

Talking points

The NNPCF is a membership organisation and our mission states that “we aim to empower our members to ensure that their voice is heard at a local, regional and national level.”

Working with our membership we have identified a number of key “talking points” - these are topics and themes that are the most important to our membership and the ones that have been prioritised by the NNPCF.

Based on feedback from our membership and from other partners and stakeholders, the “talking point” summarise:

- The lived experience of our members about each topic,
- What is working and what is not working, and
- What we would like to see changed.

The talking points have been created using a range of feedback which includes:

- Surveys (including the SEND surveys)
- Feedback from our annual conferences
- The topics raised at regional meetings
- Themes and topics raised by our membership on social media
- Face to face conversations with our membership

Education Health and Care Plans

Parent Carer Forums are reporting concerns about the quality of EHCPs in the run up to the March 2018 deadline. We have reports that social care and health advice is not always being sought, statements are simply being cut and paste into EHCPs and that proper family conversations and section As are not being completed. We have raised these concerns to the Department for Education who continue to actively monitor the quality of plans.

In addition, the engagement from colleagues in Health and Social Care continues to be raised as a concern with reports that attendance at meetings is sometimes sparse and advice is not written in a person centred or outcome focussed way.

Some key statistics

In January 2018 there were **285,722 EHCPs and 34,097 statements** in England. This represents **2.9%** of the school age population and this percentage has increased slightly (from 2.8%) in 2018

Sourced from Department for Education Statistics January 2018¹

There were **1,022,535** children and young people in the **SEN support** category, which represents **11.7%** of the school age population. This is a fall from 18.3% in 2010. For further comment, see the SEN support talking point.

The **demand for EHCPs is increasing** with a **74%** increase over 3 years.

In 2014 there were 37,063 requests for an EHCP or statement. In 2017 there were 64,555 requests for an EHCP

There is, however, evidence that there has been an increase in the number of tribunal appeals in the last year, with a spike in 2017. The majority of this increase is attributable to an increase in appeals against a refusal to assess for an EHCP and against the contents of sections B, F and I of plans.

Total number of SEND tribunals by academic year ending in August:

2012	3557
2013	3602
2014	4063
2015	3147
2016	3712
2017	4725 ⁶

The NNPCF will be raising these concerns with the Association of Directors of Children's Services and with the national SEND tribunal steering group.

The EHCP process

A majority of EHCPs are issued within the 20 week deadline.

61.3% of EHCPs are issued within the 20 week deadline¹

The two thirds of parent carers and young people report that they are happy with the process.

66% of families who responded to the DfE survey said they were satisfied with the process of getting an EHCP.²

Two thirds of families were informed about IAS services and the majority who knew about them used IAS services.

66% of survey respondents knew about IAS services²

What do families think about EHCPs?

In general, families are very positive about EHCPs. They are a significant improvement on statements and well written plans that are outcome focussed and person centred give a much better impression of the aspirations and needs of children and young people with SEND.

A key change has been the requirement to co-produce plans with families and young people and there is evidence that this is happening with some success across the country.

54% of forums report that parent-carers are fully or largely engaged in making decisions about their own SEND provision. Only 5% say they are poorly involved³.

Families also report that plans have made a difference in delivering the outcomes they want:

- 62% agree their EHCP would achieve the outcomes for their young person
- 78% report they got the setting that they wanted from their plan
- 73% agree that the EHCP led to them getting the help and support they needed
- 67% agreed that the EHCP improved their child or young person's experience of education.

Statistics from the DfE EHCP survey published March 2017²

Areas for concern

Whilst the overall picture is very positive, there remain some significant areas for concern.

Forums are concerned about the **quality of EHCPs**.

There are a number of areas of concern here:

- There is wide variation in how person centred and outcome focussed plans are – there have been some comments that local authorities are just “copy-pasting” statements into a new format. In addition, there is a concern from some forums that

The 9th SEND implementation survey lists the timeliness of advice from health and social care professionals and being in the top 5 barriers to issuing plans within the 20 week deadline.³

as the March 2018 deadline approaches, the quality of plans issued is deteriorating.

- There is a concerns about the involvement of Health and Social Care practitioners in the preparation of plans. Forums report that often there is little or no Health and Social Care input into the plans and sometimes that input is not outcome focussed or person centred.

The “one year on” joint Ofsted and CQC Local Area inspections report identifies this as a weakness.⁴

The NNPCF have raised concerns about the quality of plans being compromised in the run up to the transfer deadline in March 2017 with the Department for Education and we have received assurances that quality is both important and continues to be closely monitored. We will continue to listen to feedback from PCFs are escalate concerns to the DfE.

The Council for Disabled Children has issued advice and templates for Health and Social Care practitioners to help them provide outcome focussed and person centred advice.⁵

The NNPCF would like to see the DfE implement a robust ongoing system of supporting, reviewing and regulating EHCPs after the end of the implementation period. This might cover a range of measures from inspections to peer review and support.

The DfE attended regional PCF meetings in Autumn 2017 and heard our concerns. Patrick Agius and Andre Imich responded via e-mail. At our conference in November, the DfE announced additional funding for Local Authorities in the run up to the March 2018 deadline.

In addition, the timeliness of completion of annual reviews must be monitored.

The NNPCF believes that requirements to attend multi-agency EHCP meetings, provide outcome focussed and person centred training and meet 20 week deadlines should be built into all relevant NHS contracts.

A requirement for providers to meet the 6-week advice deadline was introduced to all new CCG contracts from April 2017.

Forums have expressed concerns about the **ongoing burdens of maintaining plans**. Plans require a great deal more work than statements

The 9th SEND implementation survey identifies the capacity of the local authority SEN teams as the single greatest barrier to hitting the 20 week deadline.³

to maintain and there are concerns that without the additional burdens money, local authorities will not be able to meet the cycle of annual reviews and maintain the quality of plans.

The NNPCF have impressed upon the DfE the need for continued support and focus to consolidate and complete the SEN reforms after the end of the implementation period in March 2018.

Forums are starting to raise concerns about **children and young people in SEND who are not in an educational setting**. There is a sense that some young people are being effectively excluded by provisions. This is also a concern for children and young people with SEN support.

The NNPCF will continue to monitor the numbers of children and young people with SEND who are not in an educational setting and will continue to raise the issue of effective exclusion with the DfE.

Forums have expressed worries about those children and young people whose **statements are not transferred by the deadline** of March 2018.

We have had clear representations from the Department for Education that individual families will not suffer because of the failings of local authorities to meet deadlines: statements will remain in force until replaced by an EHCP even after the March 2018 deadline and transitional arrangements for IAS are being put in place for any families not yet converted.

There has been a large jump in the number of pupils with an EHCP educated elsewhere according to DfE statistics. In January 2015 there were 3438 pupils with an EHCP educated outside of a school setting. By January 2017 this had risen to 8304 ¹

NNPCF conversations with the DfE officials in Spring 2017.

Notes:

1. Department for Education. Statements of SEN and EHC Plans January 2018.
2. Department for Education – Education Health and Care Plan Survey published March 2017. A survey open to all families with an EHCP with approximately 13,000 respondents.
3. Ninth Special Educational Needs and Disability (SEND) Reforms Implementation Survey for Parent Carer Forums – Spring 2017
4. Local Area and SEND inspections: one year on – Ofsted and Care Quality Commission October 2017
<https://www.gov.uk/government/publications/local-area-send-inspections-one-year-on>
5. Council for Disabled Children, Advice for Education Health and Care Plans
<https://councilfordisabledchildren.org.uk/help-resources/resources/advice-education-health-and-care-plans>
6. SEND Tribunal tables 2015-2016
<https://data.gov.uk/dataset/tribunals-and-gender-recognition-statistics/resource/053b806b-7d41-4b20-998f-8d4030bbc1f1>