

PEOPLE AND FAMILIES POLICY AND SCRUTINY COMMITTEE

14 MARCH 2024

LIST OF PUBLIC QUESTIONS (IN THE ORDER THAT THEY WERE REGISTERED) AND RESPONSES

	Question
1	<p><b>My question is for the Cabinet Member for Education, Cllr Tony Ball.</b></p> <p><b>The SEND update acknowledges that the recruitment and retention of Educational Psychologists is a major problem for Essex County Council. As of September 2023, there were more than 12 vacant posts at this Council, and the cost of Agency EPs for 2023-24 was expected to be over £1.2m.</b></p> <p><b>Whilst I note the Council have a 'virtual assessments' initiative, would the Council consider bringing forward a temporary policy to accept private Educational Psychology reports, so long as they meet the requirements for the assessment, and reimburse parents the costs?</b></p> <p><b>Surrey County Council successfully implemented this policy last year. Thank you.</b></p> <p><b>Source: Where the Local Authority has considered the private advice and found that it meets the expected requirements for the purposes of the Education, Health and Care Needs assessment and that no further Surrey County Council professional advice is required then parents can request reimbursement of costs up to a maximum of £925.</b></p> <p><b><a href="#">Education, Health and Care Needs Assessments: Parent Carers July 2023 (updated)</a></b></p> <p><u>Cabinet Member and Lead Officer response:</u></p> <ul style="list-style-type: none"><li>• We do accept independent EP reports subject to a QA process to ensure that the psychological advice is sound;</li><li>• We will consider recommendations for provision but will not always agree these;</li><li>• We do not fund parents' costs – this would create a system whereby those who can afford to pay have advantage over those who do not;</li><li>• We are progressing a business case with significant investment to secure independent EP capacity;</li><li>• We will consider the system that Surrey have introduced for recompensing parents for independent EP costs taking on board the comments above.</li></ul>

2.	<p><b>My question is about where this document refers to focussing on inclusion... What is the LA providing to help SEND children and young people with high support needs who can't attend settings to mix with peers and avoid being socially isolated when current provision is scarce and what's available often doesn't meet need. Parents have complained but the issue persists for our poor forgotten children.</b></p> <p><u>Cabinet Member and Lead Officer response:</u> Via Short breaks:</p> <ul style="list-style-type: none"> <li>- Max cards to access subsidised tickets to national attractions with a carer</li> <li>- Free tickets to local attractions for the child and a carer</li> <li>- Publications such as Autism and Nature Guides and playbooks</li> <li>- Subsidised caravan holidays in adapted caravans (for home educated young people, bookings are available in term time too, from March to November each year)</li> <li>- Days out at adapted beach huts</li> <li>- Clubs and Activities in every district across the county, offering a range of different activities and catering to a range of needs. This includes access to specialist healthcare task delegations to Short Breaks providers to ensure children with specialist healthcare needs can take part.</li> <li>- The clubs and activities enable the parent carer to leave the setting for a short time, affording them a break from their additional caring responsibilities whilst giving the young person the chance to develop independence and social skills and have fun. Short Breaks are held after school, at weekends and during holidays.</li> <li>- It is worth noting that although not part of Short Breaks, we work closely with the Activate holiday activities programme through Active Essex who have increased their SEND provision in efforts to be more inclusive and so have increased the range of activities in the holidays.</li> <li>- Where a family has needs identified through social care assessment there is also access to Direct Payments, home based care packages and overnight short breaks.</li> </ul> <p>Via Youth Service:</p> <ul style="list-style-type: none"> <li>• We have a county wide digital youth centre for YP who have social anxieties.</li> <li>• We also have SEND groups where YP can bring their care worker to meet their personal needs whilst being introduced to other YP and activities.</li> </ul>
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Both these offers can lead to SEND YP engaging in wider local provisions

### **Second question**

**My next question is about where this document refers to send arrangements not working and demand growing in the system...**

**‘Does the LA fund groups in Essex including Families In Focus, Essex Family Forum, Sendiass, Multischools Council and PACT and are any of these groups registered at your LA offices? Why does this not then get clearly communicated to parents and carers?’**

### **Cabinet Member and Lead Officer response**

EFF don’t have an office since we all work from home. We have to have a publicly available address as a registered company and for obvious reasons did not want to put one of our personal addresses. The only use is we very occasionally get post from Companies House sent to County Hall which gets sent on to me. When we incorporated I did unsuccessfully try various other charities and also PO Boxes (which would have been expensive) so you gave us permission to use County Hall.

The actual structure is family champions who represent their groups/parents. They are volunteers, and every group/school/club is encouraged to have a family champion to get their experiences across. I don’t know how many family champions we have - but they are how we hear what is going on. The management committee are not the source of info.

### **How do we tell parents about services/transparency?**

- All the support in the Local Area is advertised on the Essex Local Offer directory. Each one has a listing which tells a parent about that service – eligibility criteria, area covered etc– the link takes a family directly to their website.
- The only example I can think of where a service is ‘approved’ by ECC on the LO would be AP providers on the IPES list. This is clear in their listing that they have passed certain criteria to be part of the ECC IPES framework.

### **How do we share info with families/schools?**

- Local Offer social media, Local Offer newsletter
- All support groups are invited to have a stall at the roadshow to meet parents directly.

	<ul style="list-style-type: none"> <li>• All support groups are invited to the monthly drop-in with ECC to share their views.</li> <li>• All SENCOs were invited to the roadshow to find out about what support is available for parents.</li> <li>• We don't promote any service more than any other.</li> <li>• The exception to this rule is MSC. One of our strategic priorities is raising the voice of the young people directly – therefore we do encourage all schools to connect with the MSC and do fund them.</li> </ul>
3	<p><b>Why are there no consistent, supportive guidelines or processes for parents whose children are unable to attend mainstream school? The idea of having to phone in every day to report absence when families are dealing with their child's anxieties is ridiculous. Parents and children are stressed enough already.</b></p> <p><u>Cabinet Member and Lead Officer response</u></p> <p>Some schools use systems and processes such as 'Truancy Call' to contact parents on each day of absence and might believe that contact must be made on each day of absence for all pupils. However, this is not a legal requirement. For instance, some schools do not initiate contact but instead have a policy that parents are to make contact on each day of absence.</p> <p>Whilst attendance-related guidance may not require daily contact, safeguarding guidance may do so in cases where the vulnerability of the pupil concerned warrants such action. However, where there are no safeguarding concerns, schools can agree (on a case-by-case basis) the frequency with which they and parents are to communicate where long-term absence appears unavoidable and/or the child is being supported by others. In these instances, parents may feel supported and 'held in mind' rather than under undue pressure to share daily updates where school staff are already aware of the situation following previous work with the family.</p> <p>Taking into consideration the guidance that was in place during school closures in lockdown periods, once a week may seem to an appropriate level of contact that schools should aim for, from a safeguarding perspective, unless there are particular safeguarding concerns. Opportunities to see the pupil should be facilitated and achieved as far as possible by school staff, where long-term absence appears unavoidable, via a supportive weekly video call between the pupil and a keyworker staff member. This could incorporate and facilitate the strategies outlined in this guidance.</p>

4	<p><b>You mention the fact that special schools are full or over-capacity. Given this, alongside the lack of provision for children who can not attend a school setting for a wide variety of reasons, why is EOTAS so rarely granted without wasteful Tribunals? [ Cabinet Member and Lead Officer comment: The vast majority of EOTAS packages are put in place for children outside of the appeal process] Especially considering an EOTAS package would usually cost significantly less than a special or independent school place and would give much needed provision to those children currently left with nothing.</b></p> <p><b>Also similarly with regards to Personal Budgets why are more parents not aware of and allocated a personal budget? They could then carefully select an education path for their child in a much more suitable timeframe than currently being experienced.</b></p> <p><u>Cabinet Member and Lead Officer response</u></p> <p>Under the Personal Budget regulations ECC are able to refuse a PB where it will have a negative impact on other services or it would not be an efficient use of resources.</p> <p>Roughly 50% of our PBs are classified as EOTAS or Awaiting provision, and the other 50% have an IPES provision in place in addition to the provision in the PB (and are likely to have either EOTAS or Awaiting Provision against their status).</p>
5	<p><b>You talk about an 'inclusive ethos' and 'understanding barriers and individuals' needs.' Why does Essex have an “approved providers” list and yet still reject requests from that list, let alone if you require independent providers to meet specific needs? The bidding system is not fit for purpose, giving no real parental choice, not fully sharing all relevant information with providers, and treating our children like a number. How do Essex justify the implementation of this system when already many children are not being matched up with the most appropriate provision to meet their identified needs?</b></p> <p><u>Cabinet Member and Lead Officer response</u></p> <p>The current system provides the LA with access to 44 suppliers that have been identified and quality assured through a robust procurement process. The providers deliver services across 4 lots that can work flexibly allowing access to support from any combination.</p> <p>1. Tuition Services</p>

	<p>2. Vocational Learning 3. Online Services 4. Therapeutic and Re-engagement services.</p> <p>The bidding process is based on the ability of the Provider to meet the pupils' needs as set out in the EHCP, within the identified lot, the nearest location of that provision, and cost. It ensures that ECC remains fair and transparent to the supplier market, balancing the assurance of value for money in the face of the rapidly increasing levels of demand. Without the system and the procured contracts in place ECC would be unable to appropriately quality assure or safeguard the provision made and would be exposed to the risk of challenge from the market.</p> <p>The procurement and contract cycles mean that the system is under review and will be coproduced with families to ensure that it is able to keep pace with the change in direction that we have seen since the pandemic.</p>
6	<p><b>The objective for the Annual Review COG is to improve the quality and timeliness of the Annual Review process and resulting amended plans, including those with EOTAS. Can you, therefore, confirm that all provision and support required to meet needs identified as essential by professionals as part of the Annual Review process, will be included in plans and provided to children receiving a package of support through EOTAS to ensure a balanced provision, that's not just academic? Instead of only the parts the LA and the elusive panel choose to take notice of?</b></p> <p><u>Cabinet Member and Lead Officer response</u></p> <p>We would expect an EOTAS package to include a balance of provision to meet the young person's needs. An EOTAS package will not match the breadth of provision which is available in a school.</p>
7	<p><b>My question relates to Send Update part 2 and how it refers to SEND arrangements not working and how families are reporting variable experiences... my question is... 'Most schools including SEN schools are relying more on agency teachers and LSAs at a higher cost than paying inhouse staff. This is a problem financially and because our vulnerable SEND children who are either on the SEN register or have EHCPs (and some with complex needs) are looked after by agency personnel of which a lot haven't been taught how to teach children who need extra support. This is impacting on the child and others around them and affecting their education and their environment. What specifically is the LA doing to support and protect these children because the LA has a duty to ensure what's needed gets provided.</b></p>

	<p><u>Cabinet Member and Lead Officer response</u></p> <p>Schools use agencies to recruit teachers and LSAs (though this is definitely less common). In the case of using agency staff they will all still have the required skill set and training to fulfil that role. Albeit schools prefer to recruit their own staff as they are able to fully train them in their vision and values for support and inclusion of SEND children in their schools.</p>
8	<p><b>How can parents with a negative experience of the support that their child with SEN experienced in a school or setting be confident that the Ofsted framework effectively holds the system and individual settings accountable for the outcomes for ALL children and young people? What can Essex County Council do to support parents who have had negative experiences and be a champion for vulnerable children?</b></p> <p><b>The setting in which my child attended severely neglected her and still hold an Ofsted Good rating. For context, she began to become very distressed at morning drop off, and I walked in to discover her strapped into a buggy (not her own) sobbing, blotchy and with a very full nappy. She was two years old.</b></p> <p><u>Cabinet Member and Lead Officer response</u></p> <p>Parents who have concerns about their child's education should raise them directly with the school either informally through the class teacher or through the schools complaints policy. The school will then investigate the complaint and respond accordingly.</p> <p>Ofsted have a published inspection framework known as the 'Education Inspection Framework' and all inspections follow this framework. Parents are invited to complete a survey as part of this framework to provide feedback on their views of the school.</p>
9	<p><b>A common theme running throughout the document 'Send Update Part 2' is funding. So why is Essex County Council paying schools which students have never attended thousands of pounds a year while awaiting tribunal just because it's the LAs preference? This is despite the council having documentation that the child's needs could never be met there. Yet the council still pays out this money to put the child on roll (without the child ever attending and the parent not agreeing) when the school isn't even full. It's a problem that has caused a Tribunal to remark on whether this is the right thing to do. How will the council better meet the needs of these children and not keep wasting money?</b></p> <p><b>If you require evidence of this taking place I would be happy to provide.</b></p>

	<p><u>Cabinet Member and Lead Officer response</u></p> <p>This is a specific case and we have agreed directly with the parent that this case will be reviewed at the People and Family Scrutiny Committee Task and Finish Group when this is established.</p>
10	<p><b>My question is about the Educational Health Care Needs Assessment section...</b></p> <p><b>Parents and carers with SEND children often report they are told by schools not to bother applying for EHCNAs as they have little chance of the LA agreeing to assess despite their child struggling. The figure for Essex shows you refuse a high number of requests. Are the LA committed to supporting families to apply for EHCPs assessments? And if so what will you now do to prove this as families in need must hear from you directly that they are entitled to come forward? Keep in mind many families aren't engaged with groups or roadshows. Perhaps a letter to parents via schools like you do on offer topics?</b></p> <p><u>Cabinet Member and Lead Officer response</u></p> <p>We issued 2200 new EHCPs in the 2022/23 academic year and currently have 2197 open assessments (including those pending a decision to assess). The percentage of requests for assessment that we agree has not changed significantly since 2015/16 but the number of plans issued has increased by over 100%.</p> <p>The local offer is the best source of advice for parents: <a href="https://schools.essex.gov.uk/pupils/SEND/Pages/EHC-Needs-Assessments.aspx">https://schools.essex.gov.uk/pupils/SEND/Pages/EHC-Needs-Assessments.aspx</a></p> <p>The Local Offer currently uses five ways to communicate with families:</p> <ul style="list-style-type: none"> <li>• Through the website: <a href="https://send.essex.gov.uk/">https://send.essex.gov.uk/</a></li> <li>• Through social media (Local Offer Facebook)</li> <li>• Through a monthly newsletter. You can sign up on the website.</li> <li>• Through face-to-face roadshows each term</li> <li>• Through videos/webinars (held in an evening for working parents and recorded)</li> </ul> <p>We work with the SEND support groups families across Essex to make sure we are covering the topics and issues that are affecting the children, young people and families they support.</p>



SENDIASS also have information for families on their website, written and video. SENDIASS also hold regular events for families. You can read more here: <https://www.essexsendiass.co.uk/parents-and-carers/education-health-and-care-needs-assessments/>

This link will take you to the videos produced for parents and carers by SENDIASS  
<https://www.essexsendiass.co.uk/resources/sen-videos/>

**11 My question is for the Cabinet Member for Education Cllr Tony Ball**

**The SEND update acknowledges that there is a continued increase in children being removed from roll for home education. A recent freedom of information in January this year, confirmed that 149 children and young people with EHCP's are being electively home educated.**

**This is clearly a failure in my opinion by Essex county council.**

**Are you also aware that schools are sending children with SEND home to single parent households, expecting them to educate them whilst still being the named provision on the EHCP?**

**Parents arnt teachers and to expect a single parent (where a good majority are registered disabled themselves) to do the job of 25+ staff members is abandoning your duty of care to SEND children.**

**Can you please advise on how Essex county council tracks these situations and what support is put in place to help single parent households manage?**

Cabinet Member and Lead Officer response

Some LAs cease almost all EHCPs at the point where EHE is decided but Essex has a commitment to maintaining the EHCPs and reviewing them.

If we are made aware that a parent has contacted the school to ask for their child to be removed from roll to educate them at home, we would link with the school to see if they had any concerns and also speak with the parent about how they are going to deliver Section F of the EHCP. We have very little power to insist that they don't EHE if that is what they want to do

	<p>(unless the pupil is in a special school) and very little power to insist that parents evidence what they are doing at home to educate their CYP. We do hold the annual reviews and ask parents to provide evidence of work being undertaken for that meeting but they are under no obligation to do so.</p> <p>If we find out that the parent has been encouraged to EHE due to attendance concerns etc. we would follow this up with the school and colleagues in Attendance and Education Access. We have asked for support from CME before when we have real concerns that appropriate education is not being provided and they have ordered that the child return to school but this takes some time to work through.</p>
12	<p><b>My question is for the Cabinet Member for Education, Cllr Tony Ball.</b></p> <p><b>Essex County Council acknowledge in this SEND update that “current timescales for completion of assessments fall significantly short of the 20 weeks set out in the SEN Code of Practice.” National data shows that just 47.7% of EHCPs were issued within the 20-week legal limit in 2023. At some councils the figure was as low as 3%. How significantly short of the 20 weeks is Essex County Council and what are the processes being put in place to improve the completion time?</b></p> <p><u>Cabinet Member and Lead Officer response</u></p> <p>Please be assured that we fully recognise that the current timescales for completion of assessments fall significantly short of the 20 weeks set out in the SEN Code of Practice and understand the impact that this can have for children and young people being assessed, their families and their educational setting; we take this matter very seriously and improvement is our main priority.</p> <p>There are a number of factors which have influenced the current performance though none of these are offered as an excuse:</p> <ul style="list-style-type: none"> <li>• The recruitment and retention of Educational Psychologists is a major problem for Essex County Council and other local authorities and is recognised as such in the Department for Education’s SEND improvement plan. As a council we are working hard to recruit EPs as well as retain those that we have and we have rolling advert placed in the AEP newsletter. Alongside recruitment and retention we are developing our approach to using ‘virtual assessments’ where appropriate, which is a piece of work that has been led by Essex CC on behalf of the East of England, as well as increasing our associate EP pool, which is our independent EP workforce. We have recently created a new Strategic</li> </ul>

	<p>Lead for Educational Psychology post to lead this workstream and are progressing a business case to commission independent EP capacity to impact significantly on the backlog.</p> <ul style="list-style-type: none"> <li>• The number of requests for assessment has risen sharply since the Covid lockdowns ended; we have over 3,500 a year with the largest number being from schools. This has placed additional significant strain upon our SEND teams. In order to ensure that we have sufficient capacity we have recently invested additional funding to expand our teams by 46 FTEs. We are actively recruiting to these new posts at this time. However, the unprecedented increase in the volume of EHCNAs means there remains a very high risk that there will still be delays in the average length of time new assessments will take due to the backlog and continued high volume being received.</li> <li>• The SEND inspection of Essex in 2019 highlighted a significant weakness with the quality of Education Health Care Plans. We put into place an extensive improvement plan to improve the quality of assessments and plans which was recognised in May 2022 when Ofsted and CQC revisited Essex and found that this was no longer an area of significant weakness.</li> </ul> <p>We make no apologies for continuing to focus on the quality of advice, assessment and the plan but will be working to do this in as timely way as possible.</p>
13	<p><b>My question is about the reference to special schools and also how send arrangements are not working... Many parents are left without placements due to settings being unable to meet need or refusal to admit to a special school. How many children don't have a placement at all right now? And how many are SEND? (Not including EOTAS and EHE) This strains Essex families financially and emotionally. What are you doing about our children desperately needing a placement but without one?</b></p> <p><u>Cabinet Member and Lead Officer response</u></p> <p>We have 256 pupils with an EHCP awaiting provision.</p>
14	<p><b>My question is for the Cabinet Member for Education, Cllr Tony Ball.</b></p> <p><b>My question is in relation to Send Update part 2 and particularly about your reference to not receiving the level of service you'd expect. Parents widely report communication isn't timely from the Local Authority affecting vital decisions that settings and parents need to make to safeguard and support children. What is being done specifically to monitor and improve delays in responses from the Local Authority especially when statutory duties and timescales supersede excuses?</b></p>

Cabinet Member and Lead Officer response

We have appointed a Communications and Monitoring Officer in each quadrant to support our need to improve communications with parents. We have established a dedicated Co-ordination and Oversight Group to drive the work and it is also a key priority of the Family Feedback COG.

15. **Send Update Part 2 / Page 22...I have noted you have included a number of positive quotes regarding SEN provision in Essex schools, however you have not included any negative comments. It's a shame you don't balance your quotes to reflect reality... In the last PAF scrutiny committee meeting February 2024, in response to a question I sent in, Ralph Holloway is quoted as saying the LA are "working on the culture and ethos of schools that aren't as inclusive, and probably have no wish to be". This clearly indicates you know Essex schools are not inclusive despite the Equalities Act and Send Code of Practice demanding settings must be. We asked what you were doing about this and your answer was vague and amounted to there being no specific intervention that is measurable and made public. How many schools have you taken to court this year over these issues? You regularly and routinely choose to go to Tribunal against parents who, after all, are merely seeking for their vulnerable children to be provided for.**

Cabinet Member and Lead Officer response

First step is a warning notice. Guidance for that is: <https://www.gov.uk/government/publications/schools-causing-concern>

A warning notice is an official warning to a school saying that it must improve in a certain way. These notices are issued by either the LA (maintained schools) or the DfE Regional Director (Academies).

A warning notice can be issued because:

- the school's educational results are poor
- there has been a breakdown in leadership or governance
- there is a serious safety concern
- the governing body have not complied with an order relating to teachers' pay and conditions

In respect of maintained schools, should the LA continue to remain concerned, we can make an application to the DfE to

seek to remove the governing body and replace with an Interim Executive Board. The DfE Regional Director is the decision maker in this respect

As outlined in the DfE's School Causing Concern guidance we can seek to put apply for an IEB for three main reasons:

- 1) fail to comply with warning notice
- 2) if the school is rated inadequate by Ofsted
- 3) if the school is not deemed to be making adequate improvement of been judged as requires improvement in the previous two sections 5 inspections

You can read more at their leisure on legal powers to install an IEBs in 'Part 4 of the Education and Inspections Act 2006'

We have had evidence that some of our academies have not been inclusive in relation to key individuals or groups of children under the '*Equalities Act and/or Send Code of Practice*,' we have ensured we speak to colleagues with the DfE during our regular meetings and where and if appropriate have referred the matter/s to the ESFA to enable them to make a considered response to the school in respect of their current funding arrangements.

Our inclusion and disadvantaged workstreams are directed to address these concerns.

## Question 2

**Send Update Part 2 / Page 25 refers to "Inclusive ethos, culture and consistent high quality universal level of support" which is interesting considering... In the PAF meeting Feb 2024 Ralph Holloway stated, "If a young person's statutory assessment says they are appropriate for mainstream education then they should be appropriate for any mainstream in Essex...any mainstream should be able to meet their needs". Why is it then that any consultation is needed at all if this is the case?**

## Cabinet Member and Lead Officer response

We are required by law to consult with a school we are proposing to name in a plan. The CoP says: The local authority must consult the governing body, principal or proprietor of the school or college concerned and consider their comments very carefully before deciding whether to name it in the child or young person's EHC plan, sending the school or college a copy of the draft plan.

	<p><b><u>Question 3</u></b></p> <p><b>Also in reality many schools will refuse consultations no matter what. So what is being done to address the very high number of responses from schools saying ‘No’?</b></p> <p><u>Cabinet Member and Lead Officer response</u></p> <p>This is being addressed by our quadrant teams; intelligence is shared between the SEND and Education strands and actions agreed.</p>
16	<p><b>My question is for the Cabinet Member for Education Cllr Tony Ball</b></p> <p><b>Safeguarding and promoting the welfare of children is everyone's responsibility. Everyone who comes into contact with children and there families has a role to play , as a local authority what monitoring does Essex county council have in place regarding children abusing other children ( often referred to as child on child abuse ) anecdotally , this is happening and schools are pressuring parents not to report these incidents to police our children have a right to be safe.</b></p> <p><u>Cabinet Member and Lead Officer response</u></p> <p>We do not ‘monitor’, but we have produced guidance for schools (based on statutory guidance from DfE), provided training, resources and signposted to organisations to support curriculum delivery.</p> <p>The guidance is absolutely clear that settings should report to statutory services (Police and Social Care) and schools must work in accordance with that guidance – we have no evidence that schools are not doing this and would investigate individual concerns if raised.</p>
17	<p><b><u>Question 1</u></b></p> <p><b>Send Update Part 2 / Page 17 refers to the "safety valve and delivering better value" and this is an interesting point about value for money so I'd like to ask ... How much was the cost of school and college transport last year? A</b></p>

rough figure will suffice for the purposes of today's discussion and you can get back to me with the exact figure later. We already understand that this cost is huge and this is money that could be moved to educational provision and to provide more schools, especially special schools, and better support in mainstream schools - rather than paying for taxis that ship our children miles every day, a journey they many don't want to do, adding to the council's carbon footprint and clogging up roads that are already congested and full of pot holes. I don't think anyone thinks spending such a huge amount of money on transport is a good idea when the county is desperate for more educational provision especially specialist settings. Many parents, especially SEND parents, along with taxpayers in the county are outraged about this and there's no doubt you would be delivering much better on your statutory and legal duties if you prioritised where you spent your money more effectively. It's no surprise the county had such an awful Ofsted verdict in the first place.

#### Cabinet Member and Lead Officer response

- Home to school transport is a **statutory** service; the Local Authority must provide transport to eligible children upon application.
- Entitlement to transport is enshrined in primary legislation and has been in place since 1944.
- The outturn for SEND H2ST in 2022/23 was £21.978m.

#### Question 2

Send Update Part 2 / Page 18 states that we 'Must acknowledge poor practice' in the system. Page 23 states "Essex has practices careful financial management which protects services and ensures we make decisions about spending locally" so I'd like to ask a bit more about poor practice... Ralph Holloway spoke in the last PAF meeting in February 2024 about 98% of tribunal cases being lost by councils and won by parents. He also said that going to tribunal was about "managing resources" for the LA. Some might say the LA knows it puts families through hell and back in the tribunal system both financially and emotionally, and that it does so knowing ultimately the council normally loses. That's shameful and unethical. It's also a comment that caused outrage with over 62,000 social media views and hundreds of comments. The sad reality is that only families who can endure the battle with the council and go the distance get what their child needs. What about the thousands of other families who aren't able to do this? Do you think using the tribunal system to manage the LA budget for you is abusing the system, especially when the tribunal is already clogged up with cases?

Cabinet Member and Lead Officer response

The LA do not choose to go to tribunal 'against' parents – parents lodge the appeal and the LA is required to respond. We do not use the tribunal system to manage the LA budget - the efficient use of public resources has to be a factor in considering individual cases.

**ESSEX SEND TRIBUNAL APPEALS**

	2019/20	2020/21	2021/22	2022/23
Total Number of Appeals received	327	374	473	509

56% increase in appeals

**Data for appeals against a refusal to carry out an EHCNA:**

	2019/20	2020/21	2021/22	2022/23
Number of Refusal to carry out an EHCNA appeals	162 15% of RTA	167	213	214 12% of RTA
Conceded	144	159	202	205
Tribunal Hearing – LA successful	2	2	3	4
Tribunal Hearing – Parent successful	16	6	8	5

**Data for EHCP appeals:**

	2019/20	2020/21	2021/22	2022/23
Total number of appeals relating to the EHCP (content or cease to maintain or refusal to issue)	165 1.7% of EHCPs	207	260	295 2.4%
Number of appeals which involved Section I (placement)	120 1.2% of	177	208	223 1.8%



		EHCPs			
	Hearing – LA successful	4	8	4	8
	Hearing – Parent successful	10	15	13	32
	<p><i>174 of the above Section I appeals for 22/23 have been concluded, 77% of those were resolved prior to the hearing – this could be that the LA agreed to name the school preferred by the parent, the parent agreed to the placement proposed by the LA, or both parties agreed to an alternative placement.</i></p> <p>An example of Section I appeals in 2022/23 which the LA defended on the basis of inefficient use of public expenditure:  £83,000 (parental preference) vs £19,000 (LA placement)  £100,000 (parental preference vs £16,000 (LA placement)  £56,000 (parental placement) vs £13,000 (LA placement)  £27,000 (parental placement) vs £16,000 (LA placement)</p> <p>The average time to resolve an appeal received during the last academic year was <b>15 weeks</b>. The Tribunal timetable is currently 40+ weeks.</p>				
18	<p><b>Q 1. Page 23 mentions special school banding. Could the council please clarify does the LA have a legal duty to pay whatever it costs to provide section F of a child's EHCP? If so, what will the council now do to clear up confusion currently held by many parents and settings who don't know that whatever section F costs must be funded by the LA and that bandings have no bearing in relation to this duty?</b></p> <p><u>Cabinet Member and Lead Officer response</u></p> <p>The LA has a duty to deliver the provision in Section F.</p> <p><b>Question 2.</b>  <b>Page 16 refers to Ofsted concluding that one of Essex County Council's areas of significant weakness is the quality of education health care plans created to support children with special educational needs and disabilities. Are the people who put together these plans medically qualified? The LA are supplied with reports by experts including</b></p>				

**paediatricians, psychiatrists, speech and language therapists and occupational therapists, amongst others, so it is a failure to these children that what ends up in a plan often misses out vital provision and is poorly compiled. These are some of the most vulnerable children in Essex.**

Cabinet Member and Lead Officer response

Following the area SEND inspection of 2019, leaders have acted to review and improve the quality of professionals' contributions to EHC plans. SEND case workers have received training which has improved the quality of their oversight. Leaders have implemented guidance to improve the contributions from social care and health partners. This guidance is being developed further in health, building on the strong practice already in place by speech and language therapists. As a result, partners from health, social care and education are now contributing meaningfully to the production of EHC plans.

Processes are in place to quality assure health and care partners' contributions to EHC plans. These processes are resulting in better quality EHC plans. More recent EHC plans capture and reflect the aspirations and views of the child or young person and their parents or carers more precisely. The provision for children and young people is specified and linked to achieving ambitious, relevant outcomes. Leaders continue to review these processes to inform learning and training across the partnership. Many parents and carers, who have experienced the EHC process recently, are positive about their experiences. They have felt fully involved and believe that health, social care and education have contributed meaningfully to the final EHC plan.

Notes:

At the discretion of the Chairman on the day, the order in which questions were asked varied from the above order.

An oral response was given to all questions on the day which is reflected above. However, there were significant time pressures on the day due to the number of public questions asked. In some cases, the oral response on the day has been expanded upon in the above written record.