

Update on Education Health and Care needs assessment and planning processes

Report of the Director of Children & Young People's Futures

Please note that the following recommendations are subject to consideration and determination by the Committee before taking effect.

1. Recommendation

- 1.1. That the Committee understands the current performance of the Council and its partners in fulfilling their statutory duties in relation to Education Health and Care assessments and plans and notes the progress being made to make the necessary improvements.

2. Background / Introduction

- 1.1. In May 2022, the Devon local area was revisited by Ofsted/CQC and were found to have made no progress since the 2018 inspection. The Department for Education (DfE) issued an improvement notice in September 2022 and the local area produced an Accelerated Progress Plan (APP). In September 2023, the local area SEND partnership agreed to expand its focus to deliver system-wide improvement. This aligns to the recommendation of the Children's Scrutiny Committee SEND Task Group.
- 1.2. This report provides an update on the education health and care needs assessment and planning processes, as requested by committee members at the previous meeting.

3. Update on education, health and care needs assessments and plans

Identifying SEN

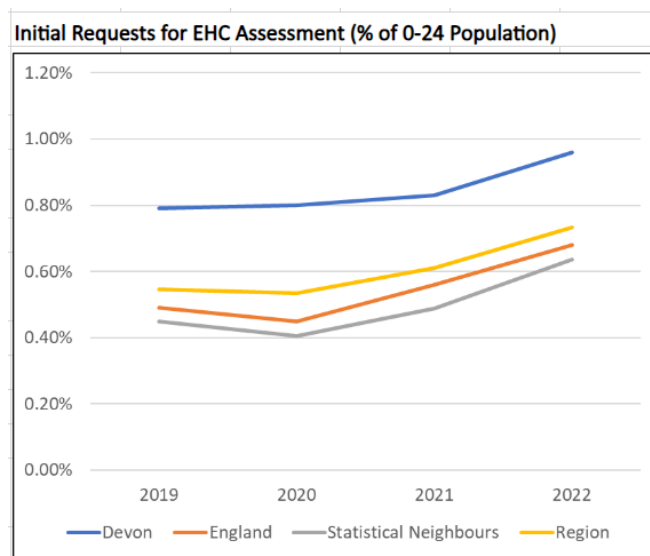
- 3.1. A child or young person has SEN where their learning difficulty or disability calls for special educational provision, namely provision that is different from or additional to that normally available to children or young people of the same age.
- 3.2. Schools or settings that identify a child with additional needs should use a graduated response, following a cycle of Assess, Plan, Do and Review. For many children this use of alternative approaches to learning is sufficient in meeting their needs. Special educational provision in schools is called SEN Support. Devon has 16,111 children and young people with SEN Support/SEN without an Education

Health & Care Plan (EHCP), this equates to 14.8%¹ compared to 13% nationally (based on 2022/23 published data.)

- 3.3. If a school or setting has taken purposeful action to identify, assess and meet the needs of a child or young person but they have not made expected progress, it may be necessary to request an education health and care needs assessment (EHCNA).

Requests for EHC assessment

- 3.4. In Devon, around half of all requests for an EHCNA are submitted by schools or settings and around a third are submitted by parents and carers. The evidence gathered during the ‘Assess Plan Do Review’ cycle is critical to decision-making about whether or not to carry out an EHCNA.
- 3.5. Requests for EHCNAs in Devon continue to grow year on year, much like the national picture. However, Devon is a significant outlier in terms of the requests received as a percentage of the overall 0-24 population, when compared to regional, national and statistical neighbours.



- 3.6. There is also a significant additional demand for EHCNAs in Devon at two specific points, the year before a child starts in Reception, which can be attributed to concerns about school readiness, and in years 5/6 in anticipation of the transition to secondary provision.

EHC assessment request by National Curriculum Year (NCY)

Academic Year	-4	-3	-2	-1	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	99	Total
2022-2023	2	5	54	293	106	120	126	111	156	209	211	99	158	154	127	92	42	29	17	6	4	1	2	14	2,138
2021-2022	1	12	35	270	96	95	115	109	164	204	197	79	137	109	118	90	45	24	11	1		1		8	1,921
2020-2021	4	8	26	247	97	89	117	128	135	179	186	67	98	91	88	85	36	16	7	3				10	1,719
Total	7	25	115	810	299	304	358	348	455	592	596	245	393	354	333	267	123	69	35	10	4	2	2	32	5,778

Timeliness & quality of assessments

¹ This includes all state-funded nursery, primary, secondary and special schools, non-maintained special schools, pupil referral units and independent schools.

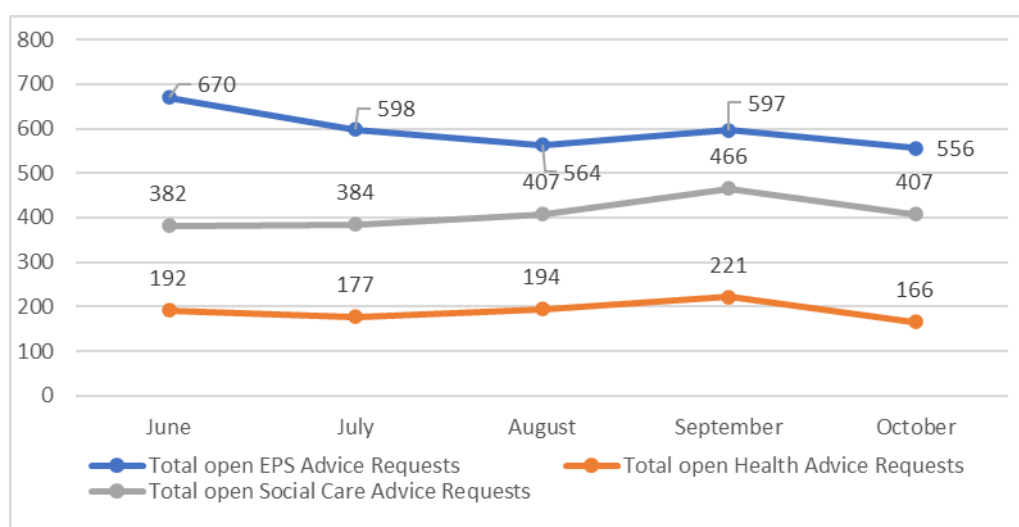
3.7. From the date that a request for an EHCNA is submitted the local area has six weeks to decide whether or not to assess and to inform the parent carer and the setting. Devon's completion rate for 6-week decisions has steadily improved since January 2023. There is a multi-agency panel responsible for decision-making in Devon.

Timeliness of 6 week decision making (2023 so far)

Year 2023	6 Week Decisions Completed	% of 6 Week Decisions Completed in Time	% Of 6-week Agreed	% Of 6 weeks Refused	% Of 6 Weeks Overturned*
October	111	98%	38%	62%	0%
September	72	93%	58%	42%	0%
August	271	98%	52%	48%	1%
July	152	92%	66%	34%	0%
June	189	80%	64%	36%	2%
May	170	82%	59%	41%	1%
April	239	69%	67%	33%	2%
March	240	66%	65%	35%	3%
February	114	73%	67%	33%	5%
January	227	52%	72%	28%	4%
2023 Total	1713	78%	63%	37%	2%

3.8. If it is decided that an EHCNA should be undertaken, information and advice must be sought from a range of different people. Anyone who is asked for information and advice should respond within 6 weeks. The graph below shows the open advice requests for educational psychology, health and social care.

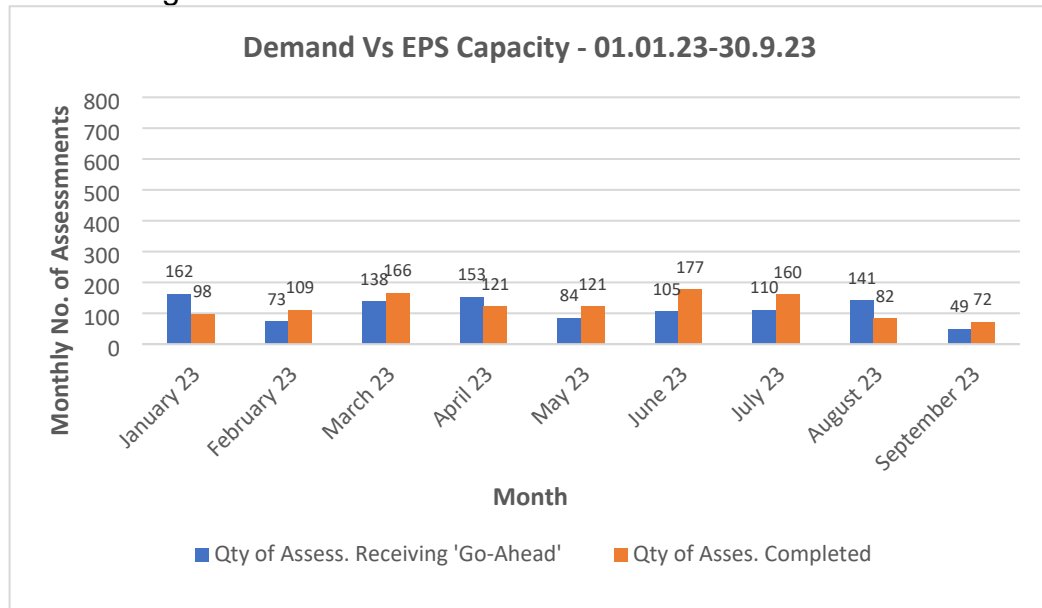
Open advice requests for previous 5 months, as of 19th October 2023



3.9. Waiting times for service and assessment are impacting on the ability to provide timely health advice. Escalation processes are embedded within health providers

and a comprehensive Sit Rep is reflecting timeliness of EHCP returns. A paper is being drafted for the ICB Executive overview with recommendations for recovery.

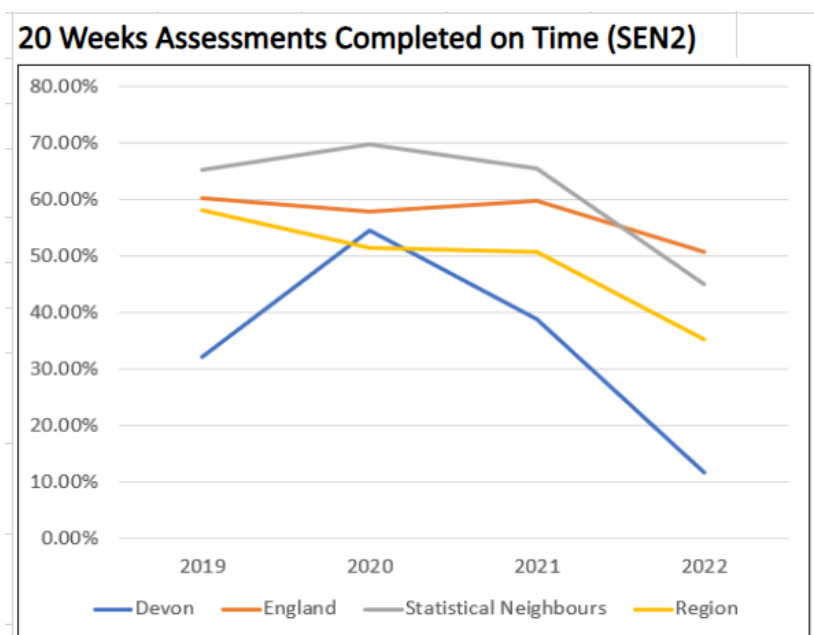
- 3.10. The Educational Psychology Service (EPS) has concentrated on tackling recruitment and retention challenges and process improvements to improve timeliness of advice for EHCNAs. The graph below shows that the capacity of the EPS can meet the current demand and therefore is making progress in reducing the backlog. Whilst a backlog still exists, and the wait for an EP is currently around 6 months, once allocated 95% of assessments are completed within the 6 week performance target.



- 3.11. The overall completion rate of the 16-week statutory decision, on whether to issue an EHCP, is shown in the table below. Both nationally and in Devon, the timeliness of this part of the process drops significantly. The current challenges, both locally and nationally, around volume and workforce recruitment and retention is impacting on the timeliness of the assessment part of the process.

Year 2023	16 Week Decisions Completed	% of 16 Week Decisions Completed in Time	% Of 16-week Agreed	% Of 16 weeks Refused	% Of 16 Weeks Overturned*
October	90	1%	78%	22%	0%
September	113	2%	62%	38%	1%
August	134	0%	75%	25%	1%
July	125	5%	78%	22%	1%
June	141	1%	79%	21%	0%
May	136	5%	74%	26%	0%
April	150	9%	82%	18%	2%
March	151	15%	91%	9%	1%
February	110	26%	87%	13%	1%
January	101	19%	91%	9%	6%
2023 Total	1211	8%	80%	20%	1%

- 3.12. The EHCP must be issued within 20 weeks. The data below shows that the completion rate nationally has fallen year on year, with the current England average at around 50%. However, Devon is significantly out of line with the national picture, with the latest published data showing a completion rate of 11.8%.



- 3.13. There are currently 576 assessments which are overdue and over the 20-week statutory deadline, this has reduced slightly from a peak of 628. Since August 2023, there are 0 assessments that are waiting over 52 weeks.

Quality assurance

- 3.14. The quality assurance of EHCPs is currently undertaken by service managers within the SEN team. The Invision360 EHCP quality assurance audit tool has also been secured as a digital solution to support this. However, as part of our SEND Transformation Programme we will be developing a new quality assurance framework and strengthening the quality assurance process for EHCPs. We will use the support from Essex County Council, funded by the Department for Education, to support us with this.

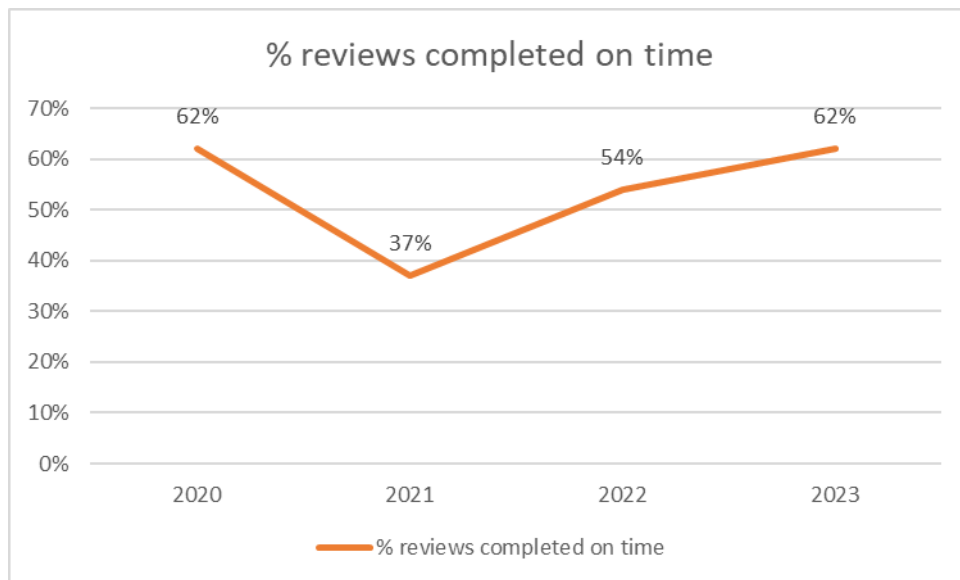
Annual Reviews

- 3.15. EHCPs must be reviewed within 12 months of the EHCP being issued and then within 12 months of the previous review. Reviews must focus on the child or young person's progress towards achieving the outcomes specified in the EHCP and whether these outcomes and supporting targets remain appropriate.
- 3.16. In most local areas, schools or settings arrange and lead the review meetings with other relevant professionals invited to attend. Professionals across education, health and care must co-operate with local authorities during reviews.
- 3.17. During the Local Area SEND Revisit in May 2022, Ofsted/CQC found that 1600 annual reviews were overdue in Devon. At its peak, this rose to 1892. The focus over the past year has been to reduce the number of overdue annual reviews.

There are currently 949 overdue annual reviews, a 47% decrease, however we know there is much more work to do to bring this down to 0.

- 3.18. At the same time as reducing the backlog of overdue annual reviews we are focused on improving the timeliness of current annual reviews. The graph below shows the percentage of reviews that are being completed on time, which we expect to increase for 2023.

Percentage of annual reviews completed on time 2020 – 2023 (at October 2023)



4. Action being taken to improve statutory processes

- 3.19. Transformation specialists working within the Transformation and Business Services directorate have directed their focus toward priority areas within the SEND Transformation Programme. As a result, the focus has been on the SEN Statutory Service, specifically looking at improving how teams work in delivering the statutory service while meeting the needs of people accessing the service.
- 3.20. The initial focus of activity from the end of September onward has been on engaging with and learning from a wide range of people related to the SEN Statutory Service. In addition to exploring previously completed research, this has included working with DCC employees, partners and parents, among others.
- 3.21. Several different methods have been used. A total of 835 survey responses were received from parents that had registered for the EHC Hub system. A further 100 parents who had previously submitted complaints to DCC provided consent to be contacted and share information about their experiences. 35 one to one interviews were conducted with a blend of parents, DCC employees and other professionals including schools.
- 3.22. The first output from this activity is a map of the end-to-end process currently used for EHCP requests, assessment, reviews and tribunals. The map illustrates how we work as we endeavour to follow the statutory process, and will be a valuable step in

identifying improvements, accelerating delivery and finding ways to operate more efficiently.

- 3.23. Consequently, the current focus of activity is exploring the mapping with subject matter experts to identify changes that can potentially deliver rapid improvement to the service, while also developing longer term improvement plans.
- 3.24. At the same time, analysis of tools and practices that can improve communication with parents, has commenced including using best practice from elsewhere within DCC and more widely. Recent transformation work within Highways has delivered digital solutions designed to achieve the same outcome of improving communication and is undergoing assessment of its suitability in the context of needs within the SEN statutory service.

5. Strategic Plan

- 3.25. One of the key focuses of Devon County Council's Strategic Plan 2021-2025 is to create a 'Child Friendly Devon', where Devon is the best place to grow up. Specifically, one element of the Strategic Plan is to "ensure children and young people with special educational needs and disabilities achieve the best possible outcomes" (Devon County Council, 2021).
- 3.26. The SEND Transformation Programme contributes to the realisation of this element of the strategic plan by ensuring that local area partnership arrangements lead to an improved lived experiences and improved outcomes for children and young people with SEND, and their families.

6. Financial Considerations

- 3.27. There are no specific financial considerations related to this update.

7. Legal Considerations

- 3.28. There are no specific legal considerations related to this update. The Council must adhere to the relevant legislation such as the Children and Families Act 2014 and the Special Education Needs and Disability Regulations 2014. Improvements to the timeliness and quality of assessments and annual reviews will contribute to the Council fulfilling its statutory duties.

8. Environmental Impact Considerations (Including Climate Change, Sustainability and Socio-economic)

- 3.29. There are no specific environmental impact considerations related to this update.

9. Equality Considerations

- 3.30. Children and young people with Special Educational Needs and Disabilities (SEND) have the protected characteristic of disability under the Equality Act 2010 and duties to make reasonable adjustments and meet the Public Sector Equality Duty (eliminate disability discrimination, harassment and victimisation, advance equality of opportunity for disabled people, and foster good relations between people who share

the protected characteristic of disability and people who do not) apply to this area of work and run alongside our duties around education health and care plans. In addition, children with SEND will have intersecting characteristics such as gender, LGBTQ+, and ethnicity that may need to be taken into account.

10. Risk Management Considerations

- 3.31. A risk register is maintained for the SEND Transformation Programme which is regularly updated and monitored and feeds into the Corporate Risk Register.

11. Summary/Conclusion

- 1.3. The data shows that Devon is outlier in relation to requests for EHCNA and the number of children and young people supported through an EHCP. This would suggest that at a system level, Devon's approach to meeting a range of needs at the earliest opportunity and the view of 'significantly greater difficulty in learning' may differ from other areas. Developing the educational offer in mainstream schools and settings to improve inclusion and ensure that the needs of children and young people with SEND are met earlier, is critically important.
- 1.4. The delivery of the local area's statutory process is not good enough and our approach to date has not had the desired impact. Reviewing our service improvement approach and undertaking a complete review of our SEN statutory processes is critical and underway. Improving communication with professionals, parent/carers and children/young people is the number one priority within this.

Director of Children & Young People's Future - Stuart Collins

Electoral Divisions: All

Cabinet Member for Special Educational Needs & Disabilities: Councillor Lois Samuel

Local Government Act 1972: List of background papers

Background Paper

Date

File Reference

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