

Children and Young Peoples Scrutiny Review Board 27 March 2023

Minute Extract

54/22 Education Health Care Plans (EHCPs) Quality and Timeliness

The Board considered a report and presentation from the Strategic Director of Peoples Services to provide the Board with an update on EHCP quality and timeliness.

The officer reported the number of plans completed in 20 weeks, giving reasons for the low proportion of EHCP completion within the 20-week statutory timeframe. This was partly attributed to the capacity of Educational Psychologists and a lack of uptake from recruitment exercises. DCC was still trying to recruit to posts; however, nationally there was a shortfall which had affected many Local Authorities. There was a renewed focus on clearing the backlog of EHCPs.

The service was exploring a new approach to Educational Psychologist (EP) capacity which would positively affect the completion in 20 weeks figure once the backlog of EHCPs was cleared. A councillor asked how many EHCPs were being completed within 20 weeks, the officer advised that about 30% had been completed. A further breakdown would be available in the following months. The councillor asked how many EPs there were and how many there should be. The officer stated there were currently 3 Full Time EPs in most LAs there are about 12 to 15.

The Board heard that EHCP numbers are high in Derby, being at 4.7% which was the highest in the East Midlands, Leicester was at 3.4% and Nottingham was at 2.1%. There were 462 requests at the end of October and 376 at this point last year signifying a 23% increase. 357 new plans were finalised this year compared to 429 at the same time last year. A councillor expressed concern about the high figures for EHCPs in Derby. It was highlighted that the DfE had requested improvement in Derby's position.

The average number of requests for EHCPs from parents was 38% up to September 2022 when 72% were from parents bringing the average up to 42% for the year. The split over the past couple of years had been 60% from schools and 40% of requests from parents respectively.

Derby's SEND Tribunal appeal rate was 1.4% in 2021 a slight increase from 1% the previous year. It was much lower than it was in the peak years of 2014 and 2017-2019, when it had reached 3 to 4%.

Nationally there was a 17% increase in the number of SEND Tribunals, in Q3 of 2021/22 compared to the same quarter in 2020/21. Derby's rate

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was currently the second lowest among the regional authorities and in the middle among statistical neighbours. It was likely to be about 1.9% this year. A councillor asked what percentage of Tribunal Appeals resulted in out of area placements. The officer said that figures would be provided to the councillor. The councillor asked when the Tribunal statistics were last reviewed. The officer informed the Board the figures in the presentation were annual ones. The councillor thought that a more in-depth study was needed, the Tribunal statistics and appeals could be used to inform the provision. The councillor suggested recommending that Council Cabinet be asked that a review of SEND Tribunal and placements be undertaken.

The officer explained the service was looking at whether EHCPs provided the right support for children, perhaps there should be a focus on a graduated response, helping schools to recognise other support available if EHCPs were not suitable. The service worked with GPs, professionals, and the private and voluntary sector to meet the needs of children and young people with or without an EHCP.

A councillor spotlighted the current need for EHCPs at an earlier age, the officer agreed and explained that a pilot scheme had been set up in a city ward looking at children's needs, the situation they were in, if they had social or emotional issues, looking at the family dynamics.

The long waiting list for diagnosis was discussed, councillors were concerned about how children were supported during that time. The officer highlighted the work of the Family Hubs which provide advice and support for families.

The Board resolved to note the report and requested that Council Cabinet ask for a review of Tribunals to be undertaken to understand common themes and reasons for going to Tribunal, and the main reasons for children and young people being placed out of area.