

## **Report to the Education and Vulnerable Children Overview and Scrutiny Committee**

**21 October 2015**

### **A Progress Report on Special Educational Needs**

#### **Purpose of Report**

The Children and Education Overview Committee requested a response to the following questions:

1. What is the current picture with regard to new assessments for Education, Health and Care Plans (EHCP) and the transfer of statements of Special Educational Needs to EHCPs? How well are BCC doing? What are we doing to resolve the problems and what is the proposed timescale for improvement?
2. How much grant funding was the council awarded to support the implementation of the SEN reforms? How has it been allocated and spent? Why has it taken so long to do this? (Further detail required beyond the explanation 'delays in mobilisation').
3. How many complaints have SENAR received over the last two years? How long did they take to resolve? What were the main issues and outcomes? Have any complaints gone to the Ombudsman? What lessons have been learned?

In addition the requested template for data has been completed where possible (see Appendix A).

Additional information is also provided about the successes implementing the SEN reforms and future challenges.

#### **Recommendation**

That the Committee note the information in the report.

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## Executive Summary

1. What is the current picture with regard to new assessments for Education, Health and Care Plans (EHCP) and the transfer of statements of Special Educational Needs (SEN) to EHCPs? How well are BCC doing? What are we doing to resolve the problems and what is the proposed timescale for improvement?

- New statutory assessments of SEN that can lead to an EHCP have a statutory timeframe of 20 weeks for completion (which is 6 weeks less than statements of Special Educational Needs). Performance against this timescale has been challenging during the first year of implementing the SEN reforms but an improvement plan has had the necessary impact and the Local Authority is on track to deliver all new assessments within 20 weeks by November 2015.
- The number of referrals received for statutory assessments between September 2014 – August 2015 \*i.e. the first year of implementing the SEN reforms, increased by 11% compared to the yearly average pre reform.
- 72% of requests for statutory assessment were accepted and 28% declined between Sept 14 – August 2015 (post reform) compared to an average of 81% acceptance and 19% decline rate pre reform. Whilst the Local Authority recognises that there has been no change to the criteria used to decide upon the appropriateness of a statutory assessment pre/post reform it has developed a more robust decision making process involving senior commissioning officers since the 1<sup>st</sup> September 2014.
- 13% of those statutory assessment requests that were declined by the Local Authority were appealed by parents. An analysis suggests that where the Local Authority overturned its initial decisions (and as a consequence the appeal was withdrawn) it was largely based on supplementary information being submitted. Of the 6 appeals that went to tribunal hearing, 5 were dismissed in favour of the Local Authority and 1 was upheld in favour of the parent.
- It has been exceptionally challenging to deliver the Local Transition plan that specifies how the Local Authority intends to transfer statements of SEN and Learning Difficulty Assessments to EHCPs. The Local Authority proposed 2526 'transfers' during year 1 of implementation. To date 441 EHC plans have been finalised. The majority of those plans finalised were not completed within the 16 week statutory timeframe. Whilst a recovery plan has been developed it's delivery is dependent on additional staffing capacity within the SENAR team.

There have been persistent weaknesses with IT infrastructure within the business and slow corporate recruitment processes which continue to hinder pace for improvement. Work is underway to deliver a comprehensive review of SENAR's IT systems and improvements are included within the Directorate IT development plan, led by Tony Elliott (Strategic Technical Lead Officer) and data oversight group, led by Emma Leaman (Assistant Director, Education and Infrastructure). Historical issues around HR recruitment processes have been robustly tackled by the new Interim Head of HR. An end to end 'LEAN review' is underway and there have been changes to leadership. The current restructure of the HR service has seen a marked improvement in recruitment and HR Business Partnership support for the People Directorate and there is confidence that in future workforce planning will be supported differently and proactively. The planned recruitment review involves a workshop with SENAR to ensure that new processes are designed around business need.
- The performance issues identified are not unique to Birmingham. Nationally other Local Authorities share similar issues implementing the SEN reforms. The DfE recognise the challenges and have extended the timeframe for completing a 'transfer' from 16 to 20 weeks from September 1<sup>st</sup> 2015.

2. How much grant funding was the council awarded to support the implementation of the SEN reforms? How has it been allocated and spent? Why has it taken so long to do this? (Further detail required beyond the explanation 'delays in mobilisation').

- The Local Authority has a total allocation of £3,558,235 to support the implementation of the SEN reforms.
- Nationally implementation of the SEN reforms has a timescale of 3.5 years (1<sup>st</sup> September 2014 to 31<sup>st</sup> March 2018). Permission has been granted, with cabinet member agreement, to spread the grants received in 2014 over the 3.5 year implementation timeframe as there is no guarantee of further funding over and above that already received.
- The total spend of £510K during year 1 of implementation is £296K below allocation. Upon analysis the underspend is due to gaps in staffing structure as a result of the delays via corporate processes to recruit into existing and new positions.
- There is agreement for any underspend on the SEN grant budget to be carried forward into the next financial year every year until March 2018.
- Proposed and actual activities that the SEN grant will fund include staff dealing with assessments (50%), professional support and outside assessment (45%), communication with parents and children (3%) and IT support (2%).
- In order to deliver on the EHC transfer recovery plan the budget will be re-profiled to provide the additional staffing capacity required. However by doing this a budget gap will exist between September 2016 and March 2018 to fund ongoing additional staff required to deliver the reforms if no further grants are provided by the DfE.

3. How many complaints have SENAR received over the last two years? How long did they take to resolve? What were the main issues and outcomes? Have any complaints gone to the Ombudsman? What lessons have been learned?

- During the academic year 13-14 (i.e. pre reform) SENAR received 101 complaints/ Cllr letters and logged queries. During the academic year 14/15 (post reform) SENAR received 157 complaints / Cllr letters and logged queries. Whilst it is noted that there has been a significant increase during 14/15 there is some expectation of this outcome due to the scale of legislative change, whole system change, service redesign and high turnover of staff. It should be pointed out that logged queries are not necessarily complaints and the service has received significant requests for information from parents, school and Cllrs to understand new processes.
- For the academic year 14/15, 30% were resolved within 10 days, 27% between 11 and 20 days, 19% between 21 and 30 days, 13% between 31 and 50 days and 11% took 51+ days. It is recognised that delays experienced are not acceptable and we apologise for this. Since September 2015 a new complaints tracking process has been agreed between the business and PSS support service aiming to improve the speed at which complaints are handled and resolved.
- Upon analysis the main issues raised include those related to school placement, timeliness and process/communication. Successful outcomes often relate to the resolution of school placement issues and completion of activities within specified timeframes. Communication is a key theme for development within SENAR during the 15/16 academic year.
- Since September 2014, three premature complaints were made to the Ombudsman (they went to the Ombudsman before using all of the Local Authority's complaint processes). Of these, one went onto become a full complaint and a payment was made to the parent by the authority. Whilst the Ombudsman recognised the complexity of the case the council was found at fault for not providing sufficient education when children had been unofficially excluded from school.

- Recent evaluations of the SENAR service illustrate positive experiences and examples where parents feel it is working well. Of those surveyed (n=45) 91% of parents felt that SENAR listened to their views and that this was reflected in their child's final EHC plans. 76% rated the overall quality of service as being either excellent or good. Parental satisfaction indicators of the EHC process also indicate that a good understanding exists of the new system; that parents are happy with agreed outcomes for their child; that they received clear and friendly language and that the voice of their child has been listened to.

#### 4. The successes implementing the SEN reforms.

- Birmingham is recognised nationally for its Local Offer website, particularly demonstrating how parents, carers and young people have been involved in its co-production.
- Good partnership working between education, health and care colleagues. The terms of reference for the Education, Health and Care Panel has been agreed by both the CCG chair and Strategic Director for People.
- Family Conferences held every 6 months, focus groups with parents to consult and involve. Protocol developed between Local Authority and Parent Carer Forum.
- Development within Birmingham of Post 19 educational provision with aim of maximising best possible outcomes for young people with complex needs.

#### 5. Some Current and Future Challenges

- There is an increase in exclusions and children out of school alongside a large and growing demand for special school and alternative provision. This appears related to growing pressure on schools/heads and governors from OFSTED requirements, reduction in strategic conversations surrounding Inclusion and the changing relationship between the Local Authority and schools.
- The current high needs budget is not sufficient to meet the continued demand and annual increase for specialist educational provision beyond 15/16. Work continues to resolve the potential budget gap involving robust commissioning and joint problem solving with the school and further education community.

## Context

The Children and Families Act, implemented from September 2014, is a wide-ranging piece of legislation that defines the responsibilities for the Local Authority in relation to Special Educational Needs (SEN).

The legal duties in the SEN Reforms have driven the development of Birmingham's Special Educational Development Plan, with links to the Children's joint Commissioning Strategy and the development of personalisation from cradle to grave for all Birmingham Citizens.

The implementation of the SEN reforms started in September 2014 and involves a three and a half year programme, in line with national expectations.

SENAR, the Special Educational Needs Assessment and Review Service, is responsible for the administration of the procedures related to the statutory assessment of children and young people's special educational needs by Birmingham City Council (BCC). In line with the Act, from 1<sup>st</sup> September 2014, BCC no longer issued a 'statement' to a child with special educational needs but instead an 'Education, Health and Care Plan'. The plan aims to meet a child or young person's educational, health and care needs where required.

Approximately 7,500 children and young people have a Statement of Special Educational Needs and or Education, Health and Care Plan in Birmingham. Nationally 2.8% of the population have a statement of SEN/EHCP compared to **3.9%** in Birmingham. Further work would be required to understand why Birmingham has a higher amount of children/young people with a statement of SEN/EHCP but explanation is likely to include a range of factors. It is possible that local funding arrangements contribute to this statistic as children in Birmingham require a statement to access high need funding whereas this is not always the case in other LAs. One might speculate that the higher figure demonstrates Birmingham has greater need than other LAs. A further hypothesis is that Birmingham has been less stringent during its decision making regarding requests for statutory assessments and or issuing a statement/EHCP once a statutory assessment has been completed.

In line with requirements of the SEN reform all statements of SEN need to be transferred to an EHC plan by March 2018. In addition approximately 750 young people currently with a learning difficulty assessment (LDA) will also need to be transferred to an EHC Plan. Given that the amount of children who have a statement of SEN in Birmingham is above national average the task of transferring statements into EHC Plans therefore appears significantly greater than for most other Local Authorities in England.

1. What is the current picture with regard to new assessments for Education, Health and Care Plans (EHCP) and the transfer of statements of Special Educational Needs (SEN) to EHCPs? How well are BCC doing? What are we doing to resolve the problems and what is the proposed timescale for improvement?

#### 1.1 New statutory Assessments

#### 1.2 Transfers of Statements of SEN to EHCPs

### 1.1 New statutory Assessments

#### Performance data

Following the SEN reforms the statutory timescale for completing a statutory assessment reduced from 26 to 20 weeks. Table 1, page 6, shows the monthly performance data of statutory assessments completed within 20 weeks from April 2015. The target is 100%. To compare, performance on this activity stood at 98% for the accounting year 14/15.

**Table 1 - Performance data for EHC plans completed within 20 weeks by month since April 2015.**

	Number of EHC plans finalised (excluding exceptions)	>20weeks	<20 weeks	%<20 weeks
<b>April</b>	<b>28</b>	8	20	71%
<b>May</b>	<b>47</b>	28	19	40%
<b>June</b>	<b>63</b>	38	25	40%
<b>July</b>	<b>130</b>	68	62	48%
<b>Aug</b>	<b>146</b>	61	85	58%
<b>Sept</b>	<b>74</b>	10	64	86%
<b>Total</b>	<b>488</b>			

As can be seen performance against the target of 100% has been difficult to achieve but is now improving as a result of an action taken. This includes prioritising work activities, target setting, robust monitoring, streamlining processes and redevelopment of effective links between the business area and PSS support colleagues. There has also been significant work to develop the IT infrastructure to support this area of work which is ongoing.

In order to achieve the 20 week deadline some EHC plans are finalised by type of provision required (i.e a special school that can cater for Autistic Spectrum Condition, for example) rather than naming a school place. On average 30% of EHC plans are finalised by type per month. Work will continue to find a placement for all children/young person as quickly as possible. Strategic work is ongoing regarding the sufficiency of high need placements for children with complex SEN in order to reduce the amount of EHC plans that are finalised by type each month.

#### Performance issues to deliver the 20 week timescale for new assessments is not unique to BCC

We are aware that nationally, many LAs are facing similar challenges to Birmingham with regard to meeting the 20 week target. Statistical first release from the Department of Education (May 2015) reflects that in England only 64.3% of new EHC plans issued (between September and December 2014) were within the 20 week time limit. This is compared to 89% of statements of special educational needs issued during 2014. There is recognition that new systems will take time to embed from the DfE as the guidance states 'It is important to realise that some new processes may take longer because they are unfamiliar.'

#### On track to deliver 100% target

Following the implementation of our improvement plan we anticipate delivery of 100% target for finalising EHC plans for new statutory assessments by November 2015.

#### **Requests and decision making**

The average number of statutory assessments requests made to BCC per year (based on data between 2003 and 2013 and therefore pre SEN reform) was 992. The average number of statutory assessments agreed for assessment was 811 (81%). The average number of requests declined per year therefore was 188 (19%).

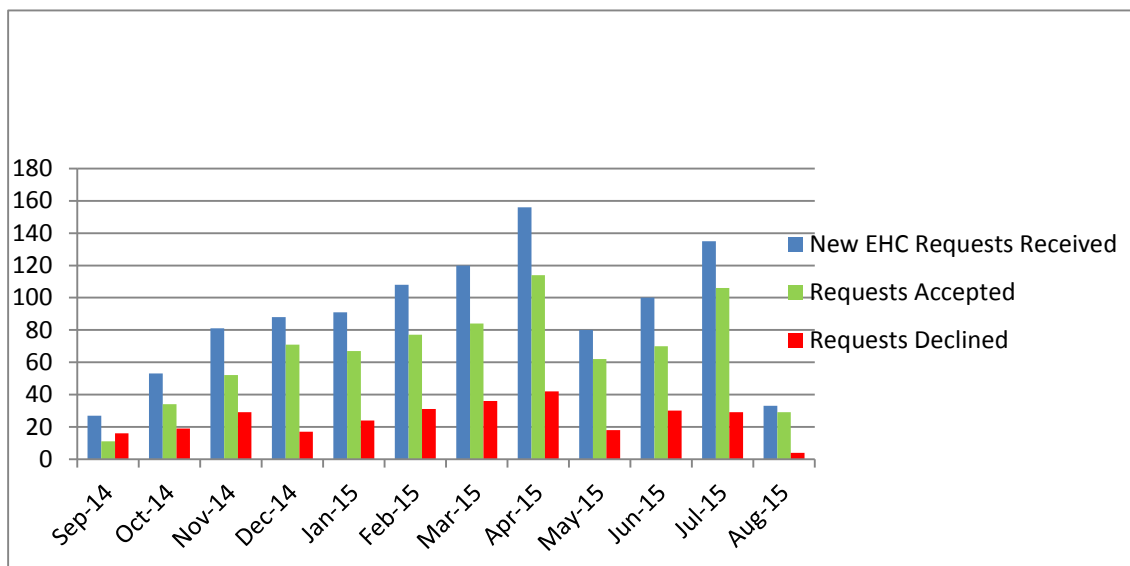
The figures for 14/15 (i.e. post reform) indicate an increase in the amount of requests received (n=1072). The number of statutory assessment requests that BCC agreed to proceed was 777 (72%). Therefore the number of requests that were declined was 295 (28%).

This data indicates a difference in terms of the acceptance and decline rates made by BCC in the first year of implementing the reforms. Whilst the Local Authority is mindful that no change has been made to the criteria for deciding whether a statutory assessment should proceed post reform, as specified within the SEND Code of Practice 2015, it has established a multi-agency panel of senior commissioning officers to oversee the decision making process for statutory assessment requests that, internal to the Local Authority, did not exist before 1 September 2014. Information contained within the majority of requests for statutory assessment are now scrutinised by professionals across education, health and care as to the appropriateness and quality of intervention delivered pre-request rather than the decision being made by a sole officer. Where requests are declined the panel aims to signpost or provide feedback as to appropriate next steps that should be taken to meet a child or young person's needs. All decisions are made in line with the authority's published criteria as

detailed on the Local Offer. The Local Authority will continue to monitor the rate at which statutory assessment requests are accepted and declined.

Figure 1, page 8 provides a detailed breakdown of the statutory assessment referrals received during the academic year 2014/15 showing the numbers that were accepted and those declined per month.

**Fig 1 – Requests for EHC assessments during 14/15 academic year and acceptance/decline rates**



### Appeals Lodged against LA refusal to assess

Following a refusal to proceed with a statutory assessment families are provided with the right to appeal that decision to the First-tier Tribunal (Special Educational Needs and Disability). Figure 2, page 9, shows the amount of appeals submitted by parents, due to the Local Authority's decision not to proceed with an assessment, that were received each month between September 2014 to August 2015. 13% of those statutory assessment requests that were declined by the Local Authority during this period were appealed by parents. It should be noted that outcome data shown in figure 2 (i.e. decision upheld (green), dismissed (red) or withdrawn as initial decision overturned (purple)) does not relate to the appeal lodged each month (blue). This is because of the timescale associated with appeals. As an example it is not the case that all appeals in October 2014 were consequently overturned but rather that 4 appeals were lodged and 4 were withdrawn. Those that were withdrawn relate to appeals that had been lodged in previous months.

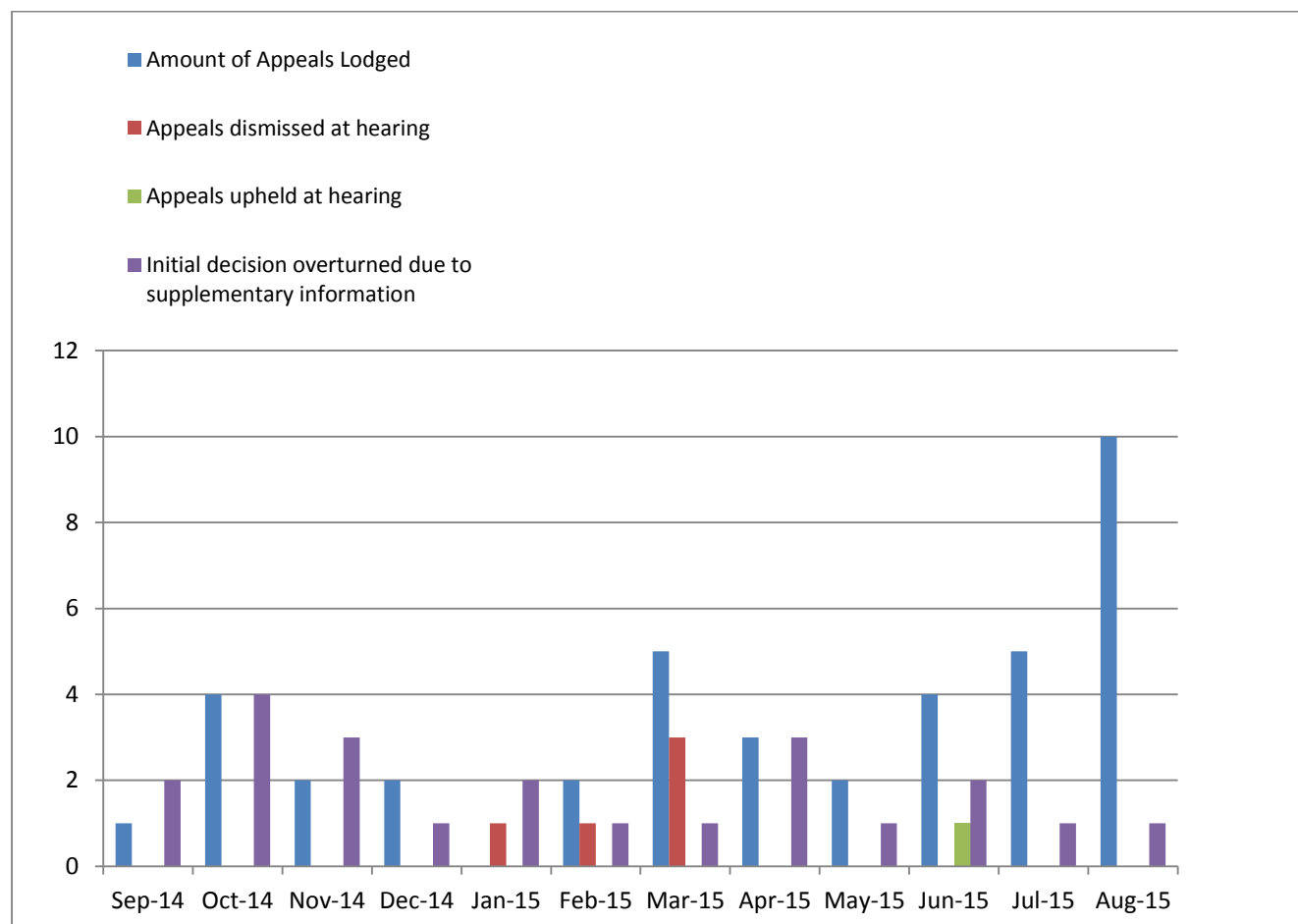
An analysis suggests that where the Local Authority overturned its initial decision not to proceed (and as a consequence the appeal was withdrawn) it was largely based on supplementary information being submitted. Of the 6 appeals that went to tribunal hearing, 5 were dismissed in favour of the Local Authority and 1 was upheld in favour of the parent.

The data shows that the majority of appeals the Local Authority defends at tribunal hearing are dismissed. It also indicates that a substantial amount of those appeals submitted are consequently withdrawn and this is often as a result of supplementary evidence being supplied and the LA overturning its initial decision not to proceed. A review of the initial evidence gathering stage at the beginning of a statutory assessment has already been completed and changes have been made to further promote evidence gathering. The Local



Authority will continue to monitor the rate at which appeals are withdrawn due to supplementary information being provided with the expectation that this should decline as processes become further embedded.

**Figure 2 - Amount of Appeals lodged against LA refusal to assess Sept 14 to Aug 2015**



## 1.2 Transfers of statements to Education, Health and Care Plans

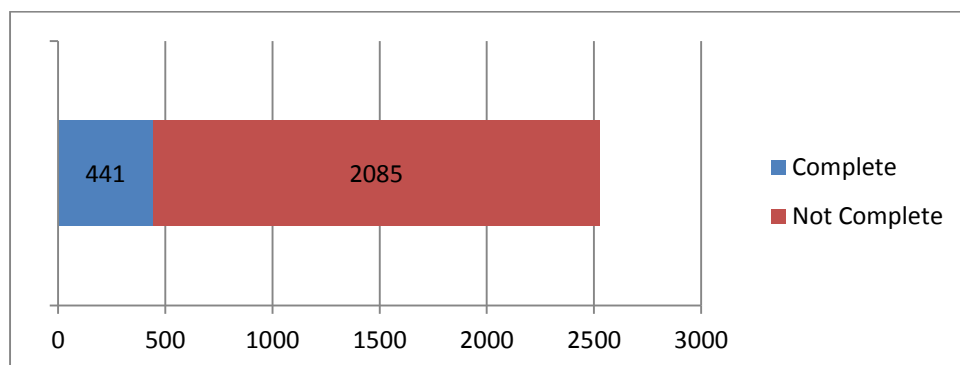
The Local Authority, in an effort to manage the process to ensure an even spread of transfer reviews each year up to the March 2018 deadline, proposed an ambitious implementation of the transfer review process in full from the outset. Whilst guidance from the DfE detailed **essential** requirements during the first year, relating only to young people with statements of SEN transferring from school to post 16 institutions or apprenticeships, a local timetable was prepared to transfer all children in the following year groups: Nursery, 2, 5, 9, 11, 12 (mainstream only) 13, and 14. As a result the Local Authority proposed to transfer 2526 statements between 1<sup>st</sup> September 2014 and 31 August 2015.

In relation to LDAs, the Local Authority estimated that 350 LDAs were required to be transferred during the first year of implementation. The Local Authority has since amended this figure in the light of detailed work to collect accurate data relating to those young people with an LDA. As of July 2015, 748 students were identified as having an LDA. All young people have received information and advice about the transfer process and 243 have so far consulted to transfer their LDA to an EHC plan.

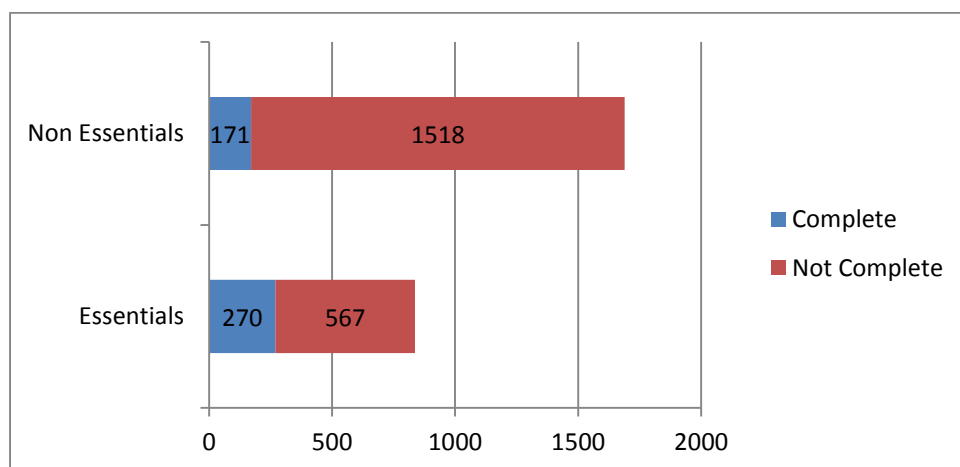
## How we are doing

Chart 1, page 10, shows that the Local Authority has currently finalised 441 EHC plans of the 2526 it initially proposed to transfer. Chart 2, page 10, shows of the 837 identified as essential transfers\* for year one, 32% have been finalised. Of the non-essentials 10% have been finalised.

**Chart 1 – Number of finalised EHC plans against local target.**



**Chart 2 – Number of essential and non-essential finalised EHC plans against local target.**



\*Essentials refers to those stipulated by the DfE as required during year 1 of implementation.

## Performance data

The statutory timescale for completing a transfer of a statement to an EHC plan between 1<sup>st</sup> September 20 14/15 was 16 weeks. Table 2, page 11, shows the monthly performance data of transfers completed within 16 weeks from September 2015. The target is 100%. Figure 3, page 11, provides an indication of the timeframes it has taken to complete the transfers per month. As can be seen as the academic year has progressed the length of time it has taken to complete a transfer has increased.

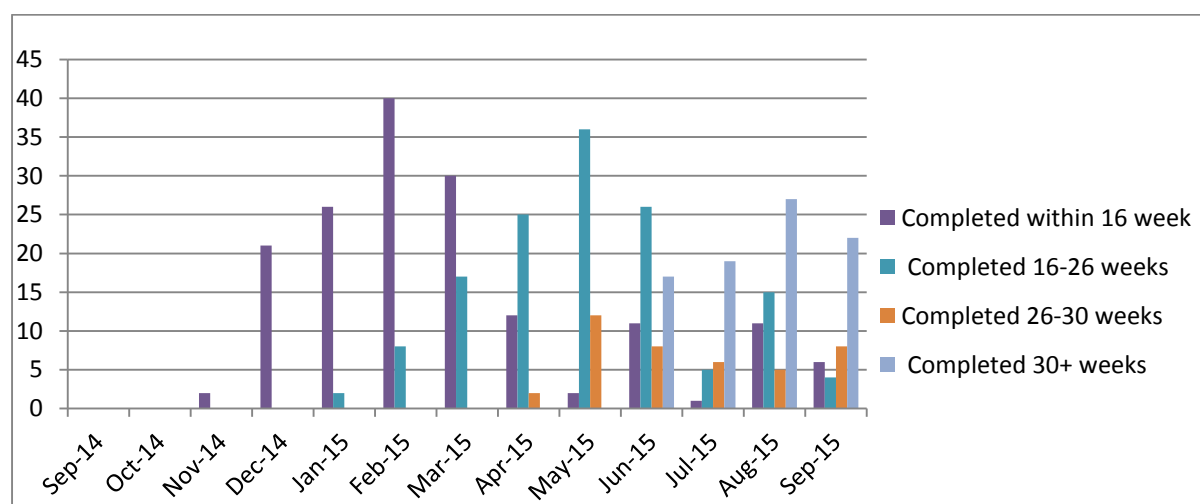
Both the total amount of EHC plans finalised (see charts 1 and 2, page 10) and the performance against timescales (see table 2 and figure 3, page 11) reflect that the Local Authority has clearly faced significant challenges transferring statements of SEN to EHC

plans during the 1<sup>st</sup> year of implementation. Again this is not unique to Birmingham and whilst there is limited national data we are aware that most Local Authorities have faced similar issues. In light of feedback received the DfE have extended the timescale for completing transfer reviews from 16 to 20 weeks from 1<sup>st</sup> September 2015.

**Table 2 - Performance data for EHC transfers completed within 16 weeks by month since April 2015.**

	Number of EHC transfers	>16weeks	<16 weeks	%<16weeks
<b>Sept</b>	0	0	0	0%
<b>Oct</b>	0	0	0	0%
<b>Nov</b>	2	0	2	100%
<b>Dec</b>	21	0	21	100%
<b>Jan</b>	28	2	26	93%
<b>Feb</b>	48	8	40	83%
<b>March</b>	47	17	30	64%
<b>April</b>	39	27	12	31%
<b>May</b>	50	48	2	4%
<b>June</b>	62	51	11	18%
<b>July</b>	31	30	1	3%
<b>Aug</b>	58	47	11	19%
<b>Sep</b>	40	34	6	15%
<b>Oct</b>	15	12	3	20%

**Figure 3 – Timescale for completing EHC transfers shown in the following categories, a) completed within 16 weeks, b) completed 16-26 weeks, completed 26-30 weeks and completed 30+ weeks.**



## **EHC Transfer recovery plan**

Recognising that the delay in finalising EHC plans and timeliness issues is unacceptable the Local Authority has developed a recovery plan to achieve the following:

- To process the essential transfer reviews received during 2014/15 academic year by the end of November 2015\*.
- To process the outstanding non-essential transfer reviews received during 14/15 academic year.
- To meet the statutory requirements for the second year by focusing on the essential groups of children and young people, as detailed within the Local Transition plan published on the Local Offer.

The successful actions utilised to improve performance relating to new statutory assessments will be employed to clear the backlog of EHC transfer plans and improve timeliness. This will include prioritisation of work activities, target setting and robust monitoring. Again more effective systems will be developed to maximise support from PSS and IT colleagues.

It is clear however that the success of the recovery plan is reliant on additional staffing capacity within SENAR. The Local Authority will recruit additional members of staff and develop a transfer team. Timescales to clearing the backlog and issue EHC transfer plans in a timely manner are dependent on the speed at which additional officers can be recruited to post.

### **Performance issues - identified barriers to success**

An analysis has been undertaken to understand the performance issues relating to both timeliness of new EHC plans and challenges transferring statements of SEN to an EHC plan and include the following:

- 1) Implementation of the Children and Family Act 2014 is the biggest change to the SEN system for 30 years.

There is national recognition that Local Authorities face significant burdens as a result of the SEN reforms. Whole scale system change is to be delivered and new processes and procedures embedded involving significant workforce development. The national expectation is that there is a 3.5 year journey that Local Authorities will make to implementation.

- 2) Staffing capacity within the SENAR team is insufficient.

In preparation for the reforms, whilst changes were made to the SENAR structure and staffing capacity was increased by 37% overall (from 38.5 Full Time Equivalent (FTE) to 55 FTE, which included 14.5 additional officers made up of 2 FTE team managers, 6 FTE SEN Principal officers and 6.5 FTE supporting professional support colleagues), it is now clear that current SENAR capacity is not sufficient to deliver upon the new SEN duties. Having now tested the new EHCP processes over the last 12 months, it is clear that the allocation of time to specific activities requires extension. Whilst amendments have been made to streamline various processes it is essential that the fundamental principles of co-production with children, young people and their families are not lost. New staff modelling indicates sufficient capacity to deliver statutory assessments and annual review work however an additional team is required to undertake the transfer of statements of SEN to EHC plans. Currently 8 staff members have been confirmed for a new EHC transfer team however

modelling suggests that up to 24 members of staff are necessary to deliver the EHC recovery plan.

The HR team has made a clear commitment to support delivery of the new staffing model and will be working proactively with the service in support of ongoing redesign to ensure it is 'future proofed' and able to deliver on the recovery plan.

### 3) IT infrastructure.

There have been persistent IT inadequacies affecting data accuracy and performance reporting. Whilst a significant amount of activity has been undertaken to progress issues work is underway to deliver a comprehensive review of SENAR's IT systems and improvements are included within the Directorate IT development plan, led by Tony Elliott (Strategic Technical Lead Officer) and data oversight group, led by Emma Leaman (Assistant Director, Education and Infrastructure).

New functionality for the SENAR service will deliver:

- A single point of contact/ standard documentation.
- A multi-agency portal for sharing information.
- A case and document management solution.

### 4) Slow corporate recruitment processes.

There has been high staff turnover within the SENAR team and it has been difficult to recruit to positions quickly. In addition whilst agreement has been given to increase the size of the SENAR team, recruitment to posts has been slow. This is slow due to corporate processes which are designed to fit an organisation that is shrinking and requires savings. This is being robustly addressed to ensure that service support is proactive and timely. Opportunity exists for improvements with HR processes given recent structural change and recognition that flexible arrangements are required in Education Services to ensure improvements and sustainable service delivery.

## 2. SEN GRANT

2.1 How much grant funding was the council awarded to support the implementation of the SEN reforms?

2.2 How has it been allocated and spent?

2.3 Why has it taken so long to do this? (Further detail required beyond the explanation 'delays in mobilisation').

The DfE provided additional grant funding to Local Authorities in order to support the implementation of the SEN reforms in the Children and Family Act. This is in recognition of the significant burdens and new duties placed on Local Authorities. Priorities for development include the following:

- Publishing a Local Offer with a wide range of information about services for 0-25year olds with SEND
- Implementing a new system to conduct assessment and prepare an Education, Health and Care plan that can lead to High Needs Funding and placement in resource bases, special school and alternative provision.
- Transferring all children who currently have a SEN statement of Learning Difficulty Assessment to an EHC plan.
- Continuing with Annual Reviews and amending statements for children and young people prior to transfer to an EHC plan.
- Identifying all the children and young people with SEN in the area and working with CCGs, using data to set priorities and review provision.
- Having arrangements in place to plan and commission education, health and social care services.

### 2.1 How much DfE Grant Funding?

BCC have received 3 allocations to date in respect of these matters as shown in table 3, page 14, below:

**Table 3 – SEN grant allocations**

January 2014	SEN reform grant	£1,770,934
June 2014	SEND implementation grant	£991,910
December	Additional Burdens Grant	£795,391
<b>TOTAL</b>		<b>£3,558,235</b>

## 2.2 SEN grant allocation and current spend

Whilst the Local Authority has been provided with funding in the short term to support implementation there is no guarantee that this will continue. Therefore it was agreed by cabinet members to spread funding received over the 3.5 year implementation journey (i.e. between September 2014 to March 2018) – see table 4 page 14. The SEN Reform Grant and SEND implementation Grant is recorded and monitored as part of the City Council's financial monitoring process. The Additional Burdens Grant was recently approved by the Deputy Leader. There is additional agreement reached that any underspend at end of the financial year can be moved into following year (until March 2018).

**Table 4 - Current profile of planned spend between April 2014 – March 2018**

Financial year	Amount	% of total grant allocation received to date
April 2014 – March 2015	£806,444	22%
April 2015 – March 2016	£1,011,128	28%
April 2016 – March 2017	£1,184,608	34%
April 2017 – March 2018	£556,055	16%
<b>Total</b>	<b>£3,558,235</b>	

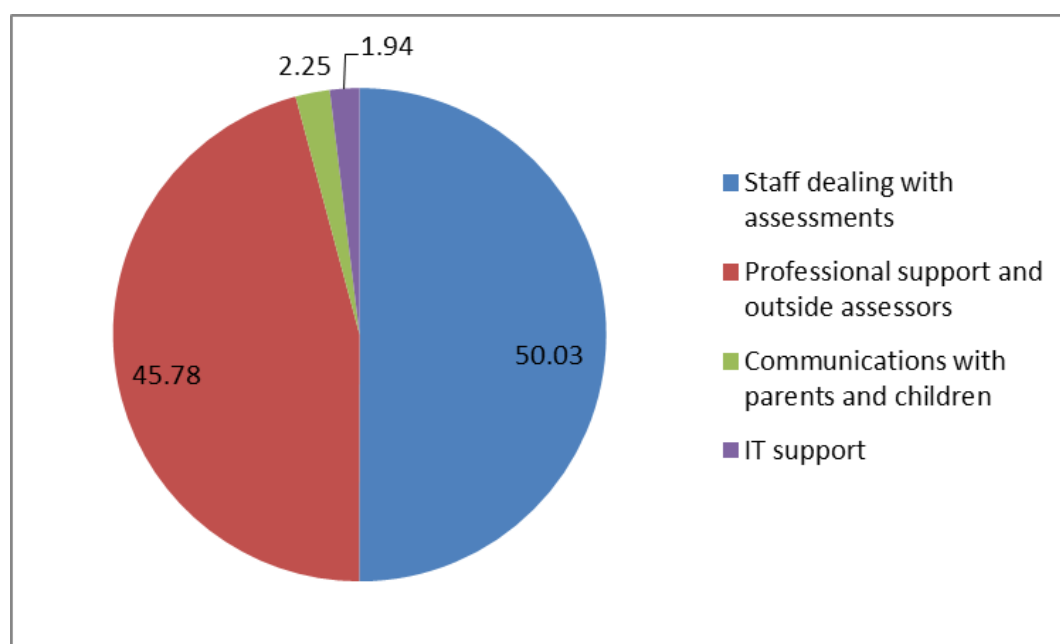
During 14/15 the actual spend was £510,000. Upon analysis the underspend is due to gaps in the SENAR staffing structure as a result of staff turnover and lengthy delays to recruit into existing and new positions (previously discussed). As agreed the £296K underspend has been moved into the 15/16 financial year.

The proposed and actual activities that the SEN grant has been categorised as follows: include staff dealing with assessments, professional support and outside assessment, communication with parents and children and IT support. The proportion of spend on each activity is shown in figure 4 page 15.

## 2.3 Why it took so long to do

In response to questions about timeliness of allocating and spending the SEN grant the Local Authority did not originally plan to spend all funding received during year 1, as no guarantee of future grants have been provided by the DfE. Actual spend was lower than that planned in year 1 largely because of persistent gaps in staffing structures resulting from high staff turnover and slow corporate recruitment processes. It was also necessary to form a business case to the corporate centre for release of the Additional Burdens Grant. Whilst this has now happened it delayed planning for the recruitment of an EHC transfer team.

**Figure 4 – The proportion of spend on activities supporting implementation of the SEN reform**



### **Moving forward – re profiling the spend**

In order to deliver on the EHC transfer recovery it will be necessary to re-profile the spend and bring forward funding allocations from 17/18 (and possibly an element of 16/17) into 15/16 – exact amount to be determined. This is necessary to deliver on the EHC recovery plan with pace. However by doing this a budget gap will exist between 2016/17 and 2017/18 to maintain staffing levels, which will be required to continue delivery of the SEN reforms, if no further grants are provided by the DfE.

## **3. COMPLAINTS**

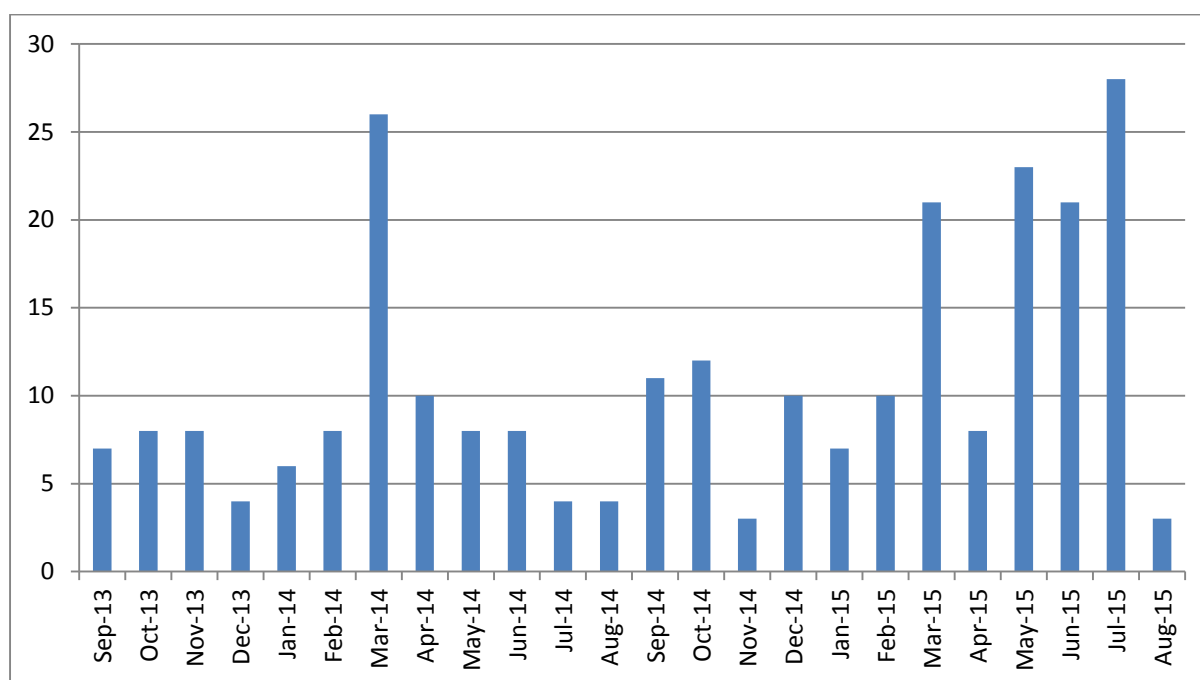
- 3.1 How many complaints have SENAR received over the last two years?
- 3.2 How long did they take to resolve?
- 3.3 What were the main issues and outcomes?
- 3.4 Have any complaints gone to the Ombudsman and what lessons have been learned?
- 3.5 Service evaluation

### **3.1 Complaints to SENAR over the last two years**

During the academic year 13-14 (i.e. pre reform) SENAR received 101 complaints/ Cllr letters and logged queries. During the academic year 14/15 (post reform) SENAR received 157 complaints / Cllr letters and logged queries. It should be pointed out that logged queries and Cllr letters are not necessarily complaints about the service. Figure 5, page 16, shows monthly receipts between September 2013 and August 2015.



**Figure 5 - The number of complaints, MP and Cllr letters and logged queries received into the service per month from September 2013 to August 2014.**

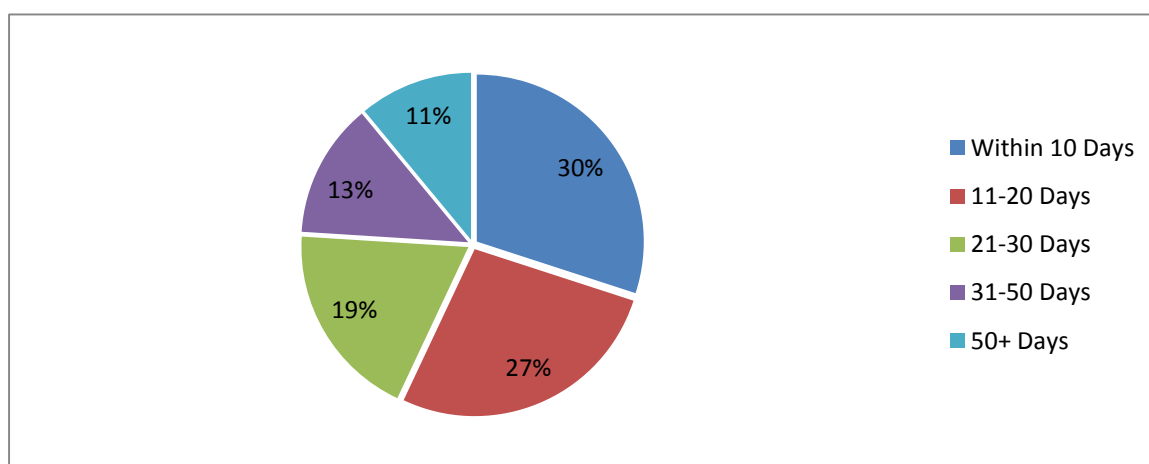


As can be seen complaints during the academic year 13/14 were relatively stable, except for March. It is unclear why a spike in complaints, letter and queries was seen at this time as there was no significant event. During 14/15 it is noted that there is a significant increase with the majority received within the summer term correlating with the dip in service performance relating to new assessments and delay at issuing EHC transfer plans. It is also fair to point out that given the scale of legislative change, whole system change, service redesign and high turnover of staff there was some expectation that complaints, letters and queries to the service would increase during the first year of implementing the SEN reforms. For example the service has received significant requests for information from parents, school and Cllrs to understand new processes.

### **3.2 Length of time to resolve queries**

Figure 6, page 17, provides detail about the length of time complaints, Cllr letters and queries received between September 2014 and August 2015 were responded to. For the academic year 14/15, 30% were resolved within 10 days, 27% between 11 and 20 days, 19% between 21 and 30 days, 13% between 31 and 50 days and 11% took 51+ days. It is recognised that delays experienced are not acceptable and we apologise for this. Since September 2015 a new complaints tracking process has been agreed between the business and PSS support service aiming to improve the speed at which complaints are handled and resolved.

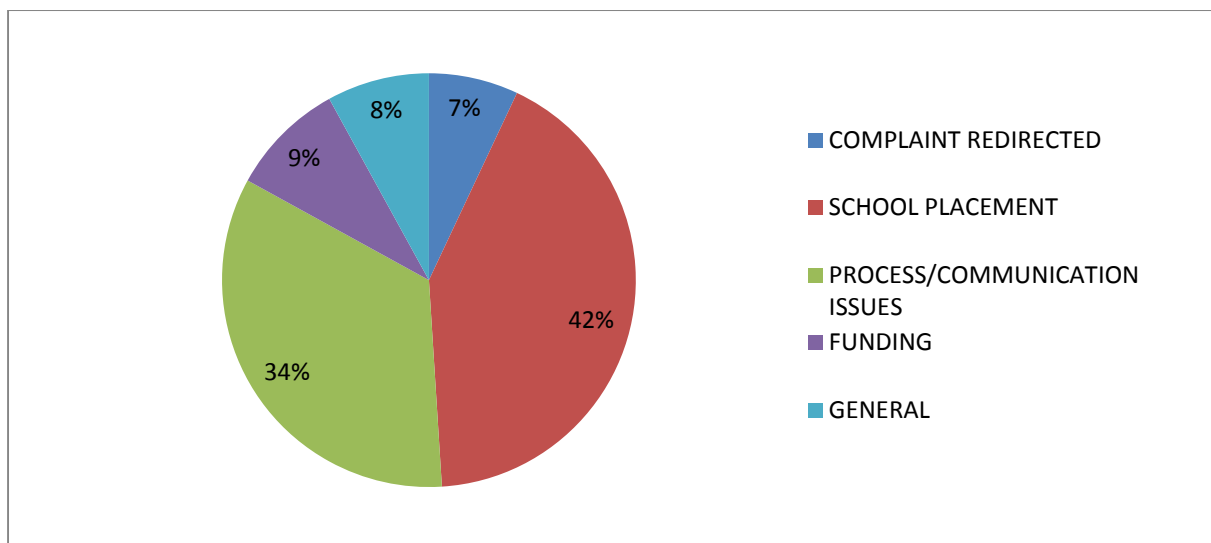
**Figure 6 – Response times for Complaints / Cllr and MP letters / Logged Queries (September 2013 – August 2015)**



### **3.3 What were the main issues and outcomes?**

Upon analysis the main issues raised include those relating to school placement, timeliness and process/communication – see figure 7, page 18. Successful outcomes often relate to the resolution of school placement issues and completion of activities within specified timeframes. Communication is a key theme for development within SENAR during the 15/16 academic year.

**Figure 7 – themes of complaints / Cllr and MP letters / Logged Queries September 2013 to August 2014**



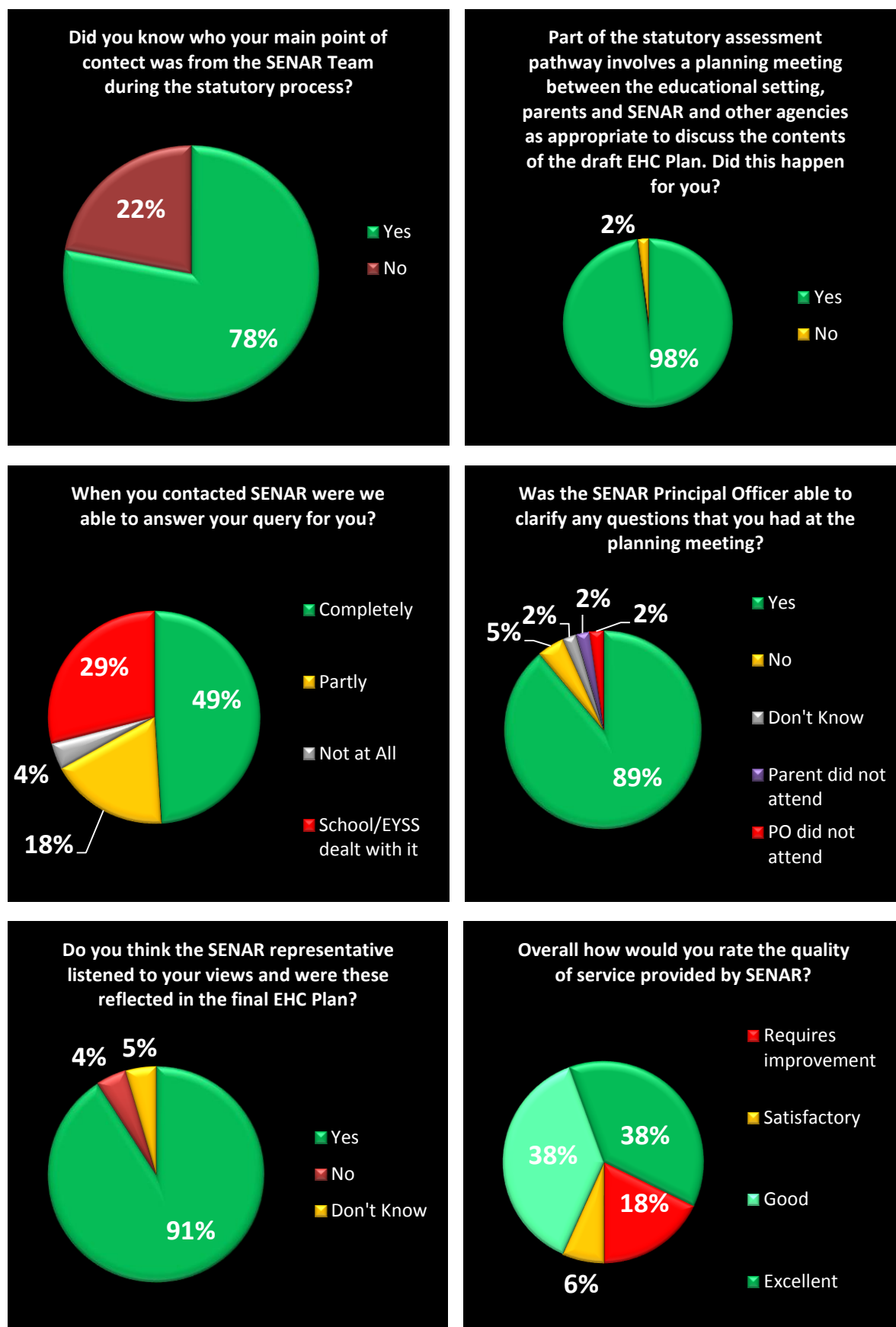
### **3.4 Have any complaints gone to the Ombudsman and what lessons have been learned?**

Since September 2014, three premature complaints were made to the Ombudsman (they went to the Ombudsman before using all of the Local Authority's complaint processes). Of these, one went onto become a full complaint and a payment was made to the parent by the authority. Whilst the Ombudsman recognised the complexity of the case the council was found at fault for not providing sufficient education when a child had been unofficially excluded from school. The amount paid (£1200) was marginally lower than standard in recognition that some provision though had been provided. As a consequence the Local Authority has commissioned additional places with an interim educational provider as and when required. SENAR request the support from the Ombudsman team whom have given advice and have been happy to assist with cases before they go to the Ombudsman.

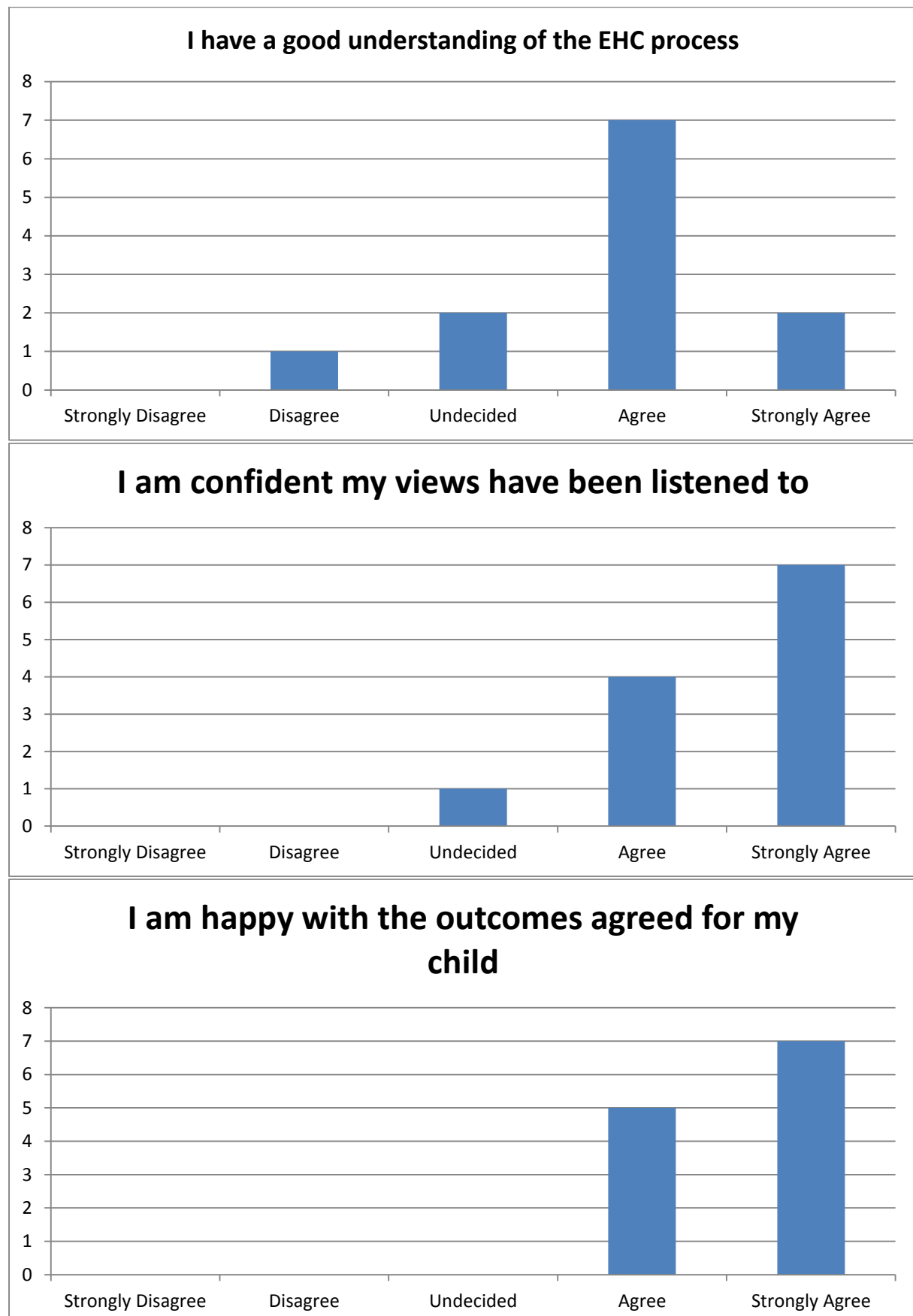
### **3.5 Service Evaluations**

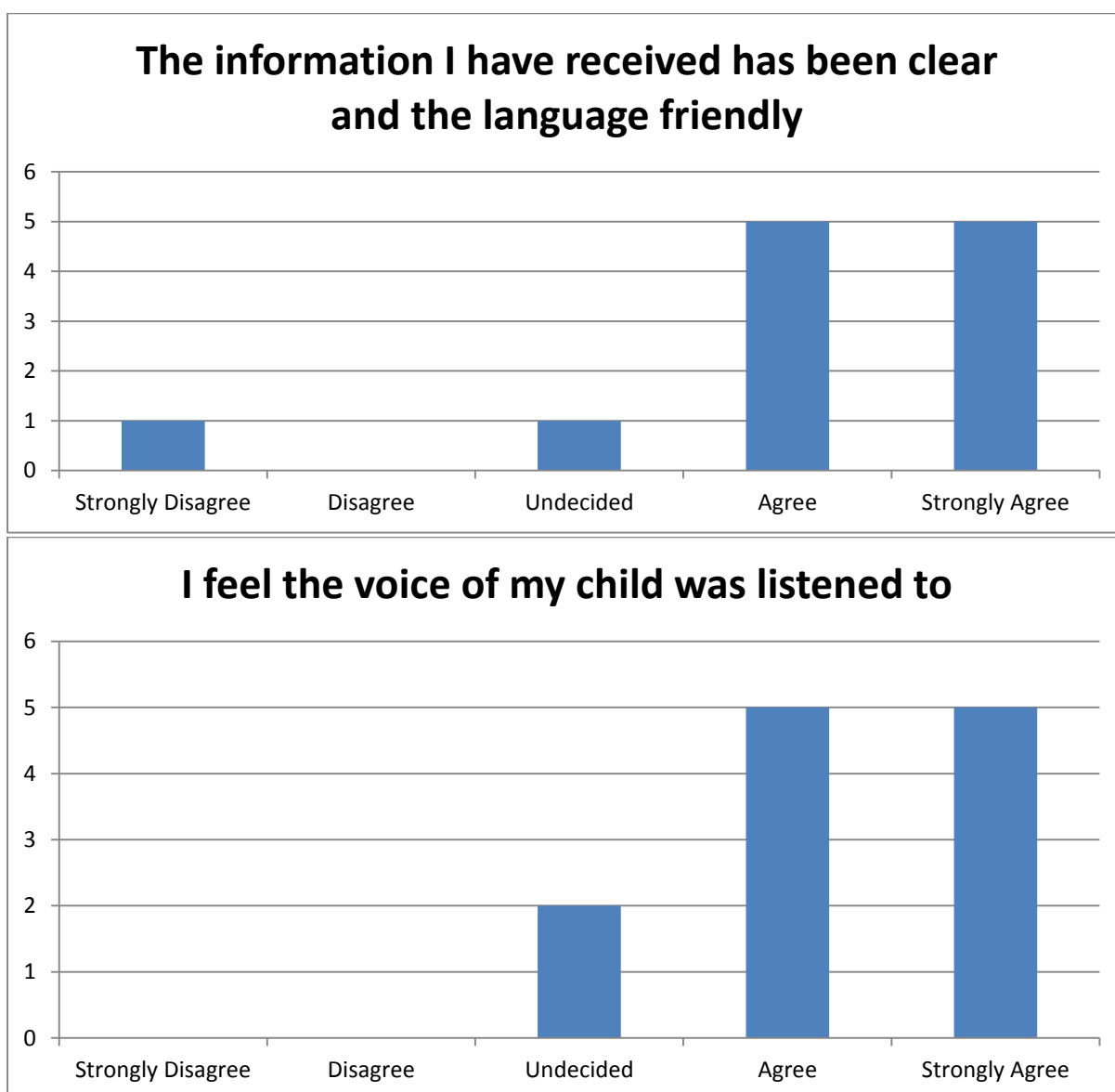
Recent evaluations of the SENAR service illustrate positive experiences and examples where parents feel it is working well – see figure 8, page 19. Of those surveyed (n=45) 91% of parents felt that SENAR listened to their views and that this was reflected in their child's final EHC plans. 76% rated the overall quality of service as being either excellent or good. Parental satisfaction indicators of the EHC process (see figure 9, page 20-21) also indicate that a good understanding exists of the new system; that parents are happy with agreed outcomes for their child; that they received clear and friendly language and that the voice of their child has been listened to.

**Figure 8 – Responses from service evaluation of the SENAR team**



**Figure 9 - Parental satisfaction indicators of those that have been through the EHC assessment process**





#### **4 Successes implementing SEN Reforms**

Alongside the challenges Birmingham has a number of key achievements. These include:

- Birmingham is recognised nationally for its Local Offer website, particularly demonstrating how parents, carers and young people have been involved in co-production
- Education, Health and Care plan pathway with all supporting procedures and paperwork finalised, cascaded across relevant partners, published on Local Offer website and refreshed in light of learning through implementation
- EHC Assessment Panel Terms of Reference signed off by CCG chair and Strategic Director – panel arrangements in place, with supporting quality assurance mechanisms and reviewed for 2015
- Operational procedures with SENAR refreshed for year 2 with range of workforce development sessions.
- Local Transfer Plan : Year 2 outlining how all current SEN statements will be transferred to an EHC plan agreed and published for 2015/16 academic year.

- Interim electronic filing solution using Sharepoint agreed.
- Online Portal and improvements to Impulse or alternative included in draft IT Strategy
- New Personal Budget Policy finalised and plans in place for further development
- New Mediation procedure in place
- Range of communication and workshops organised to support stakeholders across Education, Health and Care through the changes
- Family Conferences held every 6 months, focus groups with parents to consult and involve in co-production and Protocol re Roles agreed with Parent Carer Forum

## **6. Some Current and Future Challenges**

- To be aware there is an increase in exclusions and children out of school alongside a large and growing demand for special school and alternative provision. This appears related to growing pressure on schools/heads and governors from OFSTED requirements, reduction in strategic conversations surrounding Inclusion and the changing relationship between the Local Authority and schools.
- The current high needs budget is not sufficient to meet the continued demand and annual increase for specialist educational provision beyond 15/16. Work continues to resolve the potential budget gap involving robust commissioning and joint problem solving with the school and further education community.

## Appendix A - ECHP Data Sheet

### REQUESTS FOR ASSESSMENT

Month	New EHC Requests Received	Requests Declined	Requests Accepted	Appeals Lodged against refusal to assess	Appeals "won" by BCC	Appeals "lost" by BCC	Appeals withdrawn following further info submission
Sep-14	27	16	11	1	0	0	2
Oct-14	53	19	34	4	0	0	4
Nov-14	81	29	52	2	0	0	3
Dec-14	88	17	71	2	0	0	1
Jan-15	91	24	67	0	1	0	2
Feb-15	108	31	77	2	1	0	1
Mar-15	120	36	84	5	3	0	1
Apr-15	156	42	114	3	0	0	3
May-15	80	18	62	2	0	0	1
Jun-15	100	30	70	4	0	1	2
Jul-15	135	29	106	5	0	0	1
Aug-15	33	4	29	10	0	0	1
Total	1072	295	777	40	5	1	22

### NEW ASSESSMENTS

Month	Assessments due for completion	Assessments completed within 20 week	Assessments completed 20-25 weeks	Assessments completed 25-30 weeks	Assessments completed 30+ weeks	TOTAL	Assessments completed no EHCP required	Statement of SEN/ EHCP Plan completed by type*
Sep-14	0	0	0	0	0		0	13
Oct-14	0	0	0	0	0		0	10
Nov-14	0	0	0	0	0		0	21
Dec-14	0	0	0	0	0		0	31
Jan-15	4	7	0	0	0		0	18
Feb-15	14	7	1	0	0		0	31
Mar-15	42	19	7	0	0		0	12
Apr-15	70	20	8	0	0	28	0	18
May-15	62	19	27	1	0	47	0	16
Jun-15	73	25	23	15	0	63	0	18
Jul-15	96	62	43	25	0	130	0	58
Aug-15	67	85	51	10	0	146	0	22



TRANSFERS FROM STATEMENTS TO EHC								
Month	Statement/EHC transfers due to begin	Transfers begun	Transfers due for completion	Transfers completed within 16 week	Transfers completed 16-26 weeks	Transfers completed 26-30 weeks	Transfers completed 30+ weeks	TOTAL
Sep-14	1746	2	0	0	0	0	0	0
Oct-14		22	0	0	0	0	0	0
Nov-14		69	0	2	0	0	0	2
Dec-14		262	0	21	0	0	0	21
Jan-15	633	278	2	26	2	0	0	30
Feb-15		163	32	40	8	0	0	48
Mar-15		278	151	30	17	0	0	47
Apr-15		248	251	12	25	2	0	39
May-15	464	208	239	2	36	12	0	50
Jun-15		209	190	11	26	8	17	62
Jul-15		359	307	1	5	6	19	31
Aug-15		15	234	11	15	5	27	58
Sep-15		69		6	4	8	22	40
*EHC Plans completed which name only a type of school (e.g. special school) rather than naming a specific school								