

CABINET RESPONSE TO THE REPORT OF THE CHILDREN, FAMILIES, LIFELONG LEARNING AND CULTURE SELECT COMMITTEE SELECT COMMITTEE

Item under consideration: Service response to Additional Needs and Disabilities Parent Carer Experience Task Group

Task Group Recommendations

1) 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.

2) 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.

3) Staffing and training

The SEND 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.

4) **Communication**

To make support for families 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 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 EGB Terms of Reference and automatically make available to parents and carers in good time before a Panel decision is due. Language should be simplified wherever possible to aid understanding, e.g. consider renaming EGB to clarify its purpose.

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 expected.
- b) If, when the EGB is due to meet at the six-week statutory deadline to decide whether to assess, it looks like there is evidence is missing, it should be referred to a senior manager to decide whether it is fundamental enough to warrant postponement, if there is parental consent. This could avoid the longer delay of an appeal.
- c) 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**

The SEND Service needs to address the high number of disputes being taken to tribunal and lost. For example, Tribunal Officers should familiarise themselves with case law and reflect on common causes of tribunals, in order to quickly ascertain which cases are worth pursuing and which are not.

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 (SEMH) 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.

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

Cabinet Response:

Cabinet recognises the time and commitment the Additional Needs: Parent/Carer Experience Task Group have dedicated to understanding the challenges in the SEND system and acknowledges their suggestions for making further improvements to the service for the future.

Many of the Task Group's recommendations are already covered in the conclusions and recommendations of the internal SEND End-to-End review of the Education, Health and Care Plan (EHCP) statutory processes, (both the EHC needs assessment process and EHCP annual reviews), which was launched in May 2023 and has recently presented its findings.

The End-to-End review consisted of a wide range of stakeholder engagement activities and work with staff, to provide an in-depth exploration of the issues relating to the statutory EHCP process. The review stage allowed 720 individuals to participate across a range of engagement activities, enabling the development of a clear understanding of the issues from stakeholder perspectives. Although the review began in May 2023, during the review there have been continuous improvements and changes being made to the structure and service.

The scope of the review was focused on the SEND teams who produce EHCPs and complete annual reviews, the Learners' Single Point of Access who make the decision to assess, the SEND placement teams and the Tribunals and Quality teams.

The End-to-End review found that the statutory EHCP process needed streamlining as the process operates across several different teams and services, and processes can be disjointed; the four SEND teams are led through a separate quadrant management structure which does not support consistent practice with teams not consistently operating as a single SEND Service; the size of the current SEND teams is not sufficient to offer a person-centred approach with the level of communications parents and schools would like; and staff supervision and support needs strengthening.

The changes that have been made since May 2023 include:

- (i) an updated decision-making process with greater multiagency involvement and consistent recording of decisions
- (ii) SEND and linked teams working in a more integrated way, revised standard operating procedures
- (iii) strengthened quality assurance processes for EHCPs

- (iv) central SEND leadership team meetings with a single Assistant Director and Service Manager leading change and setting priorities and (vi) the enhancement of SEND staffing from 81 to 126 full time equivalent staff to reduce active case-holding and manage the backlog of assessments and annual reviews.

These changes have enabled the local authority to meet statutory timescales for EHC needs assessments at above national levels, have led to an improvement in the completion of annual reviews and a reduction in complaints that cite communication as a concern. However, more work needs to be done over the next 18 months to achieve our ambition that;

- The SEND teams become one service offering a consistent approach across the county
- Case Officers have the capacity to provide timely and informative communications with families and education providers and follow a relational approach
- All EHCPs are produced to a consistently high quality
- Disputes are avoided and resolved early, where appropriate

The work of the End-to-End review was presented at the meeting of the Children, Families and Lifelong Learning Select Committee on 12 September 2024. The report of the Children and Children, Families and Lifelong Learning Select Committee SEND task and finish group was presented at the same meeting.

As a number of the proposals from the task and finish group are already part of the End-to-End review work, Cabinet does not endorse proposals that are already underway or are proposed as a result of the work of the End-to End review. There are some proposals that Cabinet have accepted as they are new or additional tasks.

It is important to note that while many changes have already been implemented as part of the End-to-End review and the impact of this work is evident in performance data, it is not yet reflected in external perceptions of the work of the SEND service.

Some of the issues raised through the task group are beyond the scope of the End-to-End review. Some of the challenges identified by the task and finish group are system-wide concerns beyond the work of the SEND service.

1) Timeliness monitoring: Cabinet does not endorse this proposal

During the End-to End review there has been a revision of the communication protocol for the SEND teams, setting out clearer expectations for replies and response times, and this has been supported by person-centred communications training to help staff adopt a solution-focused approach.

Managers have always monitored the quality of case officer casework, and the End-to End review has put measures in place to strengthen the oversight of the work of Case Officers where complaints relate to lack of or poor communication.

The End-to-End review includes plans to move to a centralised telephone number for all contacts into the SEND system, with Case Officers and other staff using the Teams system to return calls. This will enable full monitoring of calls received and records of calls made in response.

In addition, there are plans to move to a group email box system, where Case Officers reply to families directly, but from a shared email system. Again, this will enable oversight of both timeliness and quality of responses. It will also enable teams to return contacts made during periods of officer absence.

Finally, work is underway for the longer-term development of both parent and carer and school portals, which would simplify communication pathways still further. This will also allow full oversight of the communications sent and received.

It is anticipated that, if testing is successful and these new systems are therefore agreed, the changes to the use of phones and emails could be introduced by Summer term 2025, with the portals being operational by the end of 2025. These dates are subject to procurement timetables and testing before implementation.

Cabinet does not endorse the recommendation as the actions required are already covered by proposals in the End-to-End review.

2) Quality assurance: Cabinet does not endorse this proposal

The quality of EHCPs is already regularly measured using a nationally recognised audit tool.

Audits take place each month of a sample of 10% of all newly issued EHCPs and there is also a bi-annual multi agency audit. The audit tool has standardised criteria which are applied to each section of the plan. An EHCP can only receive a good or outstanding judgement if all sections receive a good or outstanding grade. The majority of EHCPs issued are at least satisfactory and accurately describe need and education provision required to meet need, with 21% receiving a good or outstanding grade in May 2024 and 33% in July 2024.

The key areas of improvements identified through the audit work relate to a strengthening of the voice of the child or young person in Section A of an EHCP and the strengthening of health and social care sections. Work has already been conducted to address this with training and guidance being offered to health and social care colleagues alongside training to SEND staff. This work is being embedded and should begin to be reflected in good and outstanding judgements moving forward. We are anticipating that we will reach 50% of EHCPs with good and outstanding judgements for all sections of an EHCPs by end of December with the ultimate aim that all EHCPs will consist of sections which are good and outstanding.

While the quality of EHCPs is at least satisfactory we know that during the peak of the recovery plan, when over 1000 EHCPs were issued over a 3-month period, a minority of plans were issued with missing reports or typographical errors.

Where EHCPs were issued pending delayed reports (for example a MindWorks assessment) this was with the agreement of parents, and with the intention that this would enable support to be put in place quickly and agreement that as soon as any updated information was received, an early Annual Review meeting would take place and the EHCP would be formally amended, as appropriate. The process to make changes to an EHCP are set out in the SEND Code of Practice. To make changes first a review must be opened, changes made, and a new draft plan issued. Families have 15 days to respond to any suggested amendments. Once the final plan is issued after the review, this allows the parental right of appeal should they disagree with the content of the plan. Therefore, there are already plans in place to enhance EHCPs with missing information. To bring forward all 1,000 annual reviews would be unnecessary, require additional staffing or delay a proportion of the 12,000+ 'business as usual' annual reviews being completed.

There are times when a parent does not agree with the content of an EHCP. This may include a disagreement that advice contained in privately commissioned reports has not been included in an EHCP. In these cases, the SEND teams have made a judgement based on the balance of advice regarding what to include in an EHCP. It is not the quality of the EHCP that is the concern but rather a dispute regarding what has been included and where possible there is an aim to resolve disputes without recourse to Tribunal. However, this is not always possible.

There are also times when a school does not agree with an EHCP. This typically reflects a disagreement with the banded funding value associated with the EHCP rather than the content of the EHCP itself. Banded funding arrangements are made as part of the multi-disciplinary Education Governance Board panel process, using a descriptor framework that has been co-produced with settings. The decision making at this stage is not connected to the value of the banding, rather the needs identified in relation to the child or young person. The value attached to each of the bands in the framework are agreed in consultation with the Schools Forum.

There are currently a range of quality assurance measures in place at different points of the EHCP process reflecting improvements already made to the work of the SEND teams. This includes Senior Case Managers signing off a Summary of Assessment, the draft plan and the final plan. A multi-disciplinary panel reviews the summary of assessment and will raise any quality issues at that point (for example, incorrect interpretation of or missing information) and the draft plan is shared with families in advance of the final being produced. The End-to-End review includes further planned actions to strengthen quality assurance. This includes the use of digital assistant technology (AI) to undertake a first stage quality check at the summary of assessment phase, therefore, bringing an automated and precise approach.

The review also proposes to create capacity for co-production meetings with families in advance of panel meetings to reduce the possibility of misinterpretations or missing information.

This AI work began the proof-of-concept phase of design in September 2024 and will take a number of months to complete.

The work to co-produce EHCPs with families at an earlier stage in the process is also underway. The expected roll-out for this is from January 2025. Should the technology not yet be ready to support this work, the team will develop an interim manual method of ensuring the co-production is prioritised.

Finally, the work of the quality managers currently sits outside the core SEND teams, which can result in a disconnect between the audit process and actions arising from the audit learning. The End-to-End review proposes that the quality managers join the SEND service, enabling their work to be centred around EHCPs before they are issued and strengthen the training and development of staff in-house. This is being implemented in line with the planned structural changes to the SEND service with an anticipated date of March 2025, (subject to confirmation of the permanent appointment of the Director of Education and Lifelong Learning and consequent confirmation of Education and Lifelong Learning leadership roles and responsibilities).

3) Staffing and training: Cabinet accepts this recommendation in part

Consideration of right sizing the SEND teams has been an essential part of the End-to-End review work. In the summer 2023, during the End-to-End review, as part of the £15m 3-year investment from Cabinet, an additional 45 Case Officers were recruited into the SEND service. This has enabled the SEND Service to secure timeliness of EHCNAs and improve the completion of annual reviews, support staff wellbeing and to enhance communications with families and stakeholders.

i) There is already a thorough induction programme in place that includes the legal framework. Further updates to the current induction programme are being implemented from October 2024 and will be in place fully by the end of 2024. It is important to note that the legal framework consists of the Children and Families Act 2014 and the SEND Code of Practice 2015 and there can be discrepancies between the way the Act is interpreted by independent agencies such as parent advocates and how the Code of Practice advises Local Authorities to implement their statutory duties. Like all Local Authorities, SEND practice in Surrey is governed by the SEND Code of Practice.

The End-to-End review has found that some staff join the SEND teams with significant knowledge and understanding of the legal framework and others need more support to develop their understanding. The End-to-End review includes plans for the screening for knowledge and understanding of the legal framework during recruitment with the intention that staff will be offered the appropriate training pathway and this will be in place from early 2025.

Cabinet does not endorse the recommendation as the actions required are already incorporated into the End-to-End review.

ii) There is corporate mandatory training that SEND staff complete which provides them with an understanding of neurodiversity. Additionally, the workforce development workstream of the End-to-End review is planning to

include the lived experience of families in the revised training programme. Cabinet does not endorse the recommendation as the actions required are already incorporated into the End-to-End review.

The SEND teams' total establishment is 81 full time equivalent substantive Case Officers. As noted above this has been temporarily increased as part of the EHCP recovery plan.

Cabinet agrees that case-holding should be sufficient to allow a child- and family-centred approach. The exact numbers of staff needed to achieve this depend upon an evaluation of the impact of the system efficiencies realised by the End-to-End review and reviewed regularly in line with ongoing numbers within the EHCP cohort of children and young people.

The current estimated increase to staff cost based on the End-to-End review is £4,026,698. This is for 111 Case Officers and a Needs Assessment Team of 24, plus management staffing and changes within other areas of the service to improve the journey for families. This approach is different from a straight uplift to 120 Case Officers, as it includes skill mix and new management approach to the statutory tasks to be completed.

Accordingly, Cabinet does not endorse the recommendation that a flat increase in Case Officers on its own is required, rather that the service needs a mix of roles to meet the aspirations of the End-to-End review. Staffing will be reviewed over the coming quarter, supported by the development of a clear business case.

The proposal to increase staffing to support a more person-centred approach with increased engagement with families and schools requires careful consideration within the Council's overall budget planning process. If funding is not available, the service will need to prioritise meeting statutory duties in relation to the EHCP process.

The current timescale is March 2025 for the new structure to be adopted, with positions to be recruited to after this date, if funding and recruitment is agreed.

- a) As part of the End-to-End review, role profiles are in development collaboratively with Family Voice Surrey and school/education setting representatives. The aim of this work is to ensure that the case officer job description more strongly emphasise stakeholder relationships, relational working and the need to effectively manage challenging conversations. The new job descriptions will be completed by the end of the autumn term 2024. Cabinet does not endorse the recommendation as the actions required are already incorporated into the End-to-End Review.

Cabinet recognises that the first month of an induction programme is vital.

The current induction programme is detailed below:

First Week

Policy – Lone working training, including team procedures and checklist
Hot desks and Room booking system
Clear desks
Whistle Blowing
Accident and incident reporting
Health and Safety Policy (overview) (inc. policies S-Net)
SCC Corporate Plan (functions, roles, responsibilities)
SEND Business Plan (functions, roles, responsibilities)
Procedures – Filing system, electronic filing, and naming convention format
Logging IT problems on IT Self service
How to use printers to be able to scan, print and photocopy
Booking training on Olive
Key relationships with others, building networks within the team and across the other quadrants and teams
Online learning - Information governance and information security
EYE's Read and Write Training on Olive
The corporate induction by the Information governance and info security e-learning
Mastering Microsoft Teams
Creating and managing a team (Email System and development team to find availability)
Introduction to Special Educational Needs and Disabilities (SEND) in Surrey
The Information governance and info security e-learning
Check in and review development plan
First Three Months
Policy – Freedom of information
Probationary arrangements
My Benefits
Disciplinary & Grievance
Equalities
Flexible working

Procedure – Complaints
Team Briefings from team meetings
Autism awareness
Suicide Awareness Training
Gypsy and Traveller awareness training
Effective Family Resilience incorporating Early Help assessments
EHCPs and all you need to know about how to contribute to the statutory process
Effective communication with children and families
Contextual safeguarding - an introduction for professionals in Surrey
Foundation model 1 multi agency safeguarding children – family resilience and family safeguarding
Child Sexual Exploitation Level 1
Unconscious bias training - leadership
Wellbeing at work
Procedures – Statutory assessment process including LSPA (weeks 1 – 6 of the process)
EHCP and Summary of assessment/ plan writing training
EHCP Governance panel request packs
Co-production meeting
Annual Review meeting and process
Transport process
Key stage transfer (KST) Admissions process
Mediation and appeals process
Send Admission process (Key stage transfer)
Placement stability process and guidance
In year placement process
NASEN Level 3 course
Restorative practice
Social care overview course
Managing health matters

- b) As previously noted, changes will be made to allow a more bespoke training package for staff joining the team. The current training offer already includes guidance on what staff are expected to deliver and priorities, the Code of Practice, how to de-escalate challenging conversations. There are plans to build the lived experience of parents into the plan. The additional training opportunities are being developed and will be available across 2025. Some aspects of the new packages will take slightly longer to implement as they involve external providers, for example the development of a new SEND apprenticeship route. Cabinet does not endorse the recommendation as the actions required are already incorporated into the End-to-End review.
- c) Currently there is a Level 3 training offer (NASEN) available to all case officer staff. The take up of the offer has been variable as pressures of work inhibit completion. Cabinet accepts that where staff do not already hold a level 3 SEN qualification that this should be mandatory and that time to complete training needs to be accounted for when right-sizing the service. The End-to-End review and Recruitment, Retention and Culture workstream are looking at which training pathways would best fit the needs of staff joining, with explorations into several qualification options, depending on the previous skills, experience and qualifications staff bring to the team. We anticipate mandatory training will be in place by March 2025, but this will be dependent on decisions that relate to the size of the service enabling sufficient time to complete the training alongside statutory work. Cabinet does not endorse the recommendation as the actions required are already incorporated into the End-to-End review.
- d) Cabinet accepts that it is essential that staff receive support when needed and recognises the challenging nature of the work. Currently, there is an expectation that staff have a regular 1:1 supervision meeting, with performance conversations taking place at least four times a year. This is in addition to regular team meetings that take place face-to-face during office days across the SEND teams. These conversations focus upon performance and casework in addition to wellbeing. However, it is recognised that dedicated time is needed to support the emotional impact of casework, utilising an evidence-based model. The End-to-End review workforce development workstream is developing a SEND supervision policy. This policy will ensure that time is dedicated to supportive reflections for all case staff, enabling time and space, within a structured framework, to talk through concerns and gain adequate support. Additionally, to ensure that we can offer this consistently across the casework teams, work is being undertaken to equip managers with the skills and training they need to support and to signpost available help as needed. This policy will be in place by the end of 2024. Alongside this work, the service will explore opportunities to develop support outside of the line management structure. This will need to be costed as part of the suggested service developments. Cabinet does not endorse the recommendation as the actions required are already incorporated into the End-to-End Review.

- e) Cabinet welcomes and accepts this recommendation. The suggestion of a Senior Practitioner will be added to the End-to-End review proposals and with a view to including in the role in the staff consultation and if supported and financially viable will be part of the new structure which has a current proposed start date of March 2025 (subject to confirmation of the permanent appointment of the Director of Education and Lifelong Learning and consequent confirmation of Education and Lifelong Learning leadership roles and responsibilities). Cabinet agrees with this recommendation.

4) Communication: Cabinet accepts these proposals in part

- a) Cabinet accepts that staff need ongoing training to support person-centred communications. There is Educational Psychology training for SEND team members in person-centred approaches planned as part of the launch of the new structure. A provisional date of March 2025 has been set for this, but it could be subject to change. This is being developed to supplement the whole team training in relational practice, that all staff have already received - which has been delivered via a rolling programme of training, which began in 2023. Further work is taking place to ensure this approach and practice becomes embedded in the culture of the service, moving from the administration of a process to a person-centred service. Cabinet does not endorse the proposal as the actions required are already incorporated into the End-to-End review.
 - (i) Face-to-face communications are part of the plan to use Microsoft Teams for communications at key stages of the EHCP process. Parent and carer drop-in sessions are also planned alongside an increase in the time Case Officers spend in schools and settings to facilitate more in-person meetings. These will be established once the consultations have taken place in relation to the proposed new SEND team structure and systems. Our target date for this is currently April 2025. Cabinet does not endorse the proposal as the actions required are already incorporated into the End-to-End review.
 - (ii) Communication plans are something that area teams have been rolling out during the recovery phase. For example, the SEND teams committed to providing all families a three-weekly update if their case was delayed during our recovery programme, but it was clear that whilst many welcomed this approach, for some it was not welcomed. The teams acted in accordance with the feedback received to respond to these differing needs. Cabinet does not endorse the recommendation as the actions required are already incorporated into the End-to-End review.
 - (iii) Cabinet accepts the recommendation to review wording in emails and auto-replies to be more friendly and person-centred in approach and will therefore request that the SEND teams change these. These changes will be made in co-production with Family Voice Surrey to

ensure the service is listening and responding to the views of families. This will be in place by the end of October 2024.

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- b) (i) There is already a parent carer guide available on the local offer, aimed at helping families understand the SEND system. This guide was published in August 2023 following co-production with Family Voice Surrey. Although it does cover aspects of the Education Health Care Needs assessment, it is not specific only to the EHCP process. Cabinet accepts the proposal and will ask that a co-production group is convened to review the information available and enhance this guide as needed. This will be included in the End-to-End review workstream on developing communications. We will request this group is established by November 2024.
- (ii) Information on the local offer is already shared with and available to schools for both their own use and for signposting to parents. However, we will ensure that schools are reminded about where to find information detailing the EHCP process as suggested in the next schools bulletin, with any further enhancements to the local offer to support understanding of the process, to be included in the school bulletins as appropriate. Cabinet accepts this proposal.
- (iii) As above, we will ensure the current version is shared as a link, and any revised version when available early in the new year (2025). Cabinet accepts this proposal.
- c) Cabinet accepts the proposal that there is an easy read guide to the decision-making process of the Education Governance Board and ensures that an accessible version of the terms of reference for decision making is available once the developments to the Education Governance Board process, planned as part of the End-to-End review, have been made. This will include a new name for the Education Governance Board. This will also be shared with Members as well as parents and carers via the local offer (with links specifically shared with parents prior to decision-making). This will be in place by March 2025.

5) Process: Cabinet does not endorse these proposals

A new process for Needs Assessment requests is being developed, which builds in the opportunity for co-production with families before both the request to assess panel, and the request to issue at the Education Governance Board. This is linked to the work on a digital assistant (AI) to support the administrative aspects of compiling a summary of assessment documentation, and the automation of first stage quality checks. This is a planned part of the re-shaped SEND service, subject to consultation. The roll out of the new system is planned to take place across 2025 in line with the development of the post-consultation proposed new service structure. Cabinet does not endorse the recommendation as the actions required are already incorporated into the End-to-End review.

- a) The End-to-End review includes three task and finish groups which started work at the beginning of the 2024 academic year (schools and settings, parents and carers, other advice givers) to look at the information the service needs to undertake the statutory 20-week assessment of needs process. This includes a co-produced request form, which will capture the details needed to complete each stage of the 20-week assessment process. Whilst we already have comprehensive guidance available to support request for assessment, we do not currently have a standard request system used by all requestors, this will support consistency of request and will reduce the number of times we need to ask for additional or missing information. This work will improve the quality of information available to panel. The service is not able to extend the statutory deadlines, so all work completed in relation to the request to assess stage must be completed within the first 6 weeks of an application being received. The task and finish groups will be meeting across the 2024-2025 academic year. This will then be followed by training and communications to school colleagues and families from Easter 2025 in order to have a new request for assessment process in place for the start of the 2025-2026 academic year. Cabinet does not endorse the recommendation as the actions required are already incorporated into the End-to-End review.
- b) The current plan in relation to the use of digital assistant (AI) technology uses the potential capability as an administrative aid to Case Officers; freeing up time for them to undertake more effective co-production work; initial quality checks (ensuring all sections are complete in line with statutory expectations) to ensure the work of Case Officers and Senior Case Manager checks are focused on the quality of the advice, rather than on basic spelling and content checks; and also mapping advice shared against current frameworks (Ordinarily Available Provision and the banding framework documents) to support any Education Governance Board decisions in the system. Cabinet does not endorse the recommendation as the actions required are already incorporated into the End-to-End review.

6) Dispute resolution: Cabinet does not endorse this proposal

Disagreements can arise at any stage of the Education, Health, and Care Plan (EHCP) process and can occur for a variety of reasons, from a decision by a local authority that an EHC needs assessment is not necessary, to a decision that an EHCP is not required after an assessment has been completed, or because a parent/carer or young person disagrees with the content or provision set out in a draft or amended EHCP. Appeals are brought by parents, carers and young people who wish to dispute council decisions about the content of Education, Health, and Care Plans (EHCPs).

Of 13,658 SEND tribunals registered by councils, nationally, in 2022/2, 98% were found in favour of parents, carers, and young people. Furthermore, the number of SEND tribunals being brought is rising with a 24% increase on 2022/23 figures.

Cabinet appreciates the desire for early resolution of appeals, this is why the pilot phase of the Mediation and Resolution team was introduced in January 2024 with a focus on the early resolution of appeals. To date the team has managed to resolve 53% of cases without them needing to progress to a tribunal hearing, with only 5% of cases progressing to hearing. The remaining 42% are ongoing and it is anticipated that resolution will be found in the majority of these cases.

There are of course times when the teams are unfortunately unable to find early resolution. In those instances, cases are allocated to Tribunal Officers. All Tribunal Officers have access to our regular team CPD sessions and access IPSEA training. The same training is available for the mediation and dispute resolution team. Tribunal Officers are all experts in case law and the legislation that applies to their cases and receive ongoing training and support regarding this. Advice is also forthcoming from the legal team if required for more complex cases. In Surrey, the Tribunal Officers take instructions from the SEND Teams. Where it is felt that a case needs to be reconsidered, recommendations are made, and further instruction sought.

When appeals are registered with Surrey County Council, they are triaged by a Quality Manager. Meetings are held with all area teams to discuss any new appeals. Fortnightly meetings with the area SEND and Inclusion teams allow for multi-agency case discussion and to clarify any instructions. Tribunal Officers also have weekly support and challenge slots with management within the team. Should they consider that a case needs a review, they complete the relevant paperwork which must be signed off by either the Senior Tribunal Officer or the Service Manager before it can be presented at Education Governance Board for review. Instructions regarding the defence of cases come from the SEND Teams.

Tribunal outcomes and themes are continuously analysed, where it is felt that learning can be taken from tribunal decisions. This is fed back to the area teams, as well as being disseminated during tribunal team meetings and individual feedback if required. Tribunal Officers will always advise area teams appropriately if they feel the LA's position needs to change based on either case law, legislation or previous tribunal outcomes. Therefore, while Cabinet recognises the need for early dispute resolution, it does not accept that this will be resolved by Tribunal Officers familiarising themselves with case law and reflection on common causes of tribunals, as this is already in place and does not endorse this recommendation.

7) Training for schools: Cabinet is unable to accept these proposals

The PINS project is an initiative that supports schools' knowledge and understanding of neurodiversity and how to meet needs. It builds upon an extensive programme of support offered as part of the All-age Autism Strategy and the wider schools' training offer from Surrey County Council. There is discussion already underway with NHS England to continue the funding for the PINS project. Should the funding be available from the Department for Education and NHS England, Cabinet supports the continued roll out and development of the work in this area. Data from the project is being used to support these discussions, using the impact evidence.

PINS is currently supporting 41 Surrey Primary schools, offering the equivalent of 5 days of training, resources and support. There is no financial cost to Surrey County Council or to Surrey Heartlands ICB for delivery of the PINS project. Parent participation groups are set up in all 41 schools.

The service has received self-evaluation data from all schools and parents including feedback from almost 1000 parents of pupils at the 41 schools. This is an excellent level of parental response and provides a good baseline for the experiences of parents of children in Surrey schools. The proportion of parents who identify their child as having additional needs and those that do not is 50:50, ensuring the service will be working with parents at every stage of the journey with regards to neurodiversity and inclusion.

Self-assessment criteria have been set by NHS England and the Department for Education to ensure consistency nationwide and evaluation data to be submitted in March 2025 will also be issued nationally. In addition, learning arising from PINS is being used to shape and influence ongoing work associated with the partnership plan for Neuro Diversity (ND) Transformation, All Age Autism Strategy, early intervention and prevention and supporting children to be educated and thrive in their community.

Regardless of the outcome of the talks with NHS England, Cabinet is committed to continuing to use the learning and development of the PINS project across the county. Plans are already in place for the development of the parent participation element of the neurodiversity pathway, and the project team are looking at other aspects that can be continued irrespective of the availability of funding.

Cabinet cannot accept the proposal as it is outside the control of the council; the initiative has already been recognised as a huge success to date and there is a commitment to share the impact widely. We thank the task and finish group for their recognition of this initiative.

Clare Curran
Cabinet Member for Children Families and Lifelong Learning
29 October 2024

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