



SNAP PARENT CARER FORUM
CENTRAL BEDFORDSHIRE

**Our response to the Audit of
Education Health and Care Plans
February 2021**

Introduction

SNAP PCF are an independent Parent Carer Forum who work in partnership with Central Bedfordshire Council to improve SEND services for families. We are included in all of the working groups for the Written Statement of Action and feed in the collective voice of parent experiences to help shape and develop pieces of work which will improve the experiences of disabled young people and their families.

Central Bedfordshire Council commissioned an independent audit of their Education Health and Care Plans to understand the current quality of their EHCPs. The audit has determined that 58% of EHC Plans 'require improvement' and 4% are 'inadequate'. We have been advised that parents whose young people have EHC Plans that have been judged as 'inadequate' will be contacted and their plans will be rewritten without delay. All EHC Plans that 'require improvement' will be amended at the next scheduled Annual Review.

SNAP PCF has commissioned IPSEA to run a workshop for parents to help them to understand what a good EHC Plan looks like and to enable parents to have the knowledge they need, and feel empowered, to ensure that their child's Plan is fit for purpose. We hope to provide further training to help parents ensure that the provision in their child's Plan is specified and quantified and will therefore lead to better outcomes.

This report has been written to clarify our involvement with the EHCP audit process, and to reiterate our concerns about the scope of the audit and the final report. We are also concerned that the level of our involvement within this process has been overstated, both at the Children's Services Overview and Scrutiny meetings which are recorded and uploaded onto CBC website, and as advertised in the CBC SEND e- news bulletin.

It is important to make clear that SNAP PCF did not coproduce and were not part of any conversations about the Terms of Reference for the audit. We did meet with the Assistant Director and Lead Auditor in August 2020 and expressed the reasons for our concerns about the scope of the audit. We also provided considerable written feedback about the audit

tool itself. However, none of this verbal or written feedback was used or had any impact on either the audit tool or the scope of the audit process.

Background - Written Statement of Action

In November 2019 OFSTED and the Care Quality Commission (CQC) carried out an Area SEND Inspection of Central Bedfordshire to review how the Children and Family Act 2014 had been implemented in our local area. This resulted in Central Bedfordshire Council and the Bedfordshire Clinical Commissioning Group receiving six Written Statements of Actions (WSOA) for failure in their SEND services.

Four WSoA relevant to Education Health Care Plans are:

1. "Existing EHC plans are not of sufficient quality to ensure that the needs of children are young people and identified and met. Despite very recent improvements, staffing capacity has hampered the area's ability to undertake timely and meaningful annual reviews of EHC plans. The system to prioritise the most urgent reviews is not fit for purpose. As a result, too many EHC plans do not provide a multi-agency assessment of children's and young people's range of needs."
2. "Leaders do not have sufficient oversight of the quality of new EHC plans. Joint quality assurance processes are insufficient and underdeveloped. This significant weakness is hindering the area leaders' ability to know how well they are identifying, assessing, and meeting children's and young people's needs."
3. "Area leaders in education, health and care do not have a shared understanding of the outcomes they want for children and young people with SEND. In addition, leaders do not know enough about the outcomes, especially for those on parttime timetables and those in out-of-area provision. As a result, intended outcomes are not understood, specific enough or evaluated well enough. This impacts negatively on the leaders' ability to jointly commission services to meet children's and young people's needs and improve outcomes."
4. "Co-production is not well informed by the views of children, young people and their families. Too often, professionals do not seek the views of a wide group of families. The views and needs of some children and young people are not well represented, such as the families from minority ethnic groups."

In September 2020, Central Bedfordshire Council (CBC) commissioned a Consultant to review 1797 EHCP's to understand if they were:

- Outstanding
- Good
- Requires improvement
- Inadequate

CBC intends to use this information as a benchmark for measuring improvements of the EHCP's over the next 18 months in line with the action plan for the WSoA.

The expectation was set by CBC that SNAP PCF were part of the discussions around the audit tool and process. In the spirit of coproduction, we would then see the first version of the report to give our feedback which we did.

Our concerns about the audit tool and the audit report are set out below.

Confidence in the audit process and lack of coproduction

We were advised that parents would be contacted by CBC and informed that their child/young person's EHC Plan would be automatically included in the audit process, which would take place from September 2020, and that parents could opt out of this process if they chose to. Following the audit, parents would then be informed about which category their child's Plan fell into and any action that would then be taken for those found to be either 'requiring improvement' or 'inadequate'. We were encouraged and reassured by the transparency of this approach to the process, knowing that this would build confidence with parents that their child's plan would be independently audited, and any needed action to improve the Plan would be taken. However, after the draft audit report was produced in February 2021, we were disappointed to learn that CBC had since decided that they did not need to inform parents about the audit. We believe that this did nothing to instil confidence in the audit process and in CBC decision-making, and was a missed opportunity to engage with parents, involve them in the process, and coproduce this piece of work.

In total 1,797 Plans were audited. This number did not include 291 of the most recent EHC Plans. CBC informed us that they had decided not to include these newer Plans in the audit because they believed that there was sufficient improvement in these newer Plans; and that it was the older Plans - those which have been through many Annual Reviews - that were 'requiring improvement' or were 'inadequate'. Unfortunately, SNAP PCF has seen newer Plans which include provision that is not specified and quantified, and/or do not include SMART outcomes. Excluding these newer EHCPs has prevented an opportunity to learn whether the recent IPSEA training for staff had any impact on the newer Plans being written.

It would have been valuable for the report to have provided the number and relevant expertise of the auditors who were involved in the process, and what experience they have with SEND and the SEND Code of Practice, as was the case within the RUT audit (further mentioned below) [EHCP independent audit - final report 02.pdf \(rackcdn.com\)](#) p15. This information would help to ensure that families have confidence in the process and its findings.

More detail to explain how the element of subjective judgement was "reduced as far as possible to produce an objective standardised quality assessment" would have also be helpful. Greater explanation about how the "moderation throughout" was carried out "to ensure consistency across the team" would improve parent confidence in the process and results.

EHCP Audit Scope and Remit

We understand that the remit of the audit was to measure which category each EHC Plan fell into, rather than to look at the EHC Plans in a much more holistic way. We believe that this is a missed opportunity to really understand how and why good and outstanding plans became to be so, and the specific reasons why the other plans fell short of this. To truly understand where current strengths and weaknesses in the process lie, and to be able to make specific and targeted recommendations, we believe that the Audit needed to review and comment on the quality of the supporting documentation for the EHCPs and the process leading up to the final Plan. This is important because parents have continually raised concerns about the provision in their child's Plan not being specified and quantified. We are very aware that the SEND Team can only write a good EHC Plan if they are provided with suitable and up to date reports from health, social care and the Educational Psychology team.

In August 2020, at a meeting with the lead auditor and an Assistant Director for CBC, SNAP PCF expressed concerns that the scope of the EHCP audit was too narrow, and as such would have limited ability to effectively determine what was working and what was not.

We were told that the audit would need to triangulate the report with actions, learning and targets to improve. We were told that Central Bedfordshire Council would be using the same audit team as that used by Richmond Upon Thames (RUT), and that CBC had been impressed by their work. As a result, we were expecting something like the RUT report as this had been highlighted to us as a positive example of an EHCP audit. However, the CBC audit report is much less comprehensive and detailed than that produced in RUT. After raising this concern, we have been told that this is because the RUT report was written for the Local Government Ombudsman. If this is the case, we do not understand why young people and families within Central Bedfordshire deserve anything less.

If the purpose of the EHCP audit is to make recommendations for developing and improving EHCP content and ensuring that they are "of sufficient quality to ensure that the needs of children and young people are identified and met" (WSOA), then we believe that at least some assessment of the process behind each Plan needs to be made.

We feel that the audit's remit to assess only the prima facie contents of the EHCPs as they currently stand, without reference to, or measurement of, any aspects of the process behind each EHCP is a major weakness of the audit. In our view this is a missed opportunity to really understand where the strengths and weaknesses within the process currently lie, and what targeted intervention is needed to improve the EHCP experience and outcomes for young people and their families.

Areas that we would have liked the scope of the EHCP audit to have included:

- i. The audit process needed to measure whether all of the information provided by young people or their parents was included in the EHCP, or what level of support young people or parents were given to enable their participation in the process.

- ii. The audit did not measure the impact of any missing information from relevant health or social care professionals on the overall quality of the Plan, where the requirement for such input was unknown to the auditors. Where health or social care reports were provided, the audit did not measure the degree to which these appropriately described the child's needs, specified and quantified provision, or recommended outcomes. No data has been provided to show the proportion of EHCPs in each judgment category that have included contributions from all three services (education, health and social care) or how this varies by different cohorts, particularly by primary and/or secondary disability. Any potential disparities between the type of disability and expected EHCP content have not been considered by the audit.
- iii. The audit process could have measured to what extent statutory timescales were achieved in the production or review of the EHCPs, or how this differed over time or for different cohorts. It did not record information or data about the reasons for any delays or how and to what extent families were kept informed during the process.
- iv. The audit tool did not record what oversight each EHCP had received before being finalised and sent to families, despite this being one of the six key areas identified by Ofsted's WSoA.
- v. The audit did not measure or determine whether all of a child's needs had been identified within the EHCP, or what professional reports or assessments for the child may have been requested but never received or included. It is therefore difficult to judge to what extent this may have impacted on the final results of the audit, and to what extent the EHCPs are accurately reflecting all the needs and provision.
- vi. The report does not identify to what extent professional assessments or reports used to inform the contents of the EHCP were paid for by parents themselves, and what kind of reports these were. The audit did not measure the age of any professional reports in comparison to the date of the finalised EHCP. It is therefore impossible to assess what impact any delays in obtaining supporting reports for EHCPs, or using out-of-date reports, might be having on the description of needs or provision.
- vii. The audit did not consider the process behind the naming of the educational placement in Section I. It did not measure to what extent this was the preferred option for the young person and their family. Other than noting if there had been tribunal proceedings within the last two years, the audit did not identify whether there had been any mediation undertaken or tribunal proceedings beyond this time.

Our concerns - assessments and missed opportunities

Our concerns that the audit did not include any assessment of how each EHC Plan came to be in its current form, were expressed to CBC officers back in August 2020. In particular, the extent of parental input in the writing of the outcomes, needs or provision was not measured. The audit did not assess to what extent the young person or their parents/carers

were consulted and included during the process of writing or reviewing the EHC Plan, or to what extent they were part of any decision-making process about the contents of sections B to I, or what support or information they were given to enable this. We are concerned that having an EHCP audit that does not consider any element of the process behind the final document - including the child or parent's experience of that process - will have limited value in identifying where systemic problems exist and how these might be negatively impacting on young people and their families.

SNAP PCF believes that if the audit scope had been broader, or more of the supporting statistics from the audit tool had been provided, this would have resulted in a more substantial and robust set of data and information to clearly inform where targeted improvements and training are most needed to ensure that all EHCPs are brought up to 'Good' or 'Outstanding' as quickly and effectively as possible. The absence of more comprehensive information and data within the report means that there is very limited evidence to support the recommendations made and prevents the report from providing much more specific and targeted recommendations for specific services or cohorts of young people.

The final report - lack of data and more detailed and targeted findings and recommendations

The final scoring of the EHCPs is the only data that has been provided within the report. No additional statistics have been offered to support and corroborate the final results or to throw further light on the final judgments that have been made, or which aspects of the EHCPs are currently more or less well written.

For example, the information that parents would value, and we would like to have seen in the report are:

- i. What proportion of the outcomes in all of the EHC plans were judged as being SMART? How did this proportion change across each of the judgment categories, and across different cohorts? This will help to identify where training is most needed for professionals, and whether there are cohorts of children for whom writing SMART outcomes is more difficult or has been more/less successful.
- ii. What proportion of the final Plans had provision in section F that was fully 'quantified and specified'? Or to what extent was this the case in each of the judgment categories? How did these proportions change for different cohorts? What kinds of provision were most/less often quantified and specified? This will enable the identification of particular services or cohorts of children where achieving this specificity in section F has been more/less successful.
- iii. For those young people in year 9 and above, what proportion of Plans contained relevant outcomes with a Preparing for Adulthood focus? Or to what extent was this the case in each category? How did this vary for different cohorts?
- iv. If "*Section B often includes information that should be in other sections*" – which other sections of the Plans were most often affected by this? Were there any trends

in the types of information that were placed in the wrong section? This will help target any necessary training or changes to policy or process.

- v. What was the relationship, if any, between the time period since an EHCP's last review and its final judgement score? This will help identify to what extent any delays to annual reviews may be impacting on the quality of the Plans.
- vi. How are the EHC Plans in each judgment category distributed across different age groups, geographical areas, school types and primary disabilities? This will allow us to see trends in where any problems or successes lie, enabling more targeted recommendations and interventions.

The Audit Tool itself is structured so that it grades a number of individual criteria under each Section of the EHCP as 'Outstanding', 'Good', 'Requires Improvement', or 'Inadequate'. However, no data has been provided specific to each Section of the EHCP or for any of the individual criteria, either collectively across all of the EHCPs assessed, or for each judgment category or for particular cohorts of young people.

For each Section of the EHCP we would like to see what proportion of the Plans in each judgment category achieved 'Outstanding', 'Good', 'Requires Improvement' or 'Inadequate' for that section? For example - for Section A, how many plans overall achieved an 'Outstanding', 'Good', 'Requires Improvement' or 'Inadequate' grading for this particular Section? How did the quality of this section vary across the different judgement categories and for particular cohorts? And to what extent was this attributable to parent/carer or young person contributions? This will help to identify where further support for families may be most needed. Similar targeted data is needed for the other EHCP Sections to provide a sharper identification of where the focus for change and improvement needs to be.

The audit report could have provided an anonymised example of an 'Outstanding' or an 'Inadequate' Plan to highlight the main aspects of the plans that have resulted in that judgement being made. Including such examples would provide greater transparency, learning, and confidence in the audit process itself.

Publishing data sets for all criteria and all sections of the EHCP audit would allow for a more detailed analysis of where the key issues are and more accurately identify what is working well and what needs improving.

We are concerned that the lack of data for different aspects of the audit also prevents us from evaluating the overall effectiveness of the audit itself. Without this we are being asked to accept the final quality judgements that have been made without any additional supporting data to corroborate the final results.

Recommendations

We agree with CBC that the EHCP Audit is an important tool for Quality Assurance. Improving the quality of EHCP's will ensure that the provision being delivered to children

and young people across Central Bedfordshire is appropriately tailored to meet their needs and can deliver on their outcomes. This can only be a positive for families.

SNAP PCF believes that having independent auditors is good practice from Central Bedfordshire. We were pleased to see that the Code of Practice was clearly referenced within the Audit Tool for each section. We are aware of, and participate in, positive meetings regarding the WSoA and can see the initial stages of progress being made.

However, we do not agree with the linear approach taken by CBC when implementing improvements to the EHCPs. In our opinion the commissioning of the EHCP Audit did not encompass important areas that would have been invaluable in enabling the progress and 'culture change' needed within CBC and the EHCP process, which is very disappointing.

Whilst it is important to say that SNAP PCF does not disagree with the identified problems and recommendations contained within the report, these come as no surprise as they are the same issues that have been highlighted and raised by parents many times over recent years. Indeed, SNAP has been stressing the importance of these issues continually to CBC and Health partners on behalf of our members.

Next steps

Following the WSoA, an action plan was developed and work on this has been ongoing since September 2020, and information on this can be found on the [CBC website](#). SNAP PCF have been involved in this process and are very much part of the sub-groups and decision-making boards which are implementing the action plan. We are hopeful that progress is being made and that families should start to see evidence of this soon.

To ensure that changes to the EHCP process can make a difference to the lived experience of children and families, we would like to see:

- A commitment that every EHCP at the next Annual Review will be updated to ensure that it is written as an outstanding plan
- Reports from health, social care and the Educational Psychology Team are written in a way that clearly identifies the child or young person's needs; and that the interventions recommended are specified and quantified. Where this is not the case, the SEND Officer is supported and provided with a clear process for rejecting the report and asking for the necessary amendments.
- Ensuring that EHCPs are coproduced with families – that parents and children are involved in the process as equals, ensuring that this is a process that is done with them and not to them. Many parents now know where to go for advice and support and understand the complaints process if they do not receive the level of service that they are entitled to.
- SMART Targets are included in both the professional reports and the final EHCP.
- Staff training and development is continued to ensure best practice and consistency across all teams and services that contribute to the EHC Plans

Summary

As an Independent Parent Carer Forum, SNAP will not always agree with some aspects of the work undertaken by CBC, a position which we are entitled to take, and can express the

reasons for our disagreement. Although we feel disappointed by the approach taken by CBC with regard to this process, we recognise that in other areas we continue to work positively together.

SNAP PCF is currently working with CBC on the WSoA in the following areas:

- We have been asked to re-write the SEND Teams parent letters to ensure that they are clearly and compassionately written; and we hope that these will be adopted.
- We are working with CBC on a new EHCP template
- We are working to provide a joint training offer for both professionals and parents
- We feed into the CBC newsletter to SENCO's, advertise our Forum to ensure more parents hear about us, and add information about webinars that may be helpful to SENCO's
- We have adjusted our coffee mornings to include CBC and health officers, so they can attend and give parents updates on the WSoA work so far
- We have invited CBC SEND Team to attend a series of events in the Summer Term to inform parents about the changes they have implemented
- We give updates about our work with CBC to our members in our newsletter