would want for our children, young people and their families". Can you also explain how this decision feeds in to the All Age Autism Strategy?

#### Reply:

Nationally children and young people are facing lengthy wait times for ND diagnostic assessments, and this is also the case in Surrey. Some children and young people are waiting 2½ years to be assessed. Mindworks acknowledge that this is an unacceptable position and one that requires immediate improvement.

A priority has been identified to develop a strategic partnership approach that builds on early support for children, young people (CYP) and families building on the priorities of the All-Age Autism Strategy, Additional Needs and Inclusion Strategy and CYP Emotional Wellbeing and Mental Health strategy. This will enable approaches for earlier support for neurodiverse children in schools that will help prevent distress and challenge that may otherwise require further intensive intervention across health, education and care.

Through a series of engagement activities that have included partnership/organisations working with schools, families and CYP, there is support to prioritise early intervention capacity to improve outcomes and develop innovative ways to help with the education and health needs of neurodiverse children. For assessments to be valid we need valid screening tools. Digital Connors (ADHD) and SCQ (ASD) have been agreed but are not yet in place. We are hoping that these tools will be in place by the end of 2023 but it is important that referrals use these tools for greater accuracy/validity of screening and assessments. It will also ensure that YP are put on the right pathway at the start.

Communication has been sent to schools and has been published on the Mindworks website. Specific comms to families is now being developed to explain how children will be supported and our next steps for improvement.

Support remains available -

- Children and young People (CYP) with complex needs can access support via the Access and Advice Team

- If there are learning / developmental concerns, schools and families can access the LSPA (Learners Single Point of Access)
- Schools can access consultation slots to discuss and work together on developing strategies to support CYP and families, and we have started to see effective use of building confidence in trying new approaches that improve child's experiences in home / school.
- Families can access the ND helpline 5pm till 11pm, 7 days per week.

Further information and updates can be found on the MindWorks Website which is scheduled to be updated next mid-January 2024 <https://www.mindworks-surrey.org/about-us/talking-points/update-neurodevelopmental-diagnostic-assessment-pathway-children>

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