

Education Health & Care Plans

Children's Health, Social Care & Education Date: 20th September 2017 Overview & Scrutiny Committee

Author:	Director of Children's Services
Wards:	All Wards
Locality Affected:	All Locality Areas
Parishes Affected:	All Parish Areas

1. **Purpose and Reasons**

- 1.1 This report provides information on Special Education Needs and Education, Health and Care plans (EHCP) and the process involved in obtaining and EHCP for children and young people.
- 1.2 The report is necessary to provide background information for the committee workshop. This will enable committee members to have better informed debate and discussion about the EHCP process, the range of professional organisations which may be involved and an understanding of the co-production process with parents/carers and children and young people.
- 1.3 This report links directly to Priority 2 of the Council's vision for 20130 "To offer educational opportunities that lead to the right skills and the right jobs in the right places".

2. **Recommendations**

The Committee is recommended to:

- 2.1 To note the contents of the report and the work being undertaken on EHCPs by the council and its partners.

3. **Detail**

What is an EHC plan?

- 3.1 EHC plans were introduced as part of the Children and Families Bill (2014) which introduced a range of reforms relating to special educational needs and disability legislation. They replaced statements of special educational needs with a broader plan which includes social care and health needs. It also includes a change in the process to involve parents/carers and children and young people much more in the process of producing an EHC plan. This is called co-production.
- 3.2 An EHC Plan is a forward looking aspirational statutory document that captures the long term ambitions of the child or young person (0-25 years) and specifies the outcomes as well as the necessary provision to meet their SEND needs. EHC plans should set out how services will be delivered as part of a whole package

Education Health & Care Plans

Children's Health, Social Care & Education Date: 20th September 2017 Overview & Scrutiny Committee

and explain how best to achieve the outcomes sought across education, health and social care for the child or young person.

- 3.3 A coordinated EHC Assessment brings together professionals from education, health and care to work in partnership with families to listen, understand and plan support to enable their children to achieve the best possible quality of life. One of the aims is to improve information sharing, so that the family does not have to keep repeating their story to different professionals and organisations.
- 3.4 The EHC Plan is reviewed at least annually. In between annual reviews, you may have team around the child/family meetings. This process will all contribute to the EHC Plan and measuring the progress towards the agreed outcomes

4. Who can request an EHC plan?

- 4.1 An EHC assessment can be requested by
- A child's parents
 - A young person over the age of 16 but under 25
 - A person acting on behalf of a school or post-16 institution (this should be with the knowledge and agreement of the parent or young person, where possible)
 - An individual (e.g., foster carer, health and social care professional, early years practitioner, youth offending team or probation service, those responsible for education in custody, school or college staff or a family friend) who has specific concerns and thinks that an EHC assessment may be necessary. This should be done with the knowledge and, where possible, agreement of the child's parent or the young person.
 - Children and young people under 19 in youth custodial establishments also have the right to request an assessment for an EHC Plan. The child's parent, the young person themselves or the professionals working with them can ask the home local authority to conduct an EHC needs assessment while they are still detained. The process and principles for considering and carrying out an assessment for young offenders in custody remains the same as for all children and young people.
- 4.2 Within six weeks of an EHC needs assessment request being made the local authority must determine whether an EHC needs assessment is necessary and communicate the outcome of their decision to the child's parents or to the young person. In considering whether an EHC needs assessment is necessary, the local authority will consider whether there is evidence that, despite the early years

Education Health & Care Plans

Children's Health, Social Care & Education Date: 20th September 2017 Overview & Scrutiny Committee

provider, school or post-16 institution having taken relevant and purposeful action to identify, assess and meet the special educational needs of the child or young person, the child or young person has not made expected progress.

- 4.3 Early years providers, schools and colleges should make regular assessments of progress for all pupils. These should seek to identify children and young people making less than expected progress given their age and individual circumstances. This can be characterised by progress which:

- is significantly slower than that of their peers starting from the same baseline;
- fails to match or better the child's previous rate of progress;
- fails to close the attainment gap between the child and their peers;
- widens the attainment gap.

This may be recorded, reviewed and evaluated through an Early Help Record and Plan or other statutory plans in place such as a child in need plan.

- 4.4 The local authority will use a range of evidence to determine whether an EHC assessment is necessary. The EHC assessment and plan process is underpinned by the principles of participation and transparency. Therefore, in determining whether an EHC assessment is necessary, the local authority will take into account the views, wishes and feelings of the child and his or her parent, or the young person. In addition, the local authority has a statutory duty to contact:

- the health service (the relevant Clinical Commissioning Group (CCG) or NHS England where it has responsibility for a child or young person);
- local authority officers responsible for social care for children or young people with SEN;
- where a child attends an early years setting, the manager of that setting;
- where a child or young person is registered at a school, the head teacher (or equivalent);
- where the young person attends a post-16 institution, the principal (or equivalent).

- 4.5 The decision of whether to consider an EHC assessment is weighed against a wide range of evidence and in particular:

Education Health & Care Plans

Children's Health, Social Care & Education Date: 20th September 2017 Overview & Scrutiny Committee

- evidence of the child or young person's academic attainment (or developmental milestones in younger children) and rate of progress;
 - information about the nature, extent and context of the child or young person's SEN;
 - evidence of the action already being taken by the early years provider, school or post-16 institution to meet the child or young person's SEN and the impact of such action;
 - evidence that where progress has been made, it has only been as the result of much additional intervention and support over and above that which is usually provided;
 - evidence of the child or young person's physical, emotional and social development and health needs, drawing on relevant evidence from clinicians and other health professionals and what has been done to meet these by other agencies, and
 - where a young person is aged over 18, the local authority will consider whether the young person requires additional time, in comparison to the majority of others of the same age who do not have special educational needs, to complete their education or training. Remaining in formal education or training should help young people to achieve education and training outcomes, building on what they have learned before and preparing them for adult life.
- 4.6 For information about the EHCP process, there is a considerable amount of information on the Swindon My Care My Support website on <http://mycaremysupport.co.uk/> which incorporates the local offer. This also has direct links to the Department for Education website which has further information about the SEND reforms.
- 4.7 It is a statutory duty that the EHC plan process will be completed in 20 weeks at most from the initial request for an assessment to its completion. In Swindon, this process was often taking too long with the percentage being completed within 20 weeks being well below the national average. This was reviewed by the SEND board and considerable work was undertaken to address this. Completion rates within timescales now are usually at 90% plus (monthly) which is much higher than the national average (around 70%).
- 4.8 There is also an expectation that by April 2018, all children and young people who were previously on statements of special educational need, would have these converted into EHC plans. Grant funding has been provided by the DfE to fund this process and this ends in March 2018. Swindon is currently on target to carry
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Education Health & Care Plans

Children's Health, Social Care & Education Date: 20th September 2017 Overview & Scrutiny Committee

out all these conversions but the challenge is to ensure the temporary staff engaged to carry out this work, stay in post to complete all the conversions to time.

- 4.9 Currently, 3.7% of children and young people have EHC plans or statements in Swindon which is much higher than the national average of 2.8%. This is a slight reduction from 2016 and may be showing a reversal of the rising trend which had been in place over a number of years. This means that 1612 EHC plans or statements are currently in place for children and young people.
- 4.10 Children and young people with EHC plans often stay in their own mainstream school receiving support as needed to meet their additional needs. Alternatively they may attend a special school of which there are 6 in Swindon. In addition, there are 13 specialist resource provisions within primary and secondary schools. These provide specialist support for a range of special needs but are based in mainstream schools to allow access to mainstream education and their peers.
- 4.11 Alternative Options
- 4.12 There are no alternative options in this case as this is a statutory process.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 The grant funding provided by the DfE ends in March 2018, this was provided to cover the cost of converting the statement of Special Education Needs into an EHCP. The additional workload of assessing and maintaining EHCP's up to the age of 25 is likely to require additional resources which could result in a cost pressure of up to £60k in 2018/19

Legal and Human Rights Implications

- 5.2 There are no legal or human rights implications

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.3 There are no other implications.

Diversity Impact Assessment

- 5.4 A Diversity Impact Assessment has not been completed for this report because the report is an information report to inform a scrutiny workshop. No decisions are being made in this report other than to note the statutory process involved in the EHC plan process.

Education Health & Care Plans

Children's Health, Social Care & Education Date: 20th September 2017 Overview & Scrutiny Committee

Risk Management

- 5.5 There are no risk management implications in this report

6. Consultees

- 6.1 The Director of Finance (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

7. Background Papers

- 7.1 These can be found on the <http://mycaremysupport.co.uk/> as referred to in the body of the report.
- 7.2 At this committee in March 2017, a self-evaluation of SEND in terms of a possible local area inspection in Swindon was presented to the meeting and is a useful background paper for this meeting.

8. Appendices

- 8.1 There are no appendices.