

Provision of EHCP Support –Terms of Reference

Date: 6 September 2023

Report of: Head of Democratic Services

Report to: Scrutiny Board (Children and Families)

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Brief summary

Children and Families Scrutiny Board has identified Education Health and Care needs Plans (EHCPs) as an item for detailed scrutiny in the 2023/24 municipal year.

The Board has expressed an interest in taking a whole system look at the provision of EHCP support in Leeds with a view to understanding and seeking to improve the service residents receive when they believe that their child has Special Educational Needs (SEN) that school SEN support cannot meet.

The work of the Board will be dealt with through an Inquiry with findings and recommendations to be produced in the current municipal year.

This report follows initial consideration of a draft Terms of Reference document at the meeting held on 5 July 2023 where views and comments were provided to shape the planned work on EHCPs. These comments are included in a revised Terms of Reference that is now brought to the Board for final agreement.

The July meeting of the Board also agreed to the establishment of a working group to begin the EHCP inquiry work scheduled for 22 September. This will feature a report from the Children and Families directorate setting out the current position and also means that report does not feature on today's meeting agenda.

Recommendations

Children and Families Scrutiny Board is asked to:

- a) Approve the Terms of Reference for the Inquiry into the Provision of EHCP Support in Leeds
- b) Note the scheduling of a remote Working Group on 22 September at 10.00AM to begin consideration of this inquiry through a report from the directorate.

What is this report about?

- 1 The 7 June meeting of the Board identified that EHCPs were an area of interest and should be the focus of significant work in 2023/24.
- 2 The key drivers for this being year-on-year increases in the EHCP cohort, the increased complexity of the needs that are identified, the impact of the COVID-19 pandemic on children and young people in terms of increased anxiety and potential need for additional support, resources within the directorate to deal with increased demand and the impact of all of these factors on children and families in Leeds.
- 3 The SEND Review being carried out by Government is also an important element in this work along with the recently published SEND Improvement Plan and the Change Programme that will pilot some of the proposals in the Improvement Plan before legislating.
- 4 A detailed update report from the Children and Families directorate will feature at a planned Working Group scheduled for 22 September and this will initiate the Board's substantive work in this area. In advance of this at Appendix 1 the Terms of Reference for this inquiry are set out, this includes comments and feedback from the item considered at the 5 July meeting which set out an initial draft Terms of Reference for discussion.
- 5 The September working group report will provide an updated position on recent work to increase staffing and will provide an opportunity for the Board to understand the changes that the service has undertaken following the appointment of additional FTE staff, other support staff and the redesign of the SENSAP Team in 2022.
- 6 The Working Group will also consider recently commissioned work being undertaken by PwC to review EHCP assessment and annual review processes to identify key opportunities for change and improvement in Leeds. Further details on this are provided at Appendix 2 through a Project Plan on a Page document. The PwC work also features in the amended scope of the inquiry in Appendix 1.
- 7 PwC are currently at the stage of working with Council officers and partner organisations to capture data to identify, map and validate the 'as is position' for EHCP. This includes:
 - Understanding current service performance to achieve outcomes for children and meeting statutory outcomes.
 - Understanding difficulties for children, families, and staff.
 - Understanding approach and processes compared to other local authorities.
 - Identifying opportunities to improve which includes the experience of children and their families across SEND.
- 8 This work will provide clarity on the current state of the service which will ultimately inform the development of priorities for change and improvement.
- 9 During this review PwC will engage with partners external and internal to the Council, including, but not limited to, health providers and commissioners, education professionals, parent/carer representatives, and directly with families.

What impact will this proposal have?

- 10 The Council's Vision for Scrutiny contained in Article 6 of the Constitution sets out the nationally agreed four principles of good scrutiny. Within these are a commitment to promote scrutiny as a means to ensure the voice and concerns of the public can be heard and to improve public services by ensuring that reviews of policy and service performance are focused.
- 11 It is hoped that an inquiry into the provision of EHCP support will lead to recommendations that improve services in the city.

How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing

Inclusive Growth

Zero Carbon

12 The terms of reference of Scrutiny Boards in Leeds promote a strategic and outward looking Scrutiny function that focuses on the priorities of the Best City Ambition. This work item is aimed at having a particular impact against health and well-being and inclusive growth by seeking to review and improve services for children and families who access EHCP support.

What consultation and engagement has taken place?

Wards affected:

Have ward members been consulted?

Yes

No

13 At the 7th June Children and Families Scrutiny Board discussion with the Director and Executive Board members suggested that EHCPs would be a positive area of focus for the Board in 2023/24 and the Board supported the inclusion of the EHCP work item in its work programme for the year.

14 In July an item was brought to the Board setting out draft terms of reference for initial discussion with a view to obtaining feedback and comments to shape the inquiry from Board members and witnesses. This feedback has been incorporated into the Terms of Reference at Appendix 1.

What are the resource implications?

15 The Vision for Scrutiny, agreed by full Council, recognises that like all other Council services, resources to support the Scrutiny function are under considerable pressure and that requests from Scrutiny Boards cannot always be met. Consequently, when establishing their work programmes Scrutiny Boards should:

a) Seek the advice of the Scrutiny officer, the relevant Director and Executive Member about available resources;

b) Avoid duplication by having a full appreciation of any existing forums already having oversight of, or monitoring a particular issue;

c) Ensure any Scrutiny undertaken has clarity and focus of purpose and will add value and can be delivered within an agreed time frame.

16 This item has been brought forward early in the municipal year for comment and adjustment and now to be finalised in order to ensure that sufficient time will be available to cover both this item and the wider work programme of the Board.

What are the key risks and how are they being managed?

17 There are no specific risk implications associated with this report.

What are the legal implications?

18 There are no specific legal implications associated with this report.

Options, timescales and measuring success

What other options were considered?

19 In weighing up the timing of this item consideration was given to initiating the work later in the municipal year. However, by bringing a draft terms of reference document in July and now a final version to this meeting it is hoped that the board has had opportunity to shape the work effectively and ensure that there is sufficient time to complete the inquiry in the current municipal year.

How will success be measured?

20 The completion of an inquiry report in the 2023/24 municipal year.

What is the timetable and who will be responsible for implementation?

21 The timetable will be dictated by the Board through regular consideration of the work programme at each public meeting that is held. The Board, in consultation with the Principal Scrutiny Advisor, will be responsible for production of the inquiry report.

Appendices

- Appendix 1 –Terms of Reference – Provision of EHCP Support
- Appendix 2 – PwC Project Plan on a page

Background papers

- None