

Scrutiny Board (Children & Families)

Provision of EHCP Support Working Group

Inquiry Session Summary Note

Date: 22 September 2023





Working Group Aims and Objectives

Working group Attendance

Board Members: Cllr D Cohen (Chair), Cllr R Stephenson, Cllr L Martin, Cllr C Gruen, Cllr T Smith, Cllr R Downes, Cllr N Manaka, Cllr D Blackburn, Cllr O Edwards, Cllr K Renshaw, K Blacker, J Ward, L Whitaker

Witnesses: Cllr J Pryor (Executive Member Economy, Culture & Education), J Longworth (Director of Children & Families), C Lennon (Chief Officer Learning Capacity & Development), H Godwin (Children's Services Lead, PWC), L Knight (Senior Manager, PWC), J McKeivitt (Senior Associate, PWC)

Apologies: Cllr F Venner, Cllr J Heselwood, H Bellamy, T Britten, N Tones, P Evans

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 therefore the first inquiry session through which the Board have looked in more detail at the issues facing the provision of EHCP Support in the city.

The Board's work is supported by parallel work being undertaken by PWC who are also carrying out an independent assessment of end to end processes associated with EHCPs in Leeds.

The agreed Terms of Reference identified a number of key areas for this Working Group inquiry session, these were as follows:

- An update position on performance and backlogs and effectiveness of enhanced resource and staffing restructure through a report from the Children and Families directorate.
- Demand monitoring, how has the increased demand for EHC assessment and EHCP continued over the summer months
- The impact of Covid-19 on SEND and EHCP demand
- Complexity of EHCPs
- Funding challenges
- Assessment of proposed legislative changes such as the SEND Improvement Plan and the linked Change Programme and the likely impacts in Leeds. To include assessment of digital EHCPs and possible mandatory mediation and their impact on the provision of EHCP support in Leeds.
- PWC to provide an overview of discovery work undertaken, and investigative work still to do as part of the ongoing review in to EHCP processes in Leeds.

All of these issues were touched upon in discussion at the working group with a particular focus on the work of PWC which was the subject of a presentation that has been shared with all board members. This provides important context and highlights key areas where service improvements can take place to drive up performance and enhance the services received by children and families in Leeds.



Summary of Issues Considered by the Scrutiny Board

EHCP Demand Challenges and Complexity of Needs

It was 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 was also 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.

It was noted that an important element of the issues faced in Leeds are related to staffing and resource. Coupled with the increased demand the SENSAP team experienced a number of significant challenges during the Covid-19 pandemic including changes to Business Administration, the loss of colleagues and loved ones to the virus, increased sickness absence, a substantial loss of a number of experienced managers and unprecedented issues with the recruitment and retention of key staff.

The Council has made significant investment in the SENSAP team in response to this and it was noted that work is ongoing to address these issues with some significant improvements in FTE staffing, staff productivity and reduction in sickness rates as a result.

Six Areas of Focus

The initial work by the Council and PWC has identified six 'lenses' to focus on in Leeds where there is potential for improvement and where quick wins and longer-term service improvements can be delivered.

Process — It was recognised that some of the structures and processes are too rigid and do not always take account of exceptional cases which has led to people being unhappy with support which in turn has led to increases in complaints and escalation of complaints to Ombudsman level. A key focus of ongoing work being carried out by the Council is to emphasise flexibility of practice to meet needs and not an over reliance on process — 'practice over process'.

Organisation — Some issues have been identified in terms of gaps between strategy and then execution of service delivery, or as or as a disconnect between strategy and tactical execution. Work is ongoing to address these problems by emphasising the importance of co-production including all key stakeholders such as staff, families, children and wider partners. The new SEND Strategy and refreshed SEND Partnership Board are key initiatives that will improve partnership and stakeholder engagement and enhance co-production of services and strategy. The Board noted an important analogy with the improvement journey in social care services in the city which was driven by putting the child at the centre of all the work being carried out and ultimately led to outstanding services.



Summary of Issues Considered by the Scrutiny Board

Six Areas of Focus (continued)

People — Recruitment and retention of staff are major issues facing not just Leeds but all local authorities. Therefore, ensuring staff resources are used to maximum capacity and are deployed effectively is a key ambition. A shortage of Educational Psychologists (EPs) has been a particular problem which is again replicated nationally, developing career progression within existing staff resources and looking at options for developing EPs internally could lead to improved capacity and is being developed. Career progression and succession planning is a corporate and directorate priority and was identified in the recommendations made in the LGA Peer Challenge. It was also noted that co-production with staff will be a key area in terms of embedding and revitalising culture and ensuring that the child centred ‘practice over process’ approach is embedded.

Information — Use of information and data is a challenge across the local government sector and the Board noted that there was a need to maximise the use of data and information to provide insight and inform decision making.

Technology — There is a need to make better use of the available digital offer, take advantage of new opportunities and to shape the use of technology to meet the needs of children and families to improve how they access services and reduce bureaucracy as opposed to focussing improved digital systems purely on the needs of staff, though clearly that is also important. It was felt that technology should be used to enhance engagement and partnership with children, families and wider stakeholders.

Governance — Strong leadership is a key element of the approach in this area and it was emphasised that at times there will be a need to ‘stay calm and hold firm’ to the agreed strategy and accept that not everything will be 100% all of the time. Where issues develop there will be a need to review, learn and improve. The Board also noted the need for clarity of roles and the importance of sharing information and communicating clearly with partners and stakeholders. Some new approaches have already been developed in this area to strengthen governance and partnership with the SEND Partnership Board now being chaired alternately by health partners.

As already noted co-production is an important theme supported by a ‘you said, we did’ approach to communication and service delivery.



Summary of Issues Considered by the Scrutiny Board

Board Member Comments and Emphasis

Following detailed discussion, Board members were keen to emphasise the following areas:

Culture — The improvement strategy was broadly welcomed with the child first approach and focus on effective practice being particularly welcome. However, the Board were keen to ensure that this higher level strategic approach was also clearly set out and absorbed by frontline staff and were keen to hear more about how that will be done. Members were reassured to hear that co-production with staff will be a vital feature of the work and that staff were ‘change ready’ and wanted to drive up performance standards. In addition, staff engagement had clearly shown that staff were aware of service challenges and wanted to improve. There was an emphasis from members to ensure that an environment was created where staff can progress and best practice flourish, that the workforce is given the tools and the support that will enable them to be their best. Members also noted plans for internal change champions to ensure that the new culture is embedded on the frontline.

Task and Finish Groups — Members also sought reassurance on engagement with schools, children and families and wider stakeholders. This has already taken place to some degree with the Director of Children and families having met with 17 families of schools with feedback collated and analysed as part of the improvement plans already being delivered by the directorate. This is now being supported by task and finish groups to address the issues that have been raised.

Early Intervention — Members sought to ensure that investment in early intervention was prioritised believing that this would ensure that children are able and supported to access mainstream school settings as far as possible. This would reduce the number of families who opted for non-mainstream settings or choose to home school. Plans were set out to enhance early intervention opportunities through the already established Early Help Hubs where existing domestic violence, substance misuse and mental health co-ordinators will be supplemented by SEND co-ordinators. It was noted that funding restrictions had led to some services being realigned and some areas of the city now sharing access to facilities such as Children’s Centres. Overall though members were reassured that early intervention is a priority and needs to be delivered as early in the life of the child and the potential problem including pre-birth.

SENSAP Inbox — Members questioned whether, like other services such as highways, there was potential for specific email inboxes to be established to deal with specific Cllr / MP SEND or EHCP related queries. This could ensure that all queries of this nature are collated and dealt with as quickly as possible.

Resources and Capacity — It was acknowledged that resources have been stretched and there were some concerns around capacity for service transformation given that context. The directorate has recruited to a number of posts within the newly established Transformation Team.



Summary of Issues Considered by the Scrutiny Board

Board Member Comments and Emphasis (continued)

Restorative Practice — Members welcomed the commitment to restorative practice and the cultivation of a restorative culture to address situations where disagreement has occurred between families and services. There was reassurance around the key emphasis on listening to views and then resolving a situation rather than having a process driven approach.

Pre-2022 service issues — Members reflected on their own casework and believed that problems had been present in the service prior to 2022 which was something of a watershed year in terms of slipping performance particularly against KPIs. Additional capacity had in the past enabled resolutions to be delivered but a ‘perfect storm’ situation of increased demand and reduced capacity had led to reduced performance, with the pandemic also having a significant impact on services.

KPIs — Members asked about the existing KPIs in relation to timeliness and meeting statutory deadlines for completion of EHCPs. Members felt it would be helpful to look at the other performance measures, in particular there was a view that a KPI on escalation of complaints would add value and be a good indicator of how well the new approaches are impacting children and families in the city.

Final PWC Report— Board members were keen to hear more about the final report being produced by PWC. Will there be an assessment or rating as a concluding element of it and will the Board receive feedback from the work of PWC. The Board were informed that a report with recommendations and findings will be produced based on the six areas of focus already covered in the Working Group.

Additional Information — Members noted that backlog of cases was likely to be an issue both for new assessments and plans and for annual reviews and wanted additional details on this in terms of overall numbers and a breakdown of how many weeks or months cases were behind. Referring to paragraph 4.5 of the presented report the Board also requested the SEND improvement plan, SEND strategy and the SEND Self Evaluation as important background information to inform this ongoing work.

Next Steps

This Working Group summary will feature at the Children and Families Scrutiny Board meeting on 4 October where the full board will be able to input into discussion and shape the next steps in the inquiry, In addition to this the Work Programme for the Board has a Provision of EHCP Support inquiry session pencilled in for the meeting on 29 November.

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