

# CHILDREN'S SERVICES OVERVIEW AND SCRUTINY COMMITTEE



Report subject	<b>SEND Improvement Update</b>
Meeting date	11 March 2025
Status	Public Report
Executive summary	The Special Educational Needs and Disability (SEND) Improvement programme of work has made significant progress over the past 12 months, including stabilising the workforce, improving plan quality and timeliness, and implementing a new SEND Sufficiency strategy. However, challenges remain in maintaining assessment timeliness and managing the growing caseload. Additional resources are needed to meet statutory delivery targets and improve service efficiency. Key focus areas include recruitment, enhancing the Local Offer website, and addressing the high use of Alternative Provision. The ongoing demand for new assessments and the impact on the Dedicated School's Grant (DSG) budget is also highlighted.
Recommendations	<p><b>It is RECOMMENDED that:</b></p> <p><b>The committee acknowledge the content of this report and following the discussion, consider whether a recommendation to Cabinet is necessary in relation to the target for statutory delivery of Education Health and Care Needs Assessments (EHCNAs) and Annual Reviews, taking into account the time and motion calculation and impact on the 6-week and 20-week timeliness..</b></p>
Reason for recommendations	Without additional resources and expenditure within the Education Psychology Service (EPS), BCP Council's timeliness will fall to 55-70% for 6-week and 20-week assessments
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Corporate Director	Cathi Hadley
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Wards	Council-wide
Classification	For Update and Recommendation

## Strategic Overview

1. This report sets out the progress of the SEND Service over the last 12 months. Significant progress has been made across the BCP Local Authority system. Work continues to embed the new Local Authority SEND Service structure with a focus on; the stability and competence of the workforce; improving the quality and specificity of plans and improving the timeliness and approach to Annual Reviews. The staffing profile for the Service has improved with the majority of roles now being filled by permanent staff members for most case holding roles, this was an outstanding area from the original Written Statement of Action.

The new SEND Sufficiency strategy is now in place and sets out a 2-year plan to support the development of provision where most needed. This remains one of the biggest challenges in the local system; the increased demand in the system for specialist placements and is not unique to BCP Council local area. The Local Authority continues to lobby with the Department for Education (DfE) where possible for its' much required second Free School bid for children with Social, Emotional and Mental Health (SEMH) as their primary need. Accordingly, frustration of local provision results in a high use of Alternative Provision and the use of Education Other Than at School (EOTAS), this is a statistical outlier for BCP Council and information around this is detailed in this report. The use of Alternative Provision is one of the key drivers of DSG overspend.

6-week and 20-week timeliness for new assessments remains strong as it has been for the last 12 months, however the increase in service demand for new ECHNAs does mean that the 100% position held for most of the last 12 months will now deteriorate. A potential forecast for timeliness given the current level of demand without further investment in the Educational Psychology Service (EPS) budget for Quarter 4 will result in **55%-70% completion at 6 weeks and 20 weeks**. Whilst this is an obvious deterioration in timeliness this will still be broadly in line (or ahead of) the national average for timeliness. Furthermore, it should be noted that the SEND Service's caseload is now 18% higher than this point last year. This creates pressure on the ability to manage new requests and service the plans already in the service; this is the case for the SEND Assessment and Review Service and the SEND Strategic service area; particularly the EPS and Appeals and Mediation processes and Service area.

December witnessed a revised early intervention offer through the traded EPS with a clear focus on efforts to reduce demand in the system. This work continues alongside our interventions in the Early Years Service. A draft recruitment and retention plan is in progress for the EPS with a view to undertake a renewed attempt to recruit to the service. This will propose that BCP Council align EP salaries to neighbouring authorities who currently pay more. In early spring recruitment will proceed to attract Graduate Trainee EPs who qualify in September 2025.

There are still aspects of the SEND Improvement Plan which require further improvement. Development of the Local Offer website is a key area of focus for this quarter with ongoing plans to improve co-production across the system. Positively, the Local Authority held its second round of locality events with parents and carers in January. This term, all schools will benefit from a termly meeting with their Case Officer, supported by their Assistant Team Manager or SEND Team Manager. This will help to forge a greater focus and link on earlier intervention with the EPS and Early Years Area SENCO service. For such meetings held last term, schools are positively feeding back to BCP Council on this development.

A key change through the SEND restructure was the creation of age specific Pods; Early Years and Primary, Secondary and Post 16. The new teams (Pods) are now focusing on development plans for each Pod and are particularly focused on driving improvements. We know that for our Post 16 area the quality of plans, management of transitions, ceasing of plans (where appropriate) and ensuring more suitable mainstream provision is a key area of focus for this cohort.

Quarter 4 of this calendar year will realise the pilot of a new banding system (Resource Allocation System (RAS)) this has been co-produced with schools and if successful would be rolled out for the Autumn Term 2025. Financial modelling for this is underway and will support a revised DSG forecast.

The report outlines the continued growth in both new Education, Health and Care Plans (EHCPs) and ongoing requests for assessments. When comparing to the demand in the southwest and England nationally, BCP Council is broadly in line with rates per 10k and new assessment levels. However, there are no signs that the demand for new requests is slowing down, which is perhaps unsurprising as much of the early intervention and prevention plans to stem demand are still in development. The planned Innovation Fund has been delayed following the Education Skills Funding Agency's (ESFA) decision not to agree a 1% disapplication from the DSG. A meeting has been arranged with representatives from the ESFA and DfE to discuss that decision further and it will then be discussed further with Headteachers at Headteacher Forum on 26<sup>th</sup> February 2025.

The ongoing demand for new assessments and changes to existing EHCP provision, often at a higher cost, is placing considerable strain on the service both in terms the fiscal drain (now estimated at £19.4m at end Q2) and Case Officer time to support new or amended plans. The report details that the highest change in demand is now showing in the Early Years settings and work will commence to understand the dynamics around this. A full financial report and review of DSG expenditure/forecast will be developed during February in light of the changes in the SEND System. This will be available at the next SEND Improvement Board meeting.

A primary focus for February is the revised DSG outturn given the changes witnessed in the system over the last four terms. Work for this is underway and will be handed over to the permanent Director for Education and Skills.

### **Areas of progress across SEND services**

2. **Educational Psychology:** Following a 'deep dive' into the data discrepancy between EPS data on timelines of statutory advice and Synergy we now have a granular understanding of recording behaviours underlying this. SEND Strategic and

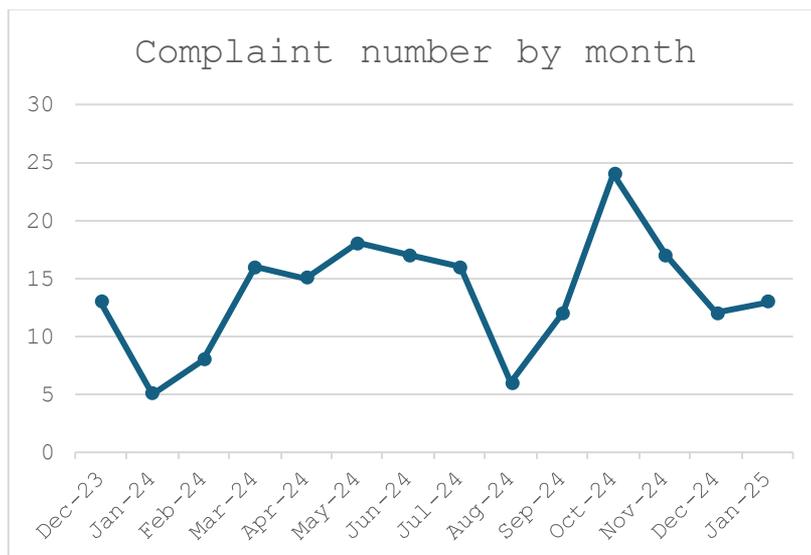
SEND Assessment and Review will be working together to resolve these with a view to achieving consistency. EPS data shows 93.2% timeliness for January 2025.

**Quality Assurance/Co-production/Mediation and Appeals:** Collaborative completion of Practice Learning Reviews (PLR) and PLR moderation continues to rise (now at 80% and 71% respectively.) Within the cohort of audited EHCPs the % of parent/carers who were happy with their EHCP and where there was clear evidence of parent/carer contribution were at 100% for the second time this quarter. Visits to the Local Offer website increased in January 2025. A second round of Locality Events in community venues were held in January 2025 to build on the successful engagement with parent/carers established in the October sessions. The January sessions also had a good attendance rate and feedback was positive.

**SEND staffing update: Positively, three of the four SEND Strategic** teams are fully or close to fully staffed. The SEND Resolutions team is experiencing a temporary shortfall in the number of staff required to service demand fully. The most significant staffing shortfall continues to be in the EPS operating with 50% staffing. The shortfall is being filled temporarily by locum EPs but is subject to agency cost pressures. The service is working closely with Recruitment and Communications colleagues to plan and launch a high-profile multimedia recruitment campaign in Spring.

We are celebrating that aside from two maternity cover posts, all case-holding roles within the SEND Assessment and Review Teams (Education, Health and Care Co-Ordinators (EHCO), Assistant EHCOs and Alternative Provision Officers) have been recruited to and all staff have started in post. This positive position is not reflected in the SEND scorecard so the Managing Information Team are improving the way the data is captured to ensure the accuracy of data moving forward. Recruitment to the maternity cover posts is underway with one position offered and another going back out to advert.

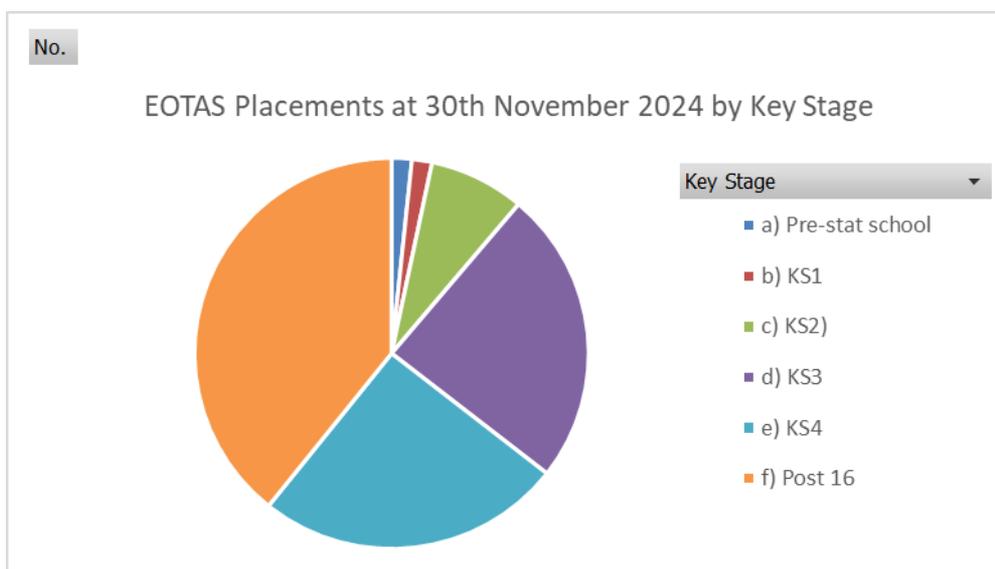
**Complaints:** The volume of complaints has remained lower in December and January, with 13 received by the service in January 2025 compared to 24 in October and 17 in November 2024.



## Areas of concern

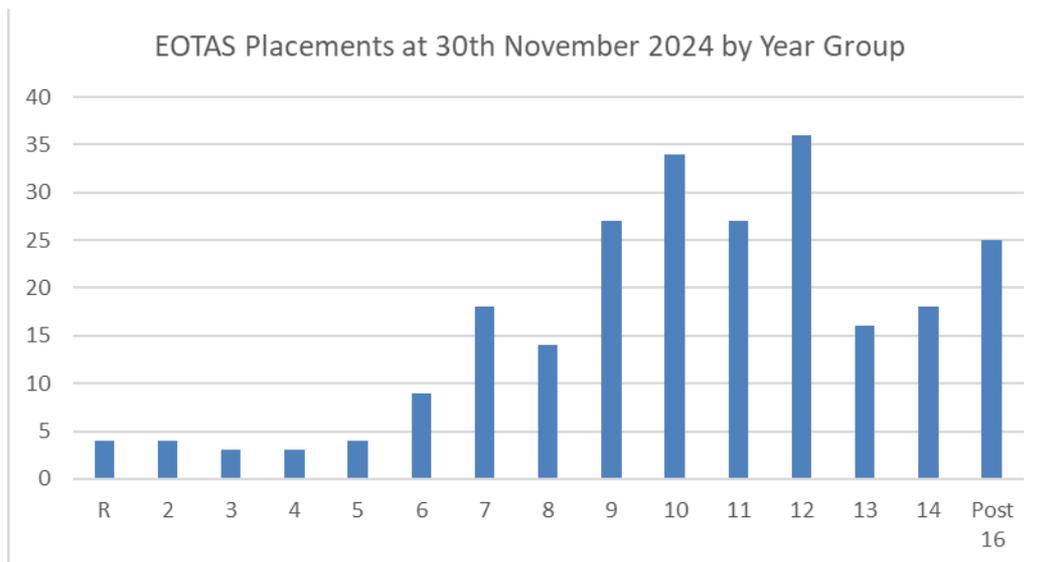
- The number of EHCPs continues to rise to 4453 in January 2025 compared to 3791 in January 2024, representing a **percentage increase of 17.5% across the calendar year**. This is having an impact on our ability to maintain timeliness and service the annual requirements of the volume of plans in the system. Improvement work continues to focus on the process and pathways in use to streamline processes and make efficiencies where possible.

EOTAS 61 and Section 19 remain far higher (6.2%) **than south-west (2.3%), statistical neighbour (2.2%) and national (1.5%)**. EOTAS 61 and 19 has risen every month for the past 7 months. We believe that this is linked to the lack of specialist placements and the wider inclusivity of the local education system. A deep dive of EOTAS data was undertaken at the end of the Autumn term:



The majority of EOTAS placements are in post-16 which is likely due to the inflexible nature of start dates in FE provision. Work is underway through the Sufficiency Strategy and Sufficiency Board to co-produce with local providers a more flexible approach to reduce the demand on EOTAS Section 19 provision. Over time, work with young people and carers will increase through our Preparation for Adulthood Engagement Officer to build our understanding of what young people wish for and how we can work locally to provide this, both in our mainstream Post 16 and Further Education (FE) settings and in opportunities for meaningful work and training.

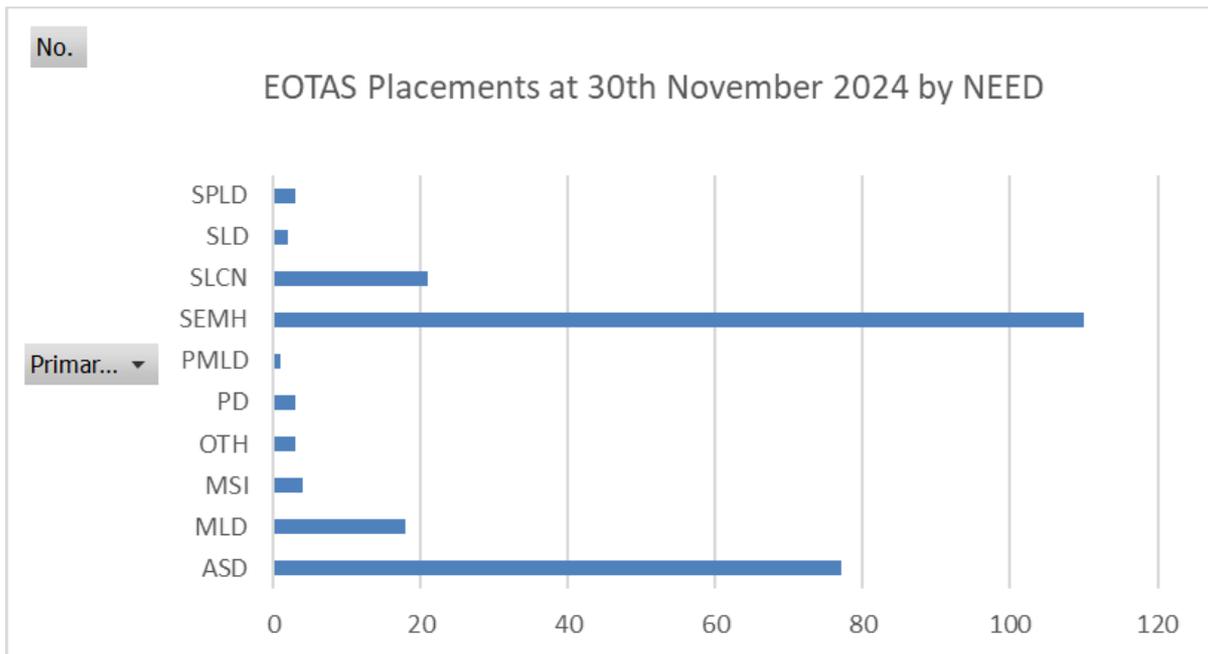
Work is underway to analyse the Key Stage 3 and Key Stage 4 data to understand if these cohorts are represented in the specialist unplaced data. Those who are not represented in this data but are identified as EOTAS 19 should be suitably placed in mainstream provision and further investigation is required to understand why this is not the case.



Analysis of placement prior to being recorded as EOTAS shows that the highest number of children/young people were in EOTAS previously (which is unsurprising) and Electively Home Educated (EHE). Anecdotally we know that parents can opt to EHE if they feel school is not appropriate for their child. It would be helpful to go back further than the EHE to understand if there was a previous education setting and if there was, was it one of the settings which are over-represented for future EOTAS. A report will be created during the Spring term to enable the data to be analysed for these purposes and can be shared in a future Committee Report.

Further work will be undertaken in liaison with the settings who are over-represented for EOTAS to understand the rationale behind this. Work is also underway with settings who have identified themselves as implementing measures to avoid placement breakdown to understand the impact this has had for their pupils and whether this is reflected in the data. This will enable the sharing of good practice across the area.

Most pupils recorded as EOTAS have a primary need of SEMH, with Autistic Spectrum Condition (ASC) as the second highest primary need for this cohort. The accuracy of primary need recording has been enhanced to breakdown 'SEMH' into categories (Emotionally Based School Avoidance (EBSA)/Anxiety or explosive behaviour) to ensure effective forecasting of future specialist placement requirements. This will enable commissioning by specific and defined cohorts of need and age/phase and will be used to further support our Free School bid to the DfE and wider inclusion work with schools. Clarity about the type of needs will enable discussions with the working group of Headteachers who are standing by to discuss these data as a first step to commissioning round two of the bespoke provisions.



### I. Number of requests for EHCNA

The SEND service received **107 requests for EHCNA in January 2025, which compares to 85 in January 2024. 167 requests were received in November 2024 which is the highest recorded and compares to 95 requests in November 2023. This equates to a 76% increase.** A total of 398 requests were received in the 2024 Autumn term, compared to a total of 232 requests received in the 2023 Autumn term, this represents an increase of **71.6% for the term.**

A deep dive was undertaken at the end of the Autumn term to understand the demand for EHCNA:



In 2023, BCP Council assessed 59% of initial requests, which is lower than comparators, National (67%), Southwest (64%) and Statistical Neighbour (64%) groups. However, looking at our last 12 month period we have increased to **84.7% which is well above last year's comparator data.** Both of these processes (decision and application of thresholds) could be influenced by restructure related churn in the workforce and this will be reviewed now that there is greater stability in the system. It is also possible that

schools/settings are more challenging when EHCNAs are refused, and the LA then reverses its decisions, especially if further evidence is submitted after the initial panel decision. More work is underway through the improvement work on decision making thresholds to ascertain this.

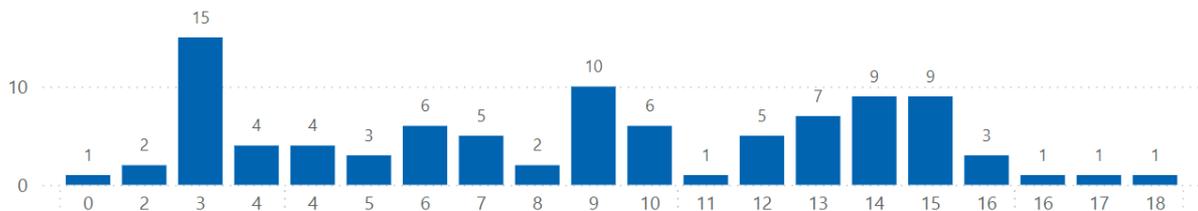
Rate of Initial request for assessments per 10,000 0-24 year olds for BCP Council has increased from 80.7 in 2023, to 104.2 for the last 12 month period. BCP Council rate in 2023 was above National (82.3), and Southwest (88.3), **however it should be noted that this is more in line with Statistical Neighbour (103.6) averages.**

In 2023, BCP Council had 86% of assessments in the year that went on to a plan being issued, which was lower than the comparator groups, National at 95%, Southwest 91%, and Statistical Neighbours 91%. The last 12 months shows a decrease to 84.2%. This is likely due to BCP having a higher 'yes to assess' rate than other LAs (so assessments are completed for those who do not require an EHC Plan), whereas comparators identify those who do not require an EHCP at the 'yes to assess' decision stage rather than completing the assessment. BCP Council therefore complete a higher number of EHCNAs which would not result in an EHCP.

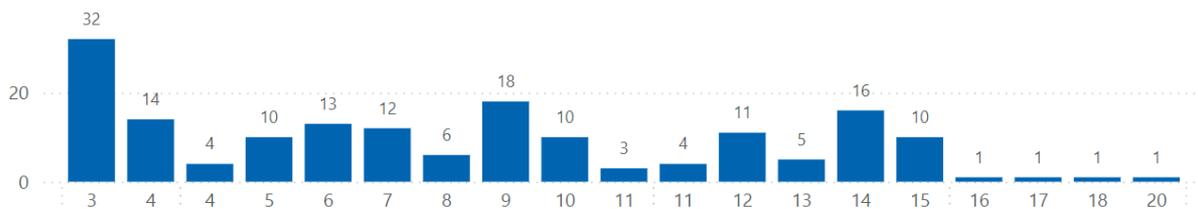
These figures mean that we are saying no to a plan (rather than no to assess) less often than our comparator LAs. Yes to assess is therefore the key process to understand better and a review of EHCNA process is near completion which will inform staff training needs and any necessary process changes. This will be a primary area of focus during the next 2 months and will be led by a Service Improvement Lead within SEND.

The majority of ECHNA requests in November were for children aged 3 (32 requests). Further exploration is required between SEND and Early Years to understand whether these requests could have been spread more evenly throughout the year or whether demand is anticipated to continue from Early Years. This will be explored and reported on at the next Improvement Board.

Number of Assessment Requests Received in **November 2023** by Age



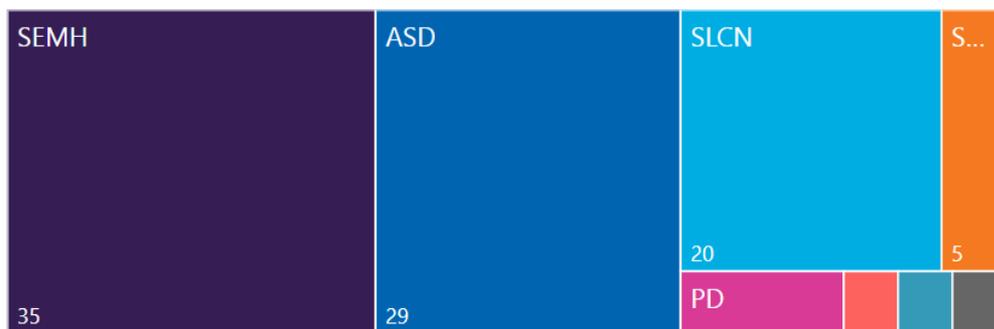
Number of Assessment Requests Received in **November 2024** by Age



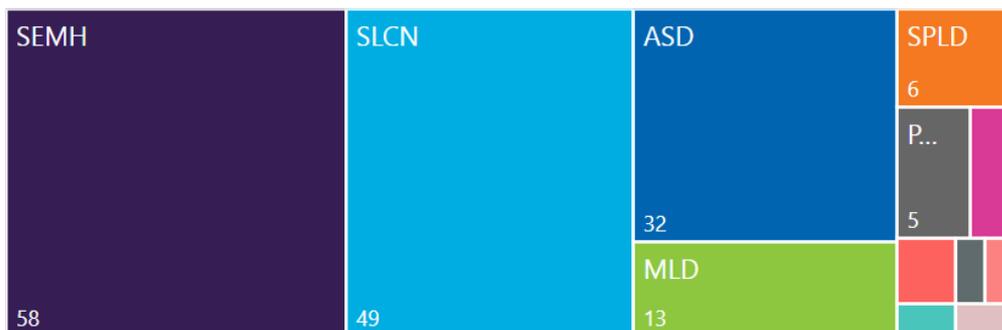
The below graph shows EHCNA requests who are pre-statutory school age since November 2023



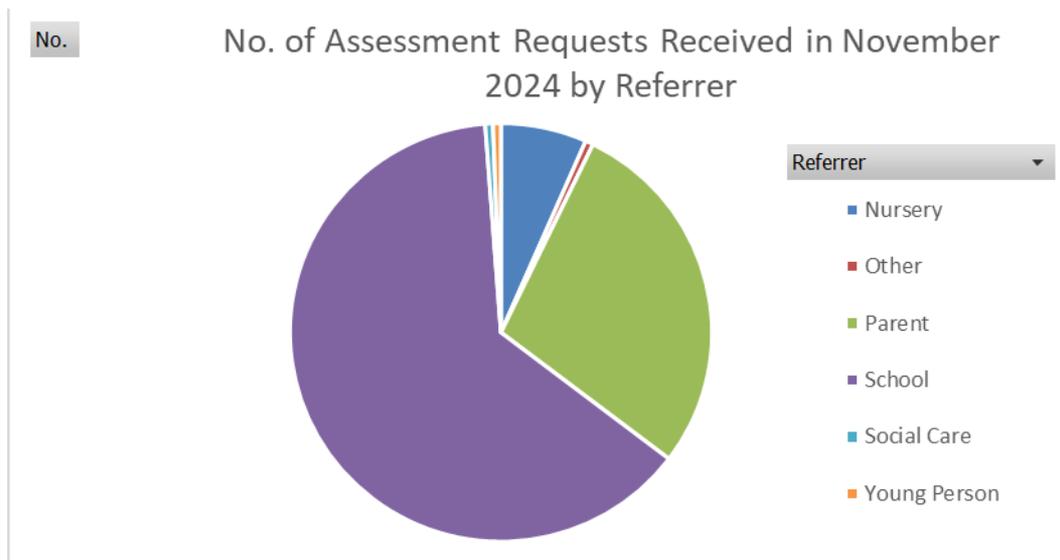
The primary need for the vast number of EHCNA requests in **November 2023** shown below, was SEMH (35), ASD (29) and Speech, Language and Communication Needs (SLCN) (20)



The primary need for the vast number of EHCNA requests in **November 2024** was SEMH (58), then SLCN (49) and Autistic Spectrum Disorder (ASD) (32), which shows that primary need has changed slightly, with SLCN increasing above ASD, and Moderate Learning Difficulty (MLD) increasing.



Analysis of trends regarding 'referrer' has been undertaken and will be monitored so support can be targeted at the highest referrers.



## II. 20-week timeliness

5 EHCNAs exceeded 20 weeks in January 2025, compared to 17 in December 2024. Several measures were implemented by the service to avoid the impact of the large service-wide restructure but despite this, there was some impact on casework resulting in delays to the completion of assessments and the spike in EHCNAs exceeding 20 weeks in November and December 2024.

These have mostly been because of short-term interim Education, Health and Care Co-ordinators not progressing EHCNAs accordingly. Positively, these have been progressed by the permanent staff now in post. Furthermore, there have been a small number of assessments which exceeded timescales due to further EP advice being required following a change in the way EPS contribute statutory advice. These issues have been resolved with a clear process moving forward.

It should be noted that the service received 152 requests for EHCNA in July 2024 and this bulge in demand is continuing to be seen and will continue to impact 20 week timeliness.

Based on the current number of EHCPs (4343) having 1 annual review per year and there being a total of 1262 EHCNA requests in a calendar year (which is the total number received between November 2023 and November 2024), **it is estimated that the SEND and EP service are able to achieve between 55-70% of statutory timescales.** Positively, this compares to 49.1% nationally, 26.5% for our statistical neighbour and 33% for south-west local authorities. It must be noted that the Service does not have the resource needed to maintain its current timeliness and the Autumn Term volume now results in a real likelihood that timeliness and performance will now deteriorate. This will in turn, reflect a slowdown in the financial monthly amounts agreed to for new plans. Work is underway to address this and to understand the impact on the DSG.

Careful consideration must be given to the impact of accruing a backlog as this increases pressure elsewhere through complaints and queries, staff morale (which creates staff churn and reliance on more costly agency staffing), reputational damage and financial impact of Local Government Ombudsman (LGO) remedies for delay, missed provision, distress, time

and trouble. Further analysis is required to establish how ECHO time is utilised effectively to maintain a balance between the completion of new EHCNAs whilst ensuring an increasing backlog does not emerge. This will form part of the next phase of Improvement activity across the service.

### III. Annual Review Timeliness

Data in December 2024 showed there had been an **improvement in timeliness of annual reviews which reached 20% completed within timeframe compared to 5.7% in November 2024**. This is the highest percentage since the inclusion of this data on the SEND Scorecard in April 2024 and focussed effort on annual review timescales by Pod managers and the actions identified at November's SEND Quality and Performance Improvement Board. The maintaining of EHCPs within timescales has seen the biggest increase in performance (8.1 weeks in December 2024 compared to 16.3 weeks in November 2024). It is too early for this increase in performance to be reflected in performance data across the year (9.7% timeliness in December 2024 compared to 9.3% in November 2024) and the January data demonstrates a decrease in performance to 8.7%, however this is likely due to a focussed effort by the service on the 15<sup>th</sup> February statutory deadline for phase transfers.

Overall backlog of annual reviews exceeding statutory timescales is 738. Positively all Assistant ECHO (AECHO) posts have been filled and are completing their inductions. This will ensure annual review performance continues to improve as training is underway for these officers to identify EHCPs to be maintained following annual review so these can be issued without delay. This triage will ensure only the EHCPs requiring amendment progress to the allocated EHCO to ensure the EHCOs capacity is maximised for these EHCPs and timescales are achieved and backlog is addressed. In addition, the AECHOs will complete a weekly data cleanse of annual review data, thus ensuring there are no duplicated workflows which over-inflate the backlog figure.

The service has achieved 100% for finalising EHCPs for February 15<sup>th</sup> phase transfer deadline for 2025. Further data will be available shortly, showing how many children/young people have a placement named by 'type' for September 2025. This cohort have been identified as requiring more specialist provision, but the LA has not yet been able to secure a suitable placement. Arrangements will be made for these children and young people in the meantime.

### IV. Impact on Appeals and Mediation Requests

Increases in demand for EHCNAs and the reduction in the backlog of outstanding EHCPs has had a significant impact on the number of appeals and mediation requests received by the SEND Resolutions Team. Numbers have risen steadily every month since June this year and currently stand at **435 in December 2024 with the numbers increasing by over 30 each month**. This is cumulative total across the calendar year which starts from January so data for January shows 42 which compares to 23 in January 2024 (an 82.6% increase)

A business case for temporary additional staff has been submitted and at present this has been declined due to the Local Authority's financial outlay. The Service contends that this additional resource would help reduce the current associated cost beyond the cost of the additional staff. Without additional staffing (2.0 FTE for one year), a proportion of mediation and appeals will not be actively serviced. The LA will be faced with the possibility of not

being able to triage appeals; this could have a significant impact for the forthcoming SEND Inspection.

Some cases will therefore be conceded at the point an appeal is lodged due to lack of capacity to identify SEND Tribunal (SENDIST) appeals the LA would otherwise contest, pushing up spend on size/range of support packages and specialist placements both in borough and out of borough. The cost of specialist placements is £30,000+. The £100,000 cost of the proposed two fixed term staff represents a strong invest to save strategy as this spend could be recouped by 4 successfully contested SENDIST appeals or successful formal mediations.

#### **V. Annual SEND Survey**

Initial data shows that we received 133 parent/carer responses and 16 Child and Young Person (CYP) responses were received. There has been a significant drop in CYP engagement from last year (116 responses received last year). It is accepted that the restructure and associated role changes impacted this and there was less direct support to CYP to complete the survey.

Action plans are being drawn up during January and February and will focus on ensuring broader engagement. The Quality and Development team will be working actively with colleagues in Children's Rights and Engagement to identify ways in which to engage more successfully and at scale with BCP's children and young people with SEND. Work has also started to reach out and engage with the SENDIASS team to ensure that there is full and meaningful engagement with this service.

#### **VI. Local Offer**

The quality and usefulness of BCP Council's Local Offer website has been highlighted via previous inspection and feedback as an area needing improvement. In the short term the Quality and Development Team are focusing on ensuring the accuracy of information for users and introducing changes that represent 'quick wins' in terms of usability e.g. small-scale alterations that will improve usability for service users who are predominantly or exclusively mobile phone users. Longer term we are looking to analyse the costs and benefits of commissioning an external provider to rebuild our Local Offer website from a more technologically adaptive base. It is recognised that this area of the improvement work has not delivered at the desired pace, and this is reflected in the SEND Improvement Plan Red, Amber, Green (RAG) rating.

#### **4. Glossary:**

EOTAS: Education Other Than at School.

The LA has the power to provide alternative education for young people under 18 who would not otherwise receive it (section 19 (4) Education Act 1996). In BCP Council we record this as EOTAS Section 19.

If an Early Years setting, School or College is not suitable for a child or young person, the LA has the power to arrange for any special education provision required to be delivered

elsewhere (section 61 of the Children and Families Act 2014). In BCP Council we record this as EOTAS Section 61.

**Summary of financial implications**

5. None

**Summary of legal implications**

6. None

**Summary of human resources implications**

7. None

**Summary of sustainability impact**

8. None

**Summary of public health implications**

9. None

**Summary of equality implications**

10. None

**Summary of risk assessment**

11. None

**Background papers**

None

**Appendices**

Appendix 1 – SEND Scorecard