



Audit and Standards Committee Report

Report of: Director of Education

Date: 22 April 2021

Subject: Education Health and Care Plans (EHC Plans)

Author of Report: Andrew Jones

Summary:

This report provides an overview of the work undertaken to improve the quality and timeliness of EHC Plans in 20/21 and to improve the experience of children and their families when part of this process.

The report also details the impact of the pandemic on both statutory duties around EHC Plans and the remedial activity that has been undertaken during this time.

Recommendations: To note the content of the report

Background Papers:

Category of Report: OPEN

* Delete as appropriate

Statutory and Council Policy Checklist

Financial Implications
No- Cleared by Karen Hesketh
Legal Implications
NO – Cleared by Nadine Wynter
Equality of Opportunity Implications
NO - Cleared by Bashir Khan
Tackling Health Inequalities Implications
NO
Human rights Implications
NO:
Environmental and Sustainability implications
NO
Economic impact
NO
Community safety implications
NO
Human resources implications
NO
Property implications
NO
Area(s) affected
None
Relevant Cabinet Portfolio Member
Councillor Abtisam Mohammed
Is the item a matter which is reserved for approval by the City Council?
NO
Press release
NO

1.0 INTRODUCTION

- 1.1 This report provides an update on the changes that have been put in place and improvement activity regarding Education Health and Care plans (EHC Plans) over the past 12 months.

2.0 BACKGROUND

- 2.1 Sheffield had a local area SEND inspection in November 2018 by Ofsted and the CQC, which resulted in the identification of significant areas of weakness and a requirement to produce a Written Statement of Action. One of the areas of identified weakness was the Quality and Timeliness of EHC plans.
- 2.2 Sheffield City Council had also received complaints regarding EHC Plans which have gone to the Ombudsman. The findings from these have resulted in remedies, improvements and changes being made to how the process is delivered.
- 2.3 During the first wave of the pandemic, the DFE disapplied the duty to ensure that provision in an EHC Plan was in place and amended the duties to complete assessments within statutory timeframes.
- 2.4 Following the publication of the Annual Ombudsman Report 2019/20 and discussion at the Audit and Standards Committee in February 2021, it was requested that information about EHC Plans be considered by the Committee.

3.0 MAIN BODY OF THE REPORT

3.1 Context

All children and young people with Special Educational Needs (SEN) should have their needs effectively identified, met and reviewed through involvement of staff from the education provider and, where necessary, support from other services. This is known as a 'graduated approach to meeting needs'.

Most children and young people with SEN are supported through 'SEN Support'. Children in Sheffield who are identified with having SEN support needs may have a support plan, or where needs are more complex a My Plan. The My Plan records a child's education, health and social care needs, the outcomes they are working towards, and the support provided. It is non-statutory, which means it does not confer any legal rights.

An EHC plan is a legal document which describes a child or young person's education, health and social care needs and sets out the specialist provision required to meet those needs and achieve agreed long-term outcomes. It is issued by the local authority after an EHC needs assessment and the local authority and clinical commissioning group are responsible for ensuring that

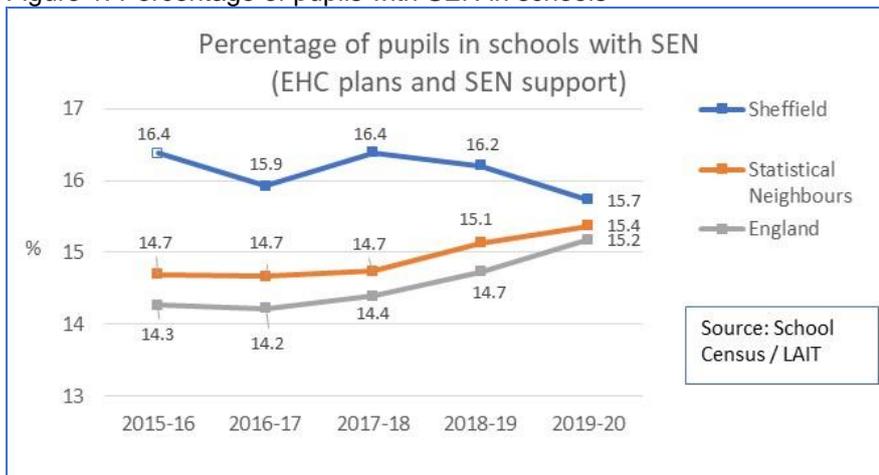
provision detailed in the plan is put in place. An EHC Plan can remain in place up to the age of 25, however, it is expected that this would only be in a very small number of cases where it is identified that the young person requires longer to complete the education outcomes they need to progress to adult life.

EHC plans are for a small minority of children and young people (less than three per cent) who need more support for their SEN than a mainstream school can normally provide through resources that may be available to all children.

Special schools and Integrated Resources only admit pupils with EHC plans. However, an EHC plan does not necessarily mean that a child will need a specialist placement; many pupils with EHC plans are successfully supported in mainstream schools.

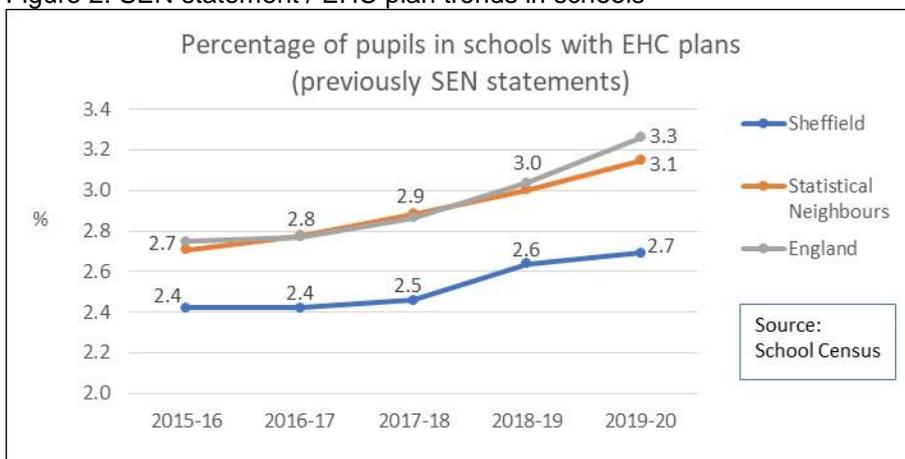
In January 2020, 15.7% of children and young people in Sheffield schools were identified as having a special educational need: this included both children with EHC plans and those receiving SEN support. This was 0.3% above the Statistical Neighbour average and 0.5% above England as a whole.

Figure 1: Percentage of pupils with SEN in schools



The proportion of children and young people in schools with an EHC plan in Sheffield continues to be below the national average – 3.3% compared with 2.7% nationally.

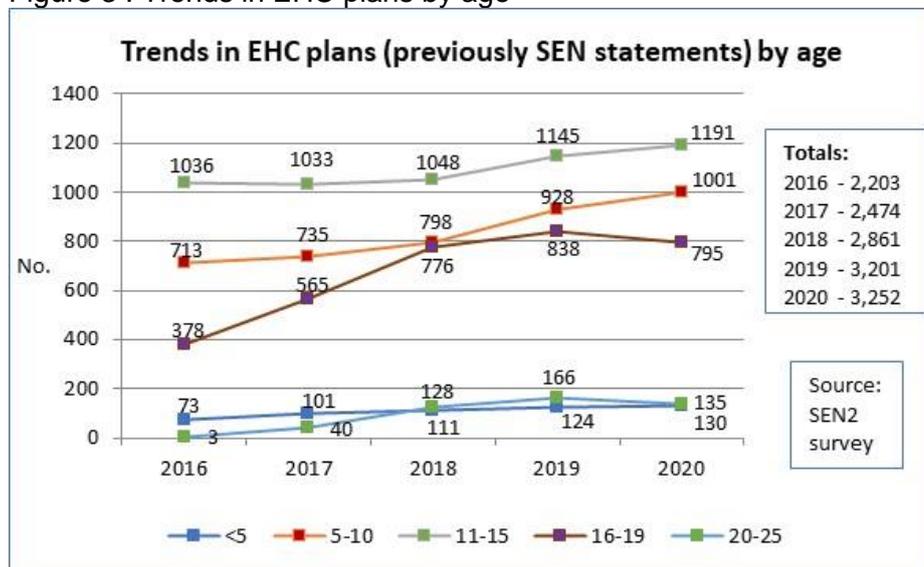
Figure 2: SEN statement / EHC plan trends in schools



In contrast, levels of SEN support have been higher in Sheffield than in England as a whole – that continues to the present time (13.0% compared with 11.9% nationally from the 2020 School Census). However, over the last 5 years, the proportion of SEN support pupils has declined by 1.0% locally, whilst increasing nationally by 0.4%. The 0.6% decrease from 2019 to 2020 may be partly explained by LA guidance issued to schools before the January 2020 School Census on appropriate identification of SEN in schools.

Since 2014, relating to the expanded 0-25 focus of the 2014 SEND reforms, there has been a significant increase in young people over statutory school age (young people over the age of 18) having EHC Plans. In January 2014, this number was **157** – by January 2017 it had risen to **581**: and by January 2020 it was **926**. These increases have been seen particularly in FE-related provision (584 in Jan 2020) but have also applied to schools (196 in Jan 2020). They are partly explained by the fact that prior to 2014 statutory plans, called statements at the time, ceased at the age of 19.

Figure 3 : Trends in EHC plans by age



The above information tells us that:

- There has been an increase in the number of EHC plans in Sheffield over the past 5 years.
- Sheffield has a higher rate of children with SEN support than nationally.
- Sheffield has a lower rate of children with an EHC Plan than nationally.
- Overall, Sheffield has a higher than average percentage of children with SEND in schools than nationally .

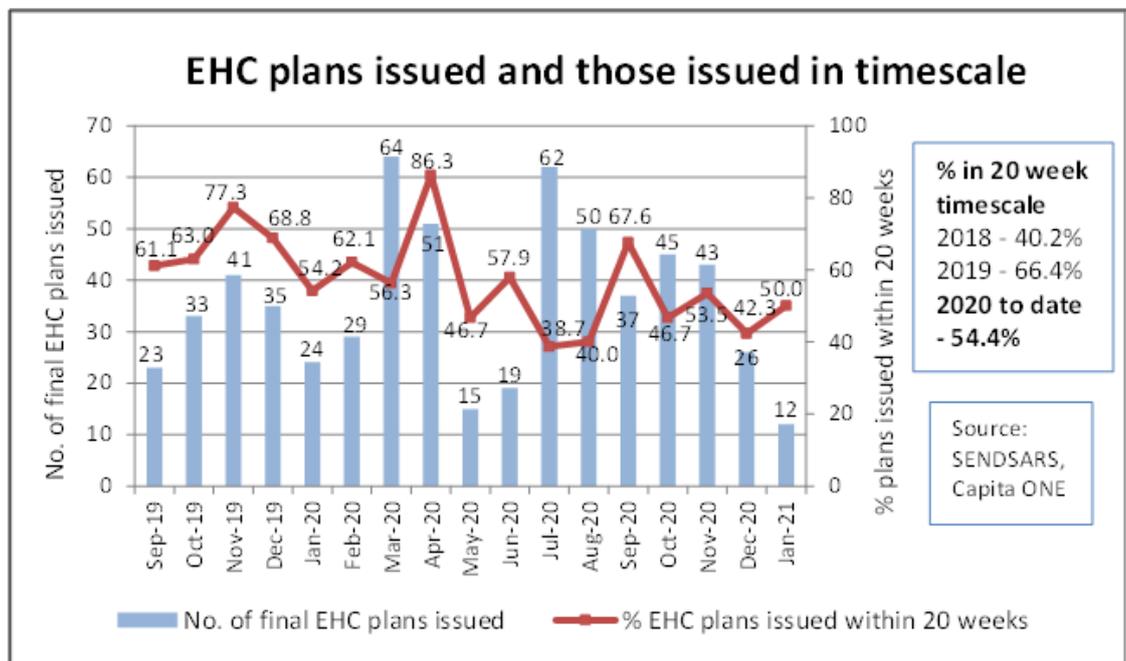
3.2 SEND in the Pandemic

Like many areas within Education, since the 2019/20 Ombudsman report, there has been significant impact of Covid. In April 2020 The Coronavirus Act 2020 temporarily lifted the statutory duty on local authorities to maintain the precise provision in EHC plans; with local authorities needing instead to apply 'reasonable endeavours' to support these children and their families. As such,

where the Secretary of State issued a temporary notice and a local authority is unable to secure the full range of provision stated in a plan, as long as they use their 'reasonable endeavours' to do this, they won't be penalised for failing to meet the existing duty in section 42 of the Children and Families Act 2014. In addition, the Act temporarily suspended the duty regarding timeliness of the EHC needs assessment process

The disapplication lasted until August 2020. During the second and third wave there was no disapplication of duties, however the closure of schools to children who were not vulnerable or the children of critical workers since January has meant that there has been further disruption to children's education.

3.3 Sheffield City Council continued to prioritise the EHC needs assessment process, and although timeliness has fallen due to ways of working in the pandemic, this has been held fairly consistently at the 50% mark.



3.4 The EHC Needs Assessment process is co-ordinated by the SEND Statutory Assessment and Review Service (SENDSARS). Significant improvement activity has occurred both prior and during the pandemic to this process. This has been done through:

- Updated co-produced letters to parents and carers which are now in Plain English.
- Greater telephone contact with families from the SENDSARS team throughout the EHC needs assessment process. This ensures that families are clear about next steps and on decision outcomes and issues can be resolved.
- Earlier decision making throughout the 20-week process wherever possible.
- Robust performance information enabling Service Manager grip where

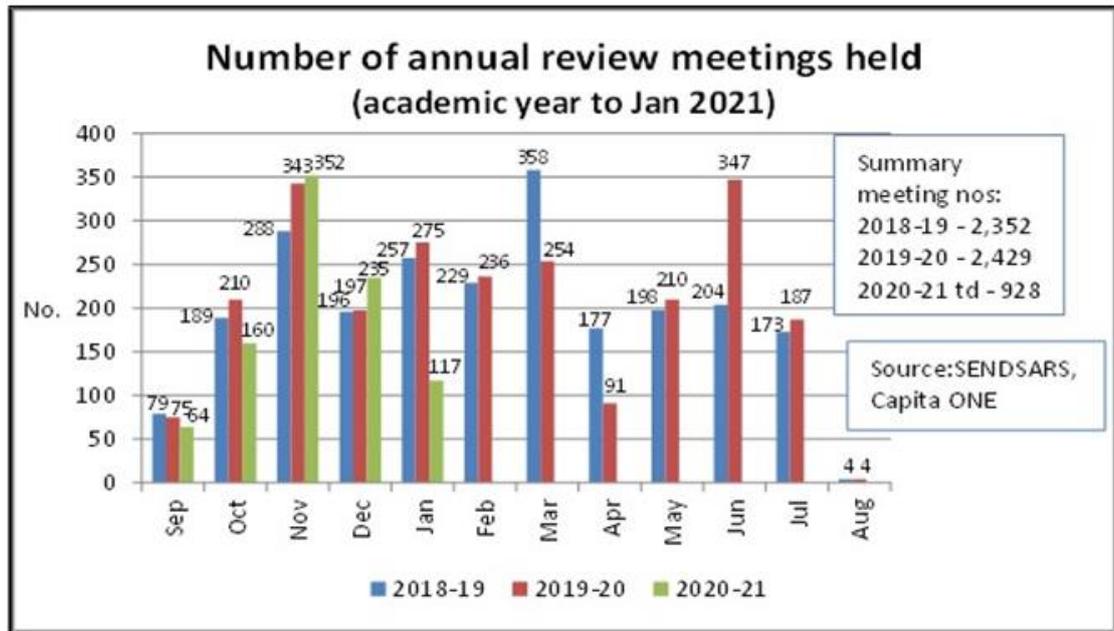
- there is evidence of drift and delay.
- Staff training in SENDSARS on effective management of the EHC Needs Assessment process.
 - Online video clips and process charts designed for families on the Local Offer website and referred to by the SENDSARS team.
 - Appointment of a Designated Clinical Officer, and recent appointment of a Nurse Assessor to ensure robust processes in place for Health input into the EHC needs assessment process.
 - Quality Assurance processes are in place; 80% (September-January) of new EHC Plans audited and EHC Plans updated following an annual review were graded good or better.

3.5 All EHC Plans must be reviewed on an annual basis. This process is also administered and overseen by SENDSARS. The annual review is a statutory process where the EHC Plan is reviewed and potentially amended.

Improvements to this process prior to and during the pandemic include:

- Training for all schools and Education Health and Care services on effective delivery of reviews.
- Robust performance information enabling Service Manager grip where there is evidence of drift and delay.
- Revised documentation to support annual reviews for families and services.
- Improved data to detail which reviews for schools and education providers are due.
- Quality Assurance processes are in place; 80% (September-January) of new EHC Plans audited and EHC Plans updated following an annual review were graded good or better.

Despite the closure of schools for most children in March (where children with EHC Plans stayed at home if it was safe to do so), and the limited attendance from the wider opening of school, there has been a considerable increase in the number of Annual Reviews completed ensuring that changes in need and the review of plans and provision continues to happen in a timely way for families.



3.6 During this current wave, all children with an EHC Plan have been entitled to attend their setting if they and their family chose. Where children and young people have not attended, SCC Officers have worked with SENCO's to discuss every single child to ensure that they are receiving suitable home learning to meet their needs. SCC has worked with the CCG to ensure that where necessary health provision can also be delivered remotely.

In special schools attendance has fluctuated – but has regularly been between around 36% raising to 40%. The highest number of children with an EHC Plan who have attended on any one day since February half term is 893.

The priority now is to ensure all pupils are safe, settled, and ready to learn from the 8th of March. There will also be 'Back to school' sessions being run between 3rd March and 10th March for parents across the City to join. Listening to ideas and strategies, alongside a question-and-answer session, and signposting information will support parents to feel in touch with the Local Authority support over this period of time.

Attendance and Inclusion Officers will continue to link with schools to ensure they are aware of pupils who have not returned and can use the graduated response for attendance to encourage children to return to school safely.

3.7 'New to City' Processes for children with EHC Plans; Children Missing in Education processes and children removed from school roll.

Previous areas of concern and complaint have included those in relation to children with EHC Plans who are new to city or not on a school roll where issues have not been resolved in a timely manner. Improvements to internal processes and clarity around roles and responsibilities are streamlining these areas. Improvement work continues to ensure that there is improved compliance in this area. Points of note include:

- We are notified by our schools whenever children are being removed from school roll.
- We have agreements in development with Health Professionals, including the Children's Hospital and GP Surgeries to notify us when they are seeing children who they believe are not on school roll.
- As children arrive in the city, they are met by our Children Missing Education Team who are our first support in ascertaining how families are to educate their children and provide information to SENDSARS in order to provide a school place for those with an EHC Plan.
- Robust data to enable service manager and head of service grip over children with EHC Plans who are not on a school roll with practice standards on how these should be addressed and managed.

3.8 Elective Home Education

Sheffield (as is the national theme throughout the pandemic) has seen a significant rise in the number of parents requesting de-registration from school for their children so they can Electively Home Educate (EHE). This has seen a rise in numbers from 462 pre pandemic to 659. The number of children with EHCP's who are EHE has risen from 19 to 35 during this time, although the proportion remains similar- it has grown from 4.1% to 5%.

- In 2018 a multi-agency group was formed across Admissions, Children Missing Education (CME) Multi Agency Support Team (MAST) Attendance, Social Care, and the Elective Home Education Advisory Teacher to bring together a policy that would cover the response to Home Education. This was agreed by our Portfolio Leads in November 2018 and began being embedded from January 2019.
- As the Department for Education released the revised guidance in April 2019 the policy was reviewed, and our approach amended to follow this new guidance.
- As the numbers of children being home educated began to significant rise from September 2020 the policy was reviewed again, and changes made to reflect the rise.
- Processes to support children with EHC Plans are clearly embedded within this policy.

Improvement work linking the EHE lead teacher to the SENDSARS team has ensured that if families decide that they no longer wish to electively home educate their children, the Local Authority can respond in a timely way.

3.9 Working with children and young people with SEN and their families.

Significant work has taken place to improve the working relationship with children, young people and their families in Sheffield. This focused on ensuring that all our processes for EHC Needs Assessment and review are focused on placing the child at the centre of decision making and the provision in place.

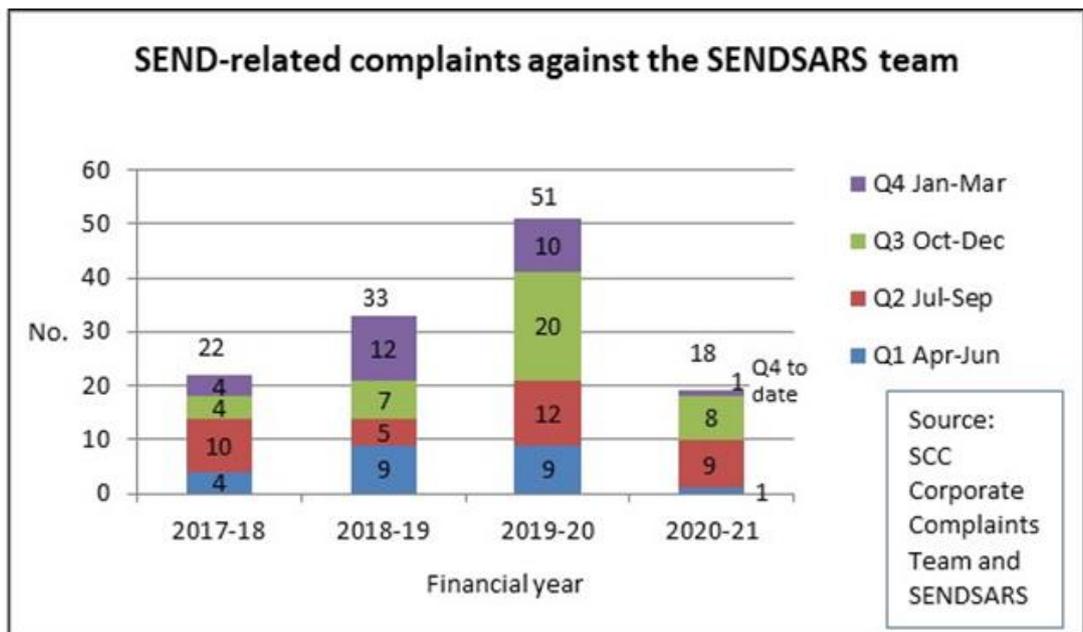
Improvements have included:

- Development of a co-production charter for all strategic developments.

- Involvement of representatives at all substantive strategic groups of parents through the Sheffield Parent Carer Forum (SPCF).
- Regular meetings with members of the SPCF at executive director, director and head of service level.
- Engagement work with young people to ensure their views are central to developments.
- Development of a customer charter within SENDSARS to improve communication with families.
- Updated co-produced letters to parents and carers which are now in Plain English.
- Greater telephone contact with families from the SENDSARS team throughout the EHC needs assessment process. This ensures that families are clear about next steps and on decision outcomes and issues can be resolved.

3.10 2020/21 has seen a significant reduction in complaints against the SENDSARS team. The team have worked to ensure that their practices are improved to reduce areas of complaint.

Where complaints are raised they are managed by a named officer who meets with the Head of SEN on a weekly basis to ensure grip on areas of concern and lessons learnt.



3.11 Areas for further improvement

1. Continue to maintain grip on performance of timeliness of EHC needs assessments in order to ensure that there is no drift and delay for families.
2. Continue to support the training and monitoring of Annual Reviews to ensure

that where there are concerns about provision or a change in need these are responded to swiftly and documented appropriately.

3. Further develop strong communication practices to ensure that where dispute does arise this is dealt with at the earliest opportunity and results in swift resolution for families.
4. Continue to monitor the ongoing impact of the pandemic on education for children with SEND, including those with EHC Plans, and to work across Education, Health and Care to ensure that need is met and any unmet need is identified.

4.0 RECOMMENDATIONS

- 4.1 The Audit & Standards Committee is asked to consider the EHC Plan Report in order to provide its view on the issues raised.

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