

Education, Health and Care Plans Scoping Seminar

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The Michael Sieff Foundation

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- **Not** a research or systematic review

- It is an **unfunded scoping activity** drawing on a variety of literatures /sources:
 - Materials from The House of Commons Library briefings relating to ‘SEN/D’
 - Local Government Ombudsmen reports relating to ‘SEN/D’ issues
 - SEN/D Tribunal findings
 - Local Authority ‘Local offer’ websites (and associated feedback fora)
 - Professional and parent-focused websites (e.g. <https://www.specialneedsjungle.com>)
 - Published reports e.g. Children’s Commissioner; Annual Report of OFSTED 2017;
 - Materials from key, third sector groups / national organisations
 - My own experience in the field

Aims of this piece of work

- To provide a scoped **overview of current issues**
- To foreground **parent / child / young person [CYP] perspectives, consistent with the COP, 2015**
- To provide a **starting point and stimulus** / round-up of issues for exploration and development
- To offer **some priorities for debate and action**

- People who ***do not have complaints and issues*** tend not to access LGO / SEND tribunals or make comments on parent feedback sites
- The following slides focus on issues and ***not what is / may be working well*** for some people!
- This needs to be taken into account ***today*** and ***in our discussions***

Context of EHCP in this piece of work

- English SEND **Code of Practice** [COP]: 0 to 25 years [SEN/D] 2015:
<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>.
- A useful /accessible series of summaries of the **EHCP plan process** can be found at: <https://www.specialneedsjungle.com/flow-chart/>
- **National Statistics** in the public domain Special educational needs in England: January 2017 <https://www.gov.uk/government/statistics/special-educational-needs-in-england-january-2017>
- **Ofsted Annual Report** 2017
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/666871/Ofsted_Annual_Report_2016-17_Accessible.pdf

1. **Delays** in EHC Plan processes:
2. **Transition** planning and execution
3. **Failure** to provide **specialist support**
4. **Unlawful exclusions** linked to special needs / disabilities
5. **Lack of early** discussion with families in **creating and amending EHCPs**
6. **Need for anticipatory evidence gathering** in making EHC Plans
7. **Need for quality advice on each element** of the EHCP

- 8. Lack of transparent criterion-based systems for identifying and processing priorities**
- 9. Differentiation between transfers and reviews for EHC plans**
- 10. Personal budgets: preparation and support**
- 11. Use and nature of 'panels' in the EHCP process**
- 12. Lack of legal training / awareness among those involved in EHC plans**
- 13. Need for complaint and resolution procedures to be in place and tested**
- 14. Need for active LA councillors to monitor / review / evaluate officer activity**

- 15. Need to address differential involvement of Education, Health and Care**
- 16. The utility and applicability of special needs (in general, and EHC plans in particular), focused research**
- 17. Need for related professionals to be trained to work in the SEND context**
- 18. Professional training of SEND practitioners**
- 19. Need for Social Care to be in the COP on the same basis as Education and Health**
- 20. Need for accessible protocols on how NHS / CCG partners and commissioned bodies engage with, and work in, EHC plans**
- 21. 'Local offer' websites and EHC plans**

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Delays:

1. **Awareness** of needs
2. **Recognising** needs
3. **Addressing** needs
4. **Information gathering, processing and assembling**
5. **Professional contributions**
6. **Competent EHCP writing**
7. Specifying **economic implications**
8. **Commissioning** issues;
9. **LA Time delays**
10. **Shared Language.**

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Transitions:

1. Transitions **from statements**
2. **Transitions**
3. **LA > LA transition**
4. Impacts of **loss of educational continuity**
5. **Outsourced transition agencies**

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Specialist support:

1. Availability of **specific support**
2. Funding for **training**
3. **Geographical variation**
4. Retention of **expertise and succession**
5. **Continuity** for users
6. Single point of **contact**
7. **LA coordination**

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Unlawful exclusions:

1. Understanding of nature of needs / behaviour
2. LAs -known and local demographic information
3. Active CYP and carer participation
4. Awareness of options + liaison
5. Staff expertise
6. Contingency planning
7. Delivering on their obligations?

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Making EHCPs:

1. Early discussion with carers and CYP
2. Clear EHCP process / rationale
3. Clarity about amendment rationale
4. Limitations of EHCP process
5. Limitations of local provision
6. Commissioned agencies.

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EHCP evidence:

1. Planning ahead for evidence
2. Use of parallel working
3. Purpose and focus
4. Liaison between professionals
5. Lead-in time and timetabling
6. Accessibility of meetings
7. Cross-service availability and participation.

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Advice:

1. **Qualified professionals**
2. Access to **completion guidance** for **all** sections
3. **Evidence** –how used
4. **Compelling writing**
5. **Costings** and **who will deliver** and **how?**
6. **Detailed** and **specific recommendations**
7. **SMART** goals
8. **Legal obligations, responsibilities** and **obligations**

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EHCP criteria:

1. **Clear need criteria**
2. **Award / allocation criteria**
3. **Funding level criteria / rationale**
4. **Flexibilities**
5. **Priority rationale**
6. **Timescales / timelines**
7. **Integration of education, health and care elements**

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Transfer vs annual review:

1. **Procedural and protocol clarity**
2. **Forward and parallel planning**
3. **Early school identification**
4. **School placement ‘fall backs’**
5. **Impacts of and on commissioned services**

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Personal budgets:

1. **Often** started late
2. **Lack specificity**
3. **Out-of-areas** options
4. **Independent provider** roles
5. **Alternative education**
6. **Interim therapy**
7. **Family** suggested options
8. **Concurrent** not staged consultations
9. Implications of **outsourced** services

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Panels:

1. EHCP **Evidence?**
2. **Accessible** meetings
3. **Language** needs
4. **Person-centred** practice
5. **Parental / CYP** views
6. **Family** constraints
7. **Timely** administration
8. **Written** decision making
9. **'no shocks'!**
10. **Next** steps

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Legal training:

1. those involved in the EHC plan processes have **legal roles**
2. Properly **trained**
3. Aware of **legal responsibilities**; possible **actions**
4. legal and process **consequences.**

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Complaints:

1. **Complaint and resolution processes** in place
2. **Tested** systems
3. **Do not rely on web-based** procedures
4. Systems are **clear, transparent and accessible**
5. **Human support** available

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LA monitoring:

1. **Active monitoring**, review and updating of processes
2. Active use of **feedback**
3. **Legal compliance**
4. **Staff training** prioritised
5. Work with **PFs**
6. **'Local Offer'** status
7. **Provide different feedback routes**

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Education, Health and Care:

1. Address **differential involvement of Education, Health and Care**
2. **Service involvement** in provision of services CYP and families
3. **Responsibilities** for organising and accessing support

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EHCP focused research:

1. What is it **used for**?
2. How, Why: what **purposes**?
3. **Availability** to CYP / Parents
4. **Inconsistency** and **incompleteness**
5. No data on **economic consequences of *not* having an EHCP**
6. Lack of analysis of how **poorly executed EHCPs** impact on other **local services**

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Training of related professionals:

1. **Awareness** of **SEND** context?
2. **SEND processes**
3. **Legal basis** of EHC plans
4. **Construction, writing, evidencing, management and updating / review** of EHCPs

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Professional training of practitioners:

1. **Joint working**
2. **Supervision**
3. **Cross-disciplinary language,**
4. **SEND processes, practices / and rationale**
5. **Constraints** on EHCPs
6. **Practitioners legal responsibilities**
7. **Roles** of parents & CYP

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Social care involvement:

1. Social care **assessments**
2. **Not being known** to local social care provision
3. **Changing** regions / locations
4. **Continuity** of support
5. Social care **timescales** linked to EHCP drafting
6. **Basis of provision** and legal routes / basis

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Protocols for Health and Care involvement:

1. How NHS / CCG partners and commissioned bodies **deal with delays / issues**
2. Working with **commissioned services**
3. Working with **outsourced services**

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Local offer websites:

1. **Wide variation** in provision, accessibility
2. Variation in **currency and content**
3. **Is user feedback is encouraged ?**
4. Do **parents and service users** shape, **influence** and contribute websites?
5. Best clearly point users to **health and social care options**

1. **EHPCs- Awareness of what works**, why / what circumstances / for whom?
2. **Processes and protocols**-their variations and implications;
3. **Accessibility of the EHCP system** for users, supporters and professionals;
4. **Carer and Professional Communication(s)**, commonality of language and its accessibility in multi-agency-user working;
5. **Parallel planning**, competency, preparation and implementation;
6. **Building Awareness of 'need' and training**; 'crucial' training / when / how?
7. **Early and consistent identification** and understanding of 'needs':

8. **Structure and organisation of provision** at its various levels, across education, health and care;
9. Within, across services, and between, **LA and institutional liaison**;
10. **Legal awareness** and understanding of processes; responsibilities, obligations and accountability;
11. **Commissioned services** and their involvement in EHCP provision;
12. The '**Local Offer**' concept in practice and its improvement and potential;
13. **Carer and CYP participation in shaping of services**;
14. **Lack of reliable**, independent, publically available and updated, **longitudinal data**.

Some Data! Parental views-Spring SEND newsletter-Implementation survey results*

Focus	Users	LA responses (90% LA response) %	Parent Carer forums (75% Response) %
CYP / Parental engagement in EHCPs			
In strategic planning	Children	20	10
	Young people	40	19
	Parents	84	64
<hr/>			
In decision making	Children	50	24
	Young people	67	34
	Parents	84	55

**Perception
'gap'**

***Spring 2017 local authority and parent carer forum SEND implementation surveys: headline findings:** <https://www.cafamily.org.uk/advice-and-support/resource-library/parent-carer-participation-9th-send-reforms-implementation-survey-report/>

Parental views-Spring SEND newsletter-Implementation survey results*

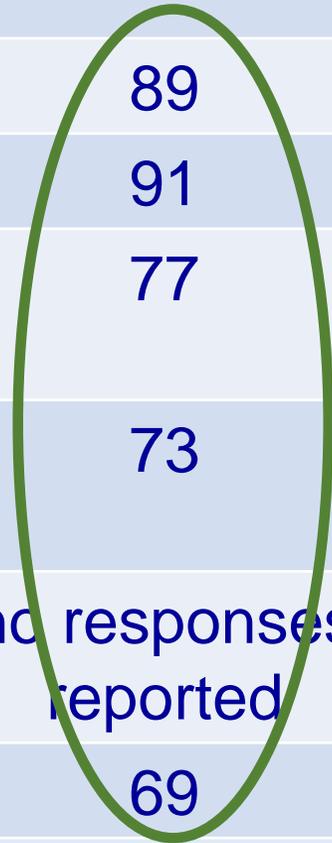
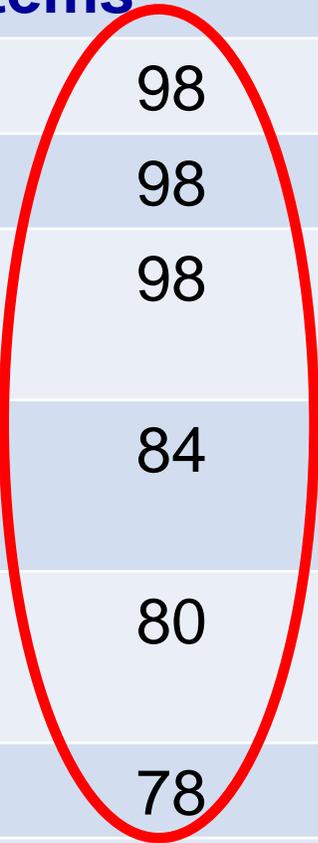
Focus	LA responses (90% LA response) %	Parent Carer forums (75% Response) %
LA joint working in EHCPs (fully or to some extent)		
Education	83	52
Health	66	35
Social care	71	33
Joint commissioning arrangements (fully or to some extent)		
Education	89	53
Health	74	36
Social care	82	33

**Perception
'gap'**



Parental views-Spring SEND newsletter-Implementation survey results*

Focus	LA responses (90% LA response) %	Parent Carer forums (75% Response) %
Main LA strategies to address EY support systems		
Training / workforce development	98	89
Specialist services for EY settings	98	91
LA to EY providers advice: high needs funds	98	77
Threshold guidelines / evidence needs for EY EHCP published	84	73
Area SENCo support to EY settings	80	no responses reported
Local Offer expectations EY settings	78	69



?

Parental views-Spring SEND newsletter-Implementation survey results*

Focus	LA responses (90% LA response) %	Parent Carer forums (75% Response) %
Main LA strategies for School SEN/D support systems (Includes Academies)		
Training / workforce development	95	55
Leading / Facilitation SENCo Fora	92	57
Local Offer expectations clear for Schools	91	52
Info. SEN/D School Information Reports	81	40%
LA School threshold guidelines for EHCP	91	no responses reported

**Perception
'gap'**

Parental views-Spring SEND newsletter-Implementation survey results*

Focus	LA responses (90% LA response)	Parent Carer forums (75% Response)
LA Completion of EHCPs in 20 weeks: Barriers for LAS - top 5 Issues	<ol style="list-style-type: none"><li data-bbox="486 339 1309 472">1. Capacity of LA SEN teams (80%)<li data-bbox="486 491 1352 772">2. Timeliness in the response from an institution when consulted over being named in an EHC plan. (65%)<li data-bbox="486 791 1276 923">3. Timely advice from health professionals (64%)<li data-bbox="486 942 1345 1152">4. Capacity of education psychologists to give advice (58%)<li data-bbox="486 1170 1352 1303">5. Quality of advice from social care professionals (45%)	<ol style="list-style-type: none"><li data-bbox="1442 339 2440 472">1. Capacity within the LA SEN team (74%)<li data-bbox="1442 491 2333 624">2. The timeliness in advice from health professionals (67%)<li data-bbox="1442 642 2295 852">3. Capacity of educational psychologists to give advice (66%)<li data-bbox="1442 871 2410 1003">4. Capacity of health professionals to provide advice (53%)<li data-bbox="1442 1022 2397 1155">5. Timeliness in advice from social care professionals (53%)

Short term

1. **Funded** country wide **systematic review of EHCP issues:**
mismatch between LA and PC fora views
2. With aim of:

Establishing a policy, research and practice agenda to inform in the medium term, **an evidence – informed review of the COP(2015) and the EHCP processes.**

Medium term

1. **Set in motion longitudinal (at individual child level, sample and population levels) data gathering by tracking:**
 - **Identification,**
 - **Assessment,**
 - **Interventions,**
 - **Outcomes,**
into adult hood

Longer term

1. **Establish: National Centre for Learning Needs [NCLN];**
2. **Undertake and coordinate research and development linked to training, using a knowledge exchange approach with carers, CYP, researchers, practitioners and trainers.**

Issues in relation to EHC Plans:
21 areas and points to consider.

Dr K. R. Wall
December
2017



These slides are based on:

Wall, K.R. (2017) **Issues in relation to EHC Plans: 21 areas and points to consider.** *UCL Centre for Inclusive Education. London.*

Prepared for: 'Education, Health and Care Plans: a Scoping Seminar. Organised by The Michael Sieff Foundation (at the Nuffield Foundation), London, 18th January 2018.

Copies of the scoping document and slides may be obtained from:

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