

Scrutiny Board (Children & Families)

**Provision of EHCP Support Working Group 2
Inquiry Session Summary Note:
Feedback from the Leeds Parent Carer Forum
Date: 23 November 2023**





Working Group Aims and Objectives

Working group Attendance

Board Members: Cllr D Cohen (Chair), Cllr R Stephenson, Cllr C Gruen, Cllr D Seary, Cllr R Downes, Cllr N Manaka, Cllr D Blackburn, Cllr O Edwards, Cllr K Renshaw, Cllr J Heselwood, L Whitaker

Witnesses: LPCF: Jessica Duffy (Co-Chair), Maria Adams (Co- Vice Chair), Rachael Bowers, Belinda Williamson, Sarah Roberts and Julie Hutchinson— **Children and Families Directorate:** Phil Evans

Apologies: Cllr J Bowden, Cllr L Martin, Cllr J Senior, Cllr E Bromley, A Graham, N Tones, T Britten, K Blacker, J Ward, A Khitou, H Bellamy

Working Group Aims and Objectives

The provision of EHCP support in Leeds has been identified as a key area of work for the Children and Families Scrutiny Board in 2023/24. Draft Terms of reference were considered at the July Board meeting followed by agreement of the Terms of Reference at the Board meeting on 6 September.

This Working Group is the second inquiry session through which the Board have looked in more detail at the issues facing the provision of EHCP Support in the city.

A key element of the Board's work in this area is to hear directly from stakeholders about their lived experiences accessing services within the EHCP 'system'. The Board expressed a desire to meet with parents and carers who can feedback directly on their recent experiences, offer suggestions as to what could work better and highlight where services work effectively. This working group session was established to meet that request from the Board and to facilitate direct feedback from parents and carers from the Leeds Parent Career Forum (LPCF).

The Board's work is supported by parallel work being undertaken by the Children and Families Directorate and PricewaterhouseCoopers (PWC) who are also carrying out an assessment of end to end processes associated with EHCPs in Leeds. This has also included detailed stakeholder engagement. The Council's Executive Board received an update on this work at its meeting on 13 December. That report included a recommendation, which was endorsed by the Executive Board 'That the need to ensure that the views and experiences of children, young people, parents and carers are at the heart of future arrangements.' This engagement session with the Leeds Parent and Carer Forum supports that endorsed recommendation and will add depth to the feedback received through the work of the service and PWC. It will also enable the Scrutiny Board to check and challenge the work being done by the directorate and PWC to deliver the improvements required to ensure better outcomes for children and families.



Leeds Parent Career Forum Evidence

EHCP Demand Challenges and Complexity of Needs

As part of this ongoing work the Board has already recognised that there is a significant increase in demand for EHC assessment and EHCPs at a national level and this demand issue is further exacerbated by increases in complexity of the support that is required by children and young people. In Leeds this has meant that there has been a 118% increase in demand since 2016, with these increases gaining further momentum following the pandemic. So it is clear that this is not an issue unique to Leeds and that local authorities across England are facing major increases in demand for EHCPs.

Whilst this national context is important it has also been recognised that there are local challenges that are unique to Leeds and that these will also be addressed as part of the work being undertaken by the directorate supported by PWC and supported by this concurrent inquiry work being done by the Board.

LPCF Evidence

In advance of the working group the Board received a written submission from LPCF. These identified a number of areas where they believed problems existed in the services provided in Leeds. The evidence came under a number of headings - Applications, Waiting Times, Casework and Communication, Clarity of Process, Placements, and Other and these were also the main focus of discussion and evidence heard at the working group. More detail can be found in the following summary of this evidence:

Applications

Summary of concerns raised:

- Leeds.gov.uk doesn't make it clear that parents can apply for an EHCP. It states that the school and SENCo's will need to apply. Parents don't know that they can apply themselves.
- Lack of support for parents who don't know what to do to support their child. School support is not consistent neither is support for writing applications. Where can parents go for support?
- SENCo understanding/ability is not always consistent. At times SENCOs feel unsupported by SENSAP.
- Not clear whose responsibility it is to gather evidence from other professionals – should be the caseworker but this can sometimes be left to parents.
- Standards differ with each caseworker - case worker experience obviously plays a part but this can be dependent on a caseworker's own opinion.
- There are examples of parents having to pay for reports to support their applications as support services are not always available to them. In addition, parents are sometimes having to rewrite EHCPs because they are not always lawful, quantifiable and can be non-specific and vague.
- Application process is paper based - parents would like to see the development of a portal so families and staff can track and access up to date information. The paper based approach causes unnecessary delays.



Leeds Parent Career Forum Evidence

LPCF Evidence (continued)

Applications (continued)

Board and Chair Observations:

Application process is paper based - If not picked up specifically by the ongoing improvement work being done by the directorate this is an area for improvement. The Government is also exploring digital approaches to EHCPs, moving to digital would potentially free up time and as technology develops there is potential for other digital interventions such as the development of a portal.

Consistency of training/approach – A number of points made by LPCF would potentially be rectified by more consistent training of staff and consistency in approach and support available to both families and other key partners such as school SENCOs. The Board has noted and supports the direction of travel from the service to prioritise practice over process and this type of approach may address some of the issues with consistency in the services delivered.

Waiting times

Summary of concerns raised:

- Statutory timescales are not adhered to as standard - including, but not limited to, annual reviews.
- A more open and honest approach would be welcome to manage expectations. Sharing performance data would also be helpful in terms of expectation management.
- Waiting for Education Psychologist appointments. It is perceived that Ed Psych's time can be wasted on tribunal processes because of mainstream settings being recommended on EHCPs, due to lack of specialist provision. However, these settings cannot meet needs leading to more tribunals.
- Time being wasted on Tribunals at significant cost and to the detriment of children and families awaiting outcomes.

Board and Chair Observations:

Statutory Timescales – There is a clear concern that the Council is not adhering to statutory timeframes consistently and the Board and Chair were keen to know what the costs associated with tribunals to LCC are as well as the percentage of cases that were lost by the authority.

Educational Psychologists (EPs) – It is clear that the Council is active in developing in house solutions to the shortage of EPs through the development of a training programme for in house staff which may lead to additional resource in this area which is a clear positive in terms of the Council's approach. It should also be noted that the shortage in these staff is a national issue. Tribunal processes can take up too much EP time and reducing tribunals may create additional resource in this area.

Casework and Communication

Summary of concerns raised:

- Caseworkers do not always meet the children as standard. In many cases, if they met the children they would understand immediately why mainstream isn't appropriate for some children.



Leeds Parent Career Forum Evidence

LPCF Evidence (Continued)

Casework and Communication (continued)

- Training is not consistent particularly given the wide range of needs being dealt with, which can lead to placements in inappropriate settings.
- Caseworkers need a better understanding of schools in the area so they can consult with the most appropriate settings, not just those that have spaces. This can lead to time being wasted for schools and families.
- Consultations with schools are carried out but are not always followed up, in line with statutory process.
- Monitoring & Quality Assurance (MQA), there are concerns that there is insufficient support for families who believe that EHCP conditions are not being fulfilled.
- Communication with both professionals in schools and with parents is not consistent, parents can find it difficult to make contact with caseworkers.
- More frequent updates are needed. There are still issues with responses from emails and calls.

Board and Chair Observations:

Communication - On communication with families and stakeholders this could be resolved through development of digital approaches such as a portal. Communication with parents are a priority and a system that enabled joint access for families and staff would potentially address concerns around speed and frequency of communication.

Quality Assurance - Are schools fulfilling EHCP conditions? If resources allow quality assurance and monitoring should be a priority to ensure children are receiving the support set out in the EHCP.

Clarity of Process

Summary of concerns raised:

- Healthcare not always considered.
- Parent and Child's views not always fully considered or listened to.
- Development of EOTAS (Education other than at school) would be beneficial in Leeds.
- Parents perceive an extra layer of mediation in Leeds - in law not needed which lengthens timescales.
- Parents are going to tribunal as a way forward rather than resolving the case locally.
- 15 day rule (Section 19) not always adhered to as standard practice.
- Education Psychologists are often unavailable – many spending time dealing with tribunals.
- Inaccuracies in plans and IG concerns, drafts being sent out before parents have agreed to them and often include errors such as wrong names and wrong needs.
- Reports from professionals should be included in decision making as part of standard practice. Parents and carers believe that these reports can be overlooked particularly those that are long and in-depth, these should be read thoroughly and incorporated into the associated decisions.



Leeds Parent Career Forum Evidence

LPCF Evidence (Continued)

Clarity of Process (continued)

Board and Chair Observations:

EOTAS - The Board has heard that Education other than at school (EOTAS) is being considered by the authority which would add to the suite of options available for children and young people with a EHCP. The Transformation agenda being developed by Children and Families does include this approach and this is a potential positive of the work being done in Leeds.

Practice over Process - The department is working hard to improve services and develop a 'practice over process' approach which has been welcomed by the Board in past inquiry sessions. Given this overriding ambition there are concerns about some of the feedback received suggesting that reports from professionals are not always included in decision making. This is an area where improvement might be delivered relatively speedily by improvement in practice to ensure that key information is considered as standard.

Placements

Summary of concerns raised:

- SENSAP don't always have thorough knowledge of the schools they are placing children at, leading to inappropriate placements and time being wasted.
- Parents should be informed which schools the Council are consulting with and reasons for refusal should be provided as standard.
- Sometimes there is pressure on parents to give more than one choice of setting making them feel that cost rather than suitability is the main priority.
- Similarly with regard to transport issues where costs are felt to be the main consideration as opposed to the most appropriate setting.
- Confusion around part-funding placements with Social Services, sometimes families wait for CIN (Children In Need) reports and then learn that the placement decision is in fact down to SENSAP.

Board and Chair Observations:

Communication and co-design – The Board has heard about co-design with parents in past inquiry sessions, some of the LPCF comments suggest there is still improvement work to be done to ensure that feedback is actioned. Recognition of feedback from parents and clearer communication may assist in this area, which links back to consistency of approach.

Internal communication and Joint Working - Improved joint working between Social Services and SENSAP as well as clarity of roles could assist in addressing some of the LPCF feedback particularly in respect of Children in Need reports and actioning the placement.



Leeds Parent Career Forum Evidence

LPCF Evidence (Continued)

Other

Summary of concerns raised:

- The Impact of lengthy delays in the EHCP process on home life is not always considered. Children are at home until tribunals are complete which leads to children not being in a setting for extremely long periods of time.
- Not all parent's have a clear understanding as to what an EHCP actually provides to children and families, some parents believe EHCP comes with funding.
- Children that have been in SEN settings previously when living abroad can access a place in a SILC under pending assessment but Leeds children need a fully completed EHCP to access a SILC.

Board and Chair Observations:

Awaiting Assessments - Feedback from the LPCF suggest that a consistent approach to pending assessments could be developed and assist with some of the waiting times being experienced by children and families.

LPCF Evidence - Case Study Examples

In addition to the main points made by the LPCF at the working group LPCF members also provided examples of their lived experiences in trying to secure EHCPs. The following provides examples:

Case Study 1 - Absence from School - A parent of an adopted child explained how an EHCP process lasted for almost two years and involved the child being without a setting for a whole year awaiting an EHCP resolution. Aside from the impact on the child of being without education for this length of time there were also obvious pressures and problems created at home and impacting on home life in terms of providing care and dealing with some of the challenging behaviour on a 24 hour basis. A formal complaints process followed by a tribunal led to a resolution through the family winning its tribunal case.

Given the length of time away from school, there are obvious implications regarding Section 19 of the Education Act (1996). The Section 19 duty states that local authorities are responsible for arranging suitable and (normally) full-time education for children of compulsory school age who, because of exclusion, illness or other reasons, would not receive suitable education without such provision.



Leeds Parent Career Forum Evidence

LPCF Evidence (Continued)

Case Study 2 - Information Governance (IG) - In this case a tribunal was not required but it did involve a lengthy process and disagreement about mainstream or alternative provision and concern about school consultation when deciding on the best placement for the child as well as concern about communications from the SENSAP Team. However, a key concern was around information governance, the Board heard that the EHCP was finalised and sent without the knowledge of the family and raised questions around IG and admin processes associated with EHCPs and how they are compiled. Ultimately this led to schools not accepting the child due to the drafting and quality of the EHCP, some of the detail was unchecked and therefore inaccurate and led to stigma being created largely due to the plan not being accurate. This raised concerns around IG and data security and the need for IG assurances to be in place to prevent this happening in the future.

Case Study 3 - Process and Capacity - This case involved an experienced foster and adoptee parent and covered more than one child. One of the children went through secondary school without undergoing an EHCP Review, highlighting some of the problems around process and statutory timescales. In addition, an existing case (at the time of the working group) experienced delays due to lack of capacity to meet needs and also lack of specialist facilities to meet needs. Whilst an EHCP has now been secured and a placement is expected the slowness of the process around school consultation and completion of admin were highlighted. There were also differences of opinion around mainstream or alternative provision.

Directorate Response:

The Chief Officer for Service Transformation and Partnerships acknowledged the problems being experienced by parents and noted the strong commitment to service improvement being developed and delivered through the work with PWC that will focus on and aim to rectify many of the issues that have been raised. The next stage in the improvement work is a focus on how new services will be designed. Many of the issues raised by parents and carers have already been identified as areas for improvement, one of those being clearer and more structured involvement of health partners in EHCP commissioning processes. On a wider note the ongoing financial challenge was highlighted as a factor, the available resources need to be deployed at the right time and used as effectively as possible but these resources are limited.



Discussion, Board Member Comments and Emphasis

Other Board Observations

In discussion between attending witnesses and members the following observations were made:

Cultural/System Change - The Board observed that there is a need for cultural and system change and a need for a deeper understanding of the families trauma and focus on that aspect. There were also concerns around provision are there enough school places to meet the growing needs and the added complexity of need? Whilst sitting outside of the Council's direct control and subject to additional government funding there is a case for a restructure of how mainstream schools deal with learning and the additional needs being displayed by children and young people. The Board also noted the role that local councillors can play in supporting parents navigating the EHCP system and how they can provide advice and assist in escalating cases where appropriate.

Funding - The Board noted that some of the issues under discussion required additional funding from Government, support staff in schools have been reducing and in order to fully support children with additional needs this would need to be addressed.

SEND/EHCP Portal - The Board felt that the development of a portal would be a positive step to enable joint access for staff and families and to provide up to date information in a timely manner. Whilst not a panacea, this would potentially address one of the key issues around communication and perceived delays in the process. The Board suggested that a cost-benefit analysis of how that might work would assist in developing the portal.

SENDIASS - Whilst noting the involvement of PWC as objective consultants in the improvement work the Board also felt that SENDIASS could add value, expertise and assist in terms of offering solutions to simplify processes.

Tribunals - The Board shared the concerns of LPCF around tribunals and the number of cases that proceed down that route. The Board were keen to know more around the costs and volume of cases in Leeds that are resolved through tribunals and understand the effectiveness of the internal complaints process used by the Council. The number of tribunals suggests that the complaints process could be improved.

Relationships - The Board were concerned about the relationship between families and the caseworkers, suggesting that in some cases a 'them and us' mentality had developed due to the increased demand and complexity along with the delays and need for tribunal involvement. There is therefore a need to address this to improve relationships and improve practice and process.



Case Studies and Findings

Other Board Observations (continued)

Caseworkers - The Board and witnesses acknowledged the challenging circumstances experienced by caseworkers and noted that many are extremely committed to their roles and are working hard to deliver for children and families in the city. It was also noted that the role description of 'caseworker' is not entirely appropriate and that they play a much more involved role in terms of providing support to families, a better title might be 'Support Worker' though it was noted that this may also have resource implications through higher salaries.

Health Involvement - It was suggested that specifically trained caseworkers that can deal with the health elements of cases could improve services or the development of areas of specialism and expertise within the team could help in speeding up processes and delivering expertise when it is needed.

Adoptive Parents - children who are adopted often have significant additional needs due to their experiences in early life and some of these are hidden disabilities. Given this context, consideration could be given to an EHCP being automatically granted to adopted children and if felt appropriate rescinded later through the annual review process.

Next Steps

The next stage in the inquiry will be consideration of this working group summary note and the recent Executive Board report (from 13 December 2023—Special Educational Needs and Disabilities (SEND) - Education, Health and Care Plans (EHCP) – Review Process – Update Report) at the Board's public meeting on 24 January 2024.

More information about Leeds City Council's Scrutiny Service, along with the activity and membership of individual Scrutiny Boards, can be found on the Council's committee webpages.

You can also follow @ScrutinyLeeds on twitter.

