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## **Education, Health and Care Assessment and Plan 2022-2023**

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Executive Lead Member: Cllr Tessa Munt

Division / Local Member:

### **1. Summary**

- 1.1.** This report provides a summary of the data, improvements, impact, and ongoing challenges in relation to how the local area has continued to respond to delivering Education, Health, and Care plans (EHC plans) across Somerset since the reinspection of SEND Services in November 2022.

Through the inspection it was recognised that the timeliness and quality of EHC plans had improved considerably, and it was noted that all partners work together to support the statutory assessment and planning processes with equal contributions across agencies including the quality assurance processes in place supporting them.

- 1.2.** This report gives a summary of improvement, impact, and ongoing challenges for teams across Somerset Council and wider partners and underpins the necessity of continued focus on improving the experience for children, young people, and their families.

### **2. Issues for consideration / Recommendations**

- 2.1.** To receive updates regarding Education, Health and Care Assessment and Plans
- 2.2.** To note the LGCSO decision regarding Annual Reviews and to agree the recommended actions to meet the statutory review timescales.

### **3. Background**

- 3.1.** Most children and young people who have Special Educational Needs or disabilities (SEND) will have their needs met within local mainstream early years settings, schools, or college. Some children and young people may need an Education, Health, and Care needs assessment (EHCNA) following this

assessment Somerset Council must decide whether an Education, Health and Care plan (EHC Plan) is needed.

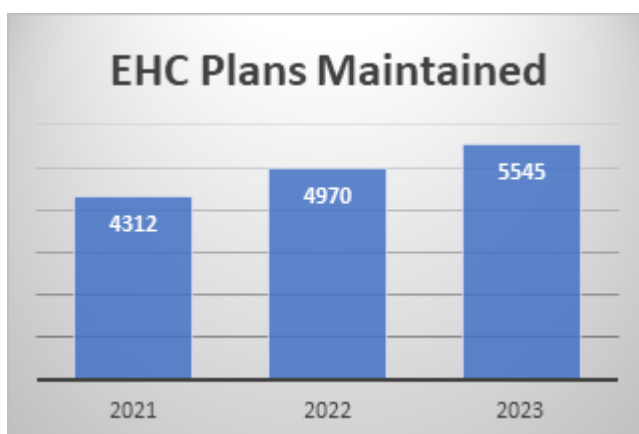
- 3.2.** The purpose of an EHC plan is to make special educational provision to meet the special educational needs of the child or young person. The EHC plan should also identify long term outcomes for them across education, health and social care and prepare children and young people for adult life from the earliest point possible.
- 3.3.** To achieve this, Somerset Council works with partners across the local area to gather the advice and information needed to undertake the assessment. The views, interests and aspirations of the parents and child or young person must be included, and the assessment must provide a full description of the child or young person's special educational needs and any health and social care needs and establish outcomes across education, health and social care based on the child or young person's needs and aspirations.
- 3.4.** An EHC needs assessment and plan should not normally be the first step in the process, rather it should follow on from planning already undertaken with parents and young people with the education setting they attend. The whole process should take no more than 20-weeks.

**3.5. Number of EHC Plans Maintained**

On November 1<sup>st</sup>, 2023, the number of EHC plans maintained for children and young people living in Somerset was **5,545** representing an increase from **4,970** as of October 2022, representing a 11% increase over one year.

At the current rate, there is forecast to be **6,046** EHC plans by November 2024.

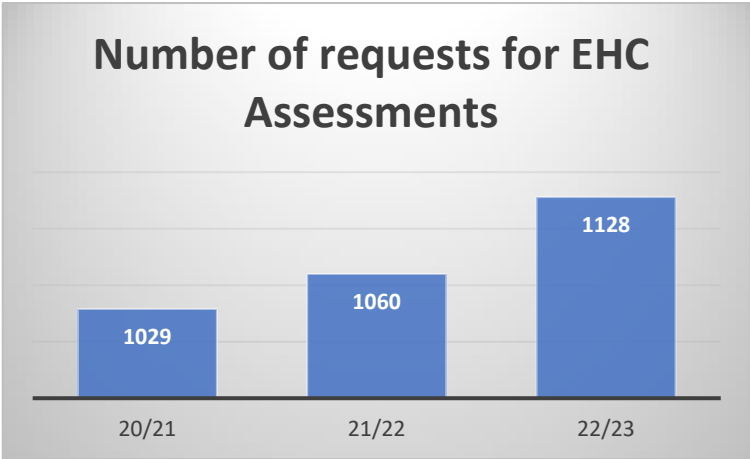
**Table 1- EHC Plans maintained**



**3.6. EHC Needs Assessments**

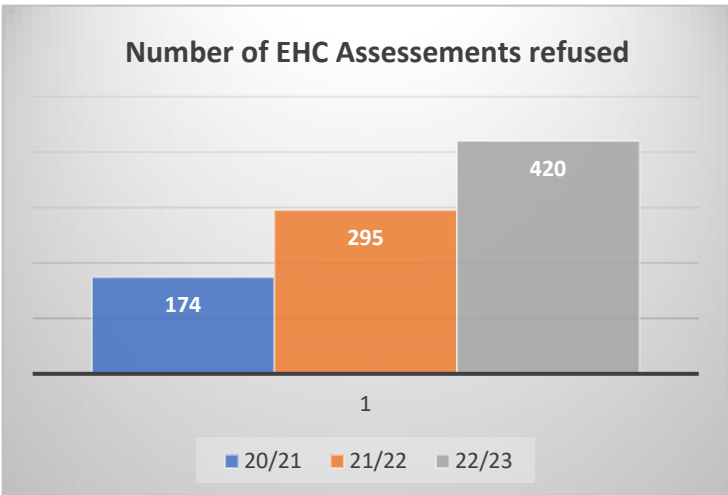
The number of requests for Education, Health and Care needs assessments has increased this year from 1060 requests for assessments in 2021/22 to 1128 in 22/23. This represents a 6% increase on the previous year.

**Table 2. EHC Needs Assessment requests**



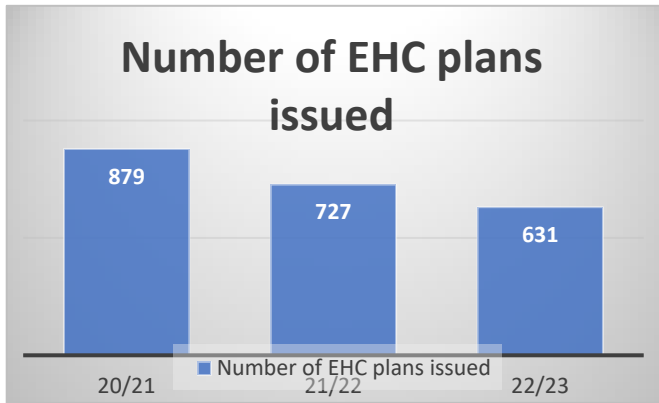
Through a multi-agency decision making panel, the number of assessment requests refused in 2022/23 has increased to 420 (295 in 21/22).

**Table 3- EHC Assessments refused**



This means that the number of EHC assessments undertaken, and plans issued has decreased.

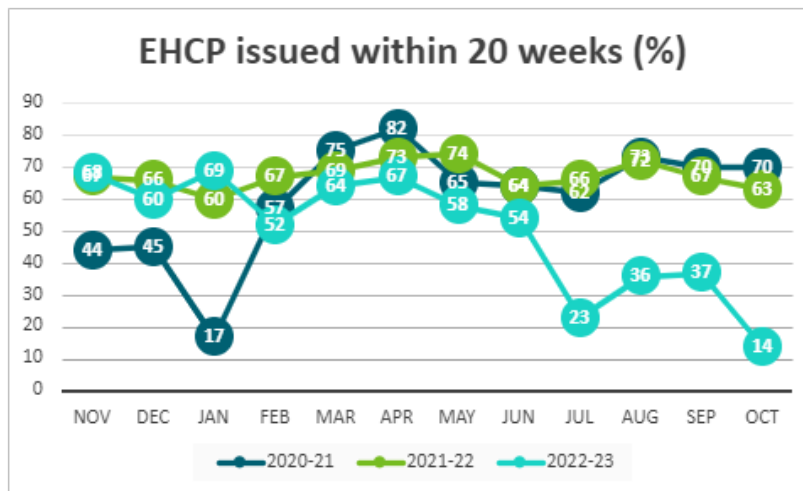
**3.7. Table 4- Number of EHC Plans issued**



Within Somerset, 20-week performance has been strong since March 2021, and has been sustained until July 2023 where there is evidence of month on month decline in performance.

Nationally, the 20-week rate as of January 2023 was reported to be at 49% which represented an overall decline from 59%. Between November 1<sup>st</sup> 2022 and October 31<sup>st</sup> 2023 the annual performance was **48%** compared to **68%** for the previous year.

**Table 5- Number of EHC plans issued within 20-weeks**



The Statutory SEND team has consistently been operating at 60% capacity over the past 6 months. The continued pressure and continued increase in the number of assessment requests has increased pressure on staff and those pressures in turn have led to problems with retention and recruitment.

Further work has been undertaken to review the recruitment, induction training and focus on well-being within the team to deliver improved levels of staff satisfaction and increased retention. The team will have recruited to full capacity by January 2024 following recent recruitment which will ensure the team are able to refocus their efforts on improving the 20-week performance.

A focused effort and investment in increased staffing capacity has enabled the issuing of 140 EHC plans in October and November, this is a 40% increase compared to first 9 months of this year. This has had a significant impact on reducing the number of children waiting for an EHC plan.

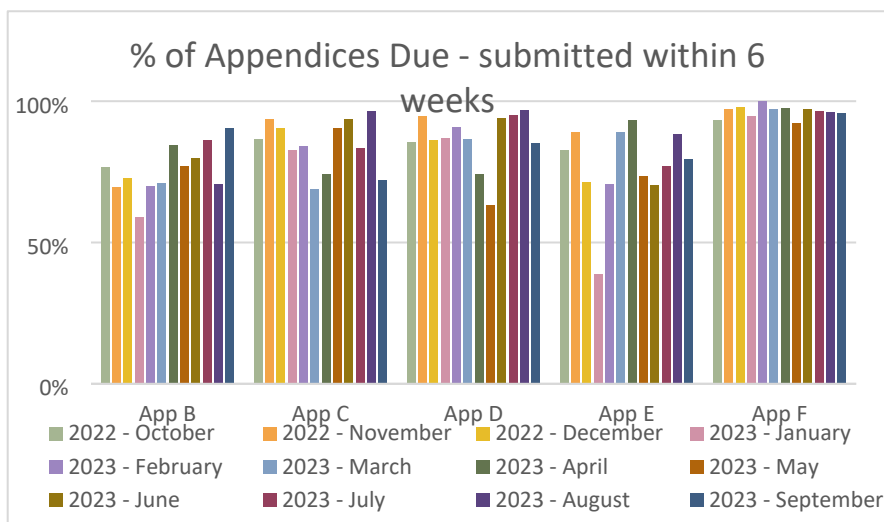
### 3.8. Agencies contributions to EHC assessments

Throughout the EHC assessment process, several pieces of advice must be submitted within a 6-week timeframe.

The timeliness of advice is monitored with key stakeholders monthly. Where advice is received late, after the 6-week date, the reasons for the delay are discussed and action taken. Late advice usually occurs due to staffing/operational pressures within the service. Operational pressures and demands are considered for the forthcoming month to identify any new risks to timeliness.

Owing to the multi-agency scrutiny, issues are resolved far quicker than in previous times.

**Table 6- Appendices due for EHC assessment**



App B- Education setting  
 App C- Health  
 App D- Educational Psychology  
 App E- Social Care

### 3.9. Annual Reviews

Once the Local Authority issues an Education, Health, and Care plan there is a responsibility to review these plans through the Annual Review process. This

includes a necessity for the setting that children or young person attends to hold a meeting as part of this process.

There are statutory timescales that must be met in relation to Annual Reviews. Annual reviews should be processed within 4 weeks of the meeting taking place and where amendments have been agreed, they should be resolved within a further 8 weeks. The whole process of amending an EHC plan should take no longer than 12-weeks.

Throughout the past academic year there were **3931 Annual Reviews** submitted and this an increase of **11%** compared to previous year (**3529 2021/22**).

It should not be necessary to make changes to EHC plans following an Annual Review meeting each year and the SEND Code of Practice suggests that EHC plans are not expected to be amended frequently.

During the academic year 2022/23, over **60%** (2378) of Annual Reviews reports submitted requested a change to the plan. This has led to the Local Authority agreeing to amend **1098** plans with only **600** of these being because of children were in a transfer year group.

One expectation of education settings is that they submit updated advice or assessments if they are requesting amendments to EHC plans and it is noted that over the past few years this has not been as robust as it could have been meaning that the LA has agreed to undertake amendments without the advice available to make these changes.

In October 2023, the Local Government and Social Care Ombudsman (LGSCO) completed an investigation to understand if there were systemic faults in the Council's administration of annual reviews for pupils with Education, Health and Care plans. Through the investigation, the LGSCO recognised the exceptional pressure experienced by the service and the difficulty in keeping up with the government expectations.

The LGSCO upheld the complaint owing to the number of repeated delays in relation to completing the Annual Review process within the statutory timescales and have issued a set of actions that the LA will need to complete.

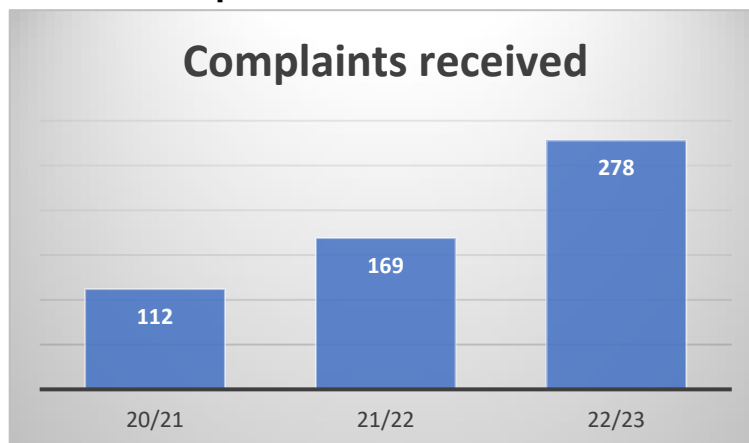
Whilst the performance against annual review timeliness will continue to challenge the LA as the number of EHC plans it needs to maintain continues to grow, there are activities underway to support improvements in this area. These are:

- Annual Planning Meetings offered to every school across Somerset to identify children requiring support from specialist LA teams prior to requesting amendments to EHC plans.
- Clarifying expectations with schools to ensure that appropriate advice and support is secured prior to submitting an Annual Review report requesting changes.
- Additional staff in place to process Annual Review reports in a timely way.

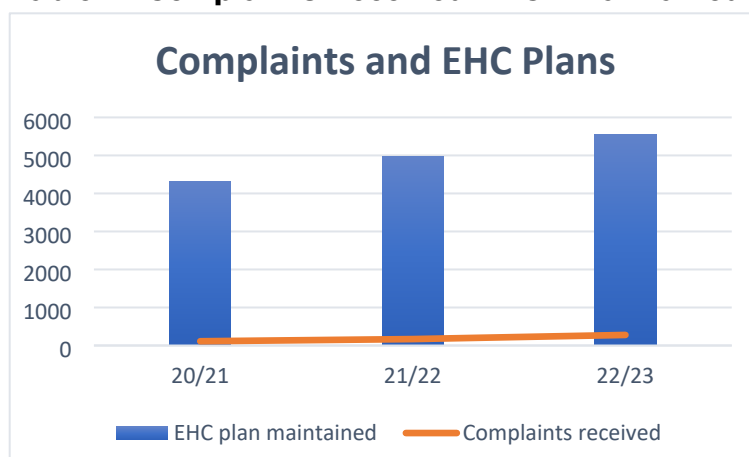
### 3.10. Dispute – Complaints, Mediations and Tribunals

The number of complaints received in relation to EHC plans is too high and relates to the level of demand on the service, low staffing levels and complexities across the system relating to mainstream schools feeling unable to meet the needs of children with EHC plans coupled with an insufficient number of specialist placements available. Delays in making placement decisions and providing the provision as described in EHC plans creates significant pressure on the team and this means that the team are unable to deliver a good service to families and wider stakeholders.

**Table 8- Complaints Received**

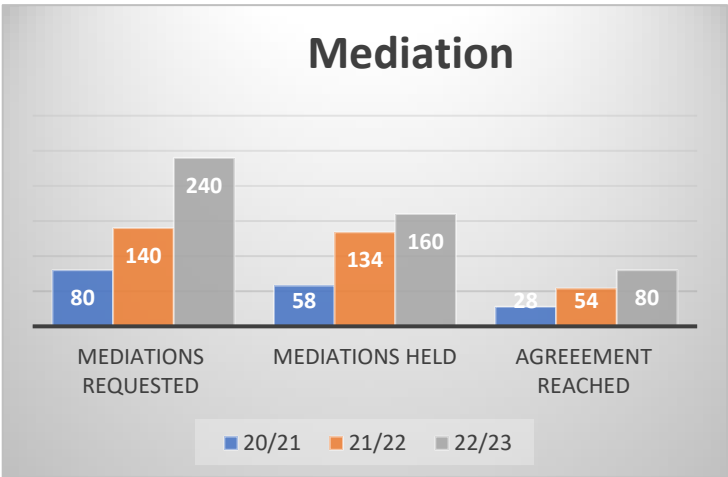


**Table 9- Complaints Received/EHCP maintained**



The number of mediations requested has continued to increase and this enables families and the Local Authority to meet earlier to look to resolve the dispute. Most mediations and tribunals relate to the Local Authority's decision not to undertake an EHC assessment and is connected to the growth in the number of EHC needs assessments that have been turned down by the local authority through the multi-agency statutory panel due to insufficient evidence provided.

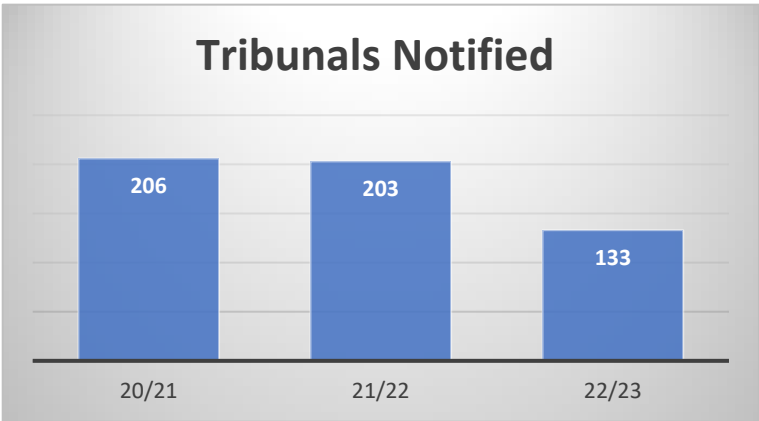
**Table 10 – Mediations Requested**



Throughout the mediation and tribunal process, families and education settings can provide further evidence to support a change of decision in relation to all decisions that have been made and therefore there are mediations and tribunals where initial decisions are able to be changed. This is evidenced by the number of mediations where an agreement is reached and through the number of tribunals where the Local Authority concedes the original decision made.

The number of tribunals notified has continued to reduce and most of these tribunals relate to refusing to undertake an EHC assessment.

**Table 11- Tribunals Notified**





The number of appeals relating to education placement has decreased significantly which could be viewed as positive but also relates to the LA agreeing to placements within independent settings earlier owing to mainstream and special schools being unable to meet the needs of children and young people.

Tribunal and mediation panel has been underway for over 12 months and the impact of this is evident in the ability to make evidence-based decisions, avoiding hearings where new information or evidence has been made available and supporting officer and wider colleagues when they attend hearings.

**Table 12- Tribunal Type**

