



The Michael Sieff Foundation

Working together for children's welfare

The Lenehan Report

Matthew Dodd

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Scoping Seminar on Education Health and Care Plans

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Matthew currently leads on the Education Policy work at the Council for Disabled Children. He has been at CDC for seven years and in that time has applied his extensive policy experience to work on nine pieces of legislation including the Children and Families Act 2014. He lends his wealth of knowledge in this area by giving policy support to the Special Educational Needs Consortium (SEC), being instrumental in SEC's recent work in creating a new inspection framework for SEN and disability. Matthew is committed to the belief that the best national policies are only ever as good as how they are implemented locally.

Matthew said:

We have had an ongoing role in supporting and providing advice to the Department of Education and working with LAs and CCGs in implementing EHCPs.

A couple of things we've done are similar to the work conducted by Roehampton University. We analysed about 51 EHCPs about a year ago and didn't find hugely different things. We found particular confusion around Social Care, actually we thought Health were fairly good contributors. There was an issue differentiating between what's an outcome, what's a short-term target, what's an objective set at the school level, there were those sorts of difficulties – I'm just flagging that there are other pieces of work related to EHCPs that have taken place as well.

Following those 51 EHCPs we produced some examples of best practice – see examples handed out – on page 16 there is an example of what a good EHCP looks like for a young person as opposed to a child in school.

The Lenehan Review

The context of it... there are a number of pieces of work that have similar objectives:

- 1) The Future in Mind and Mental Health Green Paper that's just been published.
- 2) The SEND Reforms, which started in 2011 and then followed the Children and Families Act in 2014 and we've since been doing implementation. We're coming to the end of implementation now in the sense that the deadline for converting statements into EHCPs is coming up in a couple of months. We can see that as the end of the beginning.

There are currently significant plans to reform alternative provision so where children who are excluded or otherwise referred off-site out of mainstream education attend, as well as a commitment to look at the exclusions process.

Transforming care for children with the most complex mental health needs, who have been in residential hospital placements. The Winterbourne View stuff, there's a whole program of work taking place in NHS England.

The point I'm trying to make is that these all have similar goals – it's about meeting need closer to home, meeting it at the earliest possible opportunity, rather than getting to a stage where children are placed further away, good local commissioning and understanding of the local population, and commissioning health or care services.

“Good Intentions, Good Enough?”

- Looked at outcomes and experiences in residential provision
- 6000 children are currently in residential provision, quite a small number in terms of overall picture/number of children with SEND/EHCP
- Spread across about 350 residential settings
- Combined cost is £0.5bn a year; largely coming out of LA high-needs budgets

Who Was There?

- 1) Children with Autism, significant communication difficulties and challenging behaviour
- 2) Children with social, emotional and mental health difficulties
- 3) Children with profound learning disabilities
- 4) Children that the review group couldn't quite work out why they were in special schools

Why Were They There?

- 1) A failure of the mainstream/lack of support in the mainstream; CL witnessed a failure to make quite simple, reasonable adjustments in mainstream that led to a series of events that resulted in young people ending up in special school and subsequently residential.
- 2) Bullying – a failure picking up on this and it being seen as the responsibility of the bullied child not the bully. Schools thinking if the child is being bullied, it's probably best if they find somewhere else to go, as opposed to dealing with the underlying causes.

Recommendations for DfE about the mainstream schools' workforce – the ability to handle challenging behaviour, what sort of training do they need? And what sort of incentives are currently in place in the mainstream and what's the impact on their behaviour?

Every child in residential provision must have an EHCP, by definition, you shouldn't be in specialist provision unless you have an EHCP. Not many of the recommendations focused on that, perhaps because they weren't being used properly in those settings, then weren't a live document or something that was reviewed annually. They were a means of getting in, rather than something that was used once a child entered residential.

The next major finding was around children ending up in Residential Provision because of a lack of joined-up education, health and particularly social care support in their local area. Particularly around short breaks. Parents felt that they weren't getting the support through the SC system so used the statementing/EHCP process to access support and a residential

placement was seen as an alternative for parents unable to cope with the situation at home anymore. An accessible alternative to social care support. Recommendations were made about some LAs reviewing their social care provision and the commissioning process. Do LAs and health partners understand children who are likely to come into the system and are they commissioning the services now to prevent the needs and difficulties escalating.

CL looked a lot at the fight for residential provision and this is where the EHCP process kicks in. There's an entire legal process around naming a setting in an EHCP. Parents felt that LAs often had a policy of never naming residential provision, LAs had a sense that parents went straight to requesting residential provision so we haven't yet completely resolved the fight/battle and sense of two sides arguing. Recommendations made that DfE and LAs get a better understanding of when a residential provision is/isn't appropriate.

CL then went on to look at the relationships between residential provision and LAs – that relationship can often be quite a difficult one – LAs can feel that residential provision are advertising to parents, trying to get children there and giving parents a false sense of *“this is the only place your child can be educated”*. A lot of distrust between the LAs and the residential services, a number of recommendations were made to build those bridges.

Finally, the use of EHCPs: there wasn't enough focus on the outcomes in the EHCPs. Why was the child in residential provision? What were the outcomes that were to be achieved by sending the child there? What was the home LA's role in keeping those outcomes in mind and checking that the school was actually doing what it was supposed to be doing? Lots of work to be done in terms of the relationship between the home LA and the residential setting. I'm not suggesting this was happened everywhere, but that lack of engagement once a child had been sent out of the LA, often hundreds of miles away (there are obviously geographical challenges) was an issue. That LA is still responsible for that child and its EHCP

The government has recently published about three reports and responses all to things she as involved in. (Old) secretary of state sent CL a letter saying *“thanks for the report, we're very interested in it and will set up a strategy group that will oversee implementation of the recommendations”*.