

# People Scrutiny Commission

## Public Forum

### Statements and Questions



**Date:** Monday, 26 September 2022

**Time:** 10.00 am

**Venue:** Council Chamber, City Hall, College Green,  
Bristol BS1 5TR

*This document sets out the public statements and questions received for this meeting.*

*Please note that the views and information contained within these public statements are those of the individuals concerned and not of the Council.*

*By participating in public forum business, we will assume that individuals have consented to their name and the details of their submission being recorded, published online and within the minutes.*



## People Scrutiny Commission 26 September 2022 Public Forum – Statements



### Statements

Statements have been received as listed below (the full content is set out on the subsequent pages):

1. Mr S Smith – Special Educational Needs and Disabilities (SEND)
2. Jen Smith – Fact-finding report - Use of social media by council staff in respect of the Bristol Parent Carer Forum / SEND
3. Hayley Hemming (submitted on behalf of Bristol Parent Carer Forum) - Fact-finding report - Use of social media by council staff in respect of the Bristol Parent Carer Forum / SEND
4. Sally Kent and 89 others (see enclosed statement for full details) – SEND
5. Hannah Summers & Amy Valenzia – Secondary school admissions
6. Hayley Hemming – Fact-finding report - Use of social media by council staff in respect of the Bristol Parent Carer Forum / SEND
7. Sandra Thomas – Fact-finding report - Use of social media by council staff in respect of the Bristol Parent Carer Forum / SEND
8. Cllr Geoff Gollop - Fact-finding report - Use of social media by council staff in respect of the Bristol Parent Carer Forum / SEND
9. Rowena Hayward & Jeff Sutton – Adult social care transformation update





## **Statement 1 – Mr S Smith**

### **Topic - SEND**

I am submitting this statement to let people know how bad and unhelpful Send is in Bristol.

What Send? The help I've been provided with has been shocking. I feel like the council and the schools don't like me. Nothing seems to be accessible.

I was pushed out of school again. That made me feel awful. I had no one to help me. It felt depressing.

I felt like I was all alone and there was nothing I could do and there was no one there to help me.

For legal reasons I can't disclose what happened at school that year but there were no reasonable adjustments and they were trying to kick me out for being autistic. In a special school. Blew my mind as well.

I've only had a few months of History and English lessons and I've had a total of three or four maths lessons this year.

I've got a really good history tutor and English tutor and that's the only good thing that's come out of the last year.

I'm not really confident about the future because I don't believe I can get the help I need and I feel my life is only going to go downhill from here.

I don't think it's fair that I've not been able to do GCSEs due to a number of schools pushing me out and making me miss out on education that I needed. And nobody cared. That's what it felt like.

I have also missed out on the opportunities to build friendships and to learn. Now I just sit in my room all day and contemplate life with no one to talk to. Which is not fair.

I think the people who are to blame for this are my old mainstream school, the council and the special school I went to as well.

I felt like I was being pushed out and I wasn't wanted. I don't know why they didn't want me in school. I don't think I did anything wrong. Even when I was in a special school I was still being kicked out for specialness. So I'm not sure why I was being unfairly pushed away.

I feel like it has impacted on my future not having an education, which means its going to be harder for me to progress in life by getting jobs and making new friends.

## **Statement 2 – Jen Smith**

### **Topic – Fact finding report – use of social media by council staff in respect of the Bristol Parent Carer Forum / SEND school places /**

The 'Fact-finding' report on this evening's agenda looking into social media spying by Bristol City Council staff regarding Send commentary by Bristol residents is disappointing.

The heavily redacted report is not supported by even a scintilla of evidence, with claims in places that are at best misleading and at worst mendacious.

More revelations continuing to appear on social media, paints a disturbing picture of council disregard for RIPA and the rights to Freedom of Speech in Bristol. It's clear from the evidence that knowledge of this went at the very least to Executive Director level.

Whilst Send spying focuses mainly on specific parents and the wider Send community, I feel it is worth pointing out that other Bristolian residents and Twitter users are being unfairly targeted in their attempts to speak out against injustice and imbalances of power in this city.

I feel it is likely that spying by council officers, alongside associated third parties and Bristol External Comms goes far wider than imaginable.

Nothing negative must be uttered about Bristol no matter how factual, how honest or how tactful. Everything must be stage managed and controlled, including feedback which this report shows must not be negative at all.

I am one of the subjects in the report who has experienced repeated monitoring and data collection which does not abide by relevant laws. This was simply because I had the temerity to talk online, in the media and at the Public Forum of Council meetings like this one, about the shambolic experiences my children have had at the hands of Bristol's Send system.

There are so many questions and deeply concerning issues raised in the report that you can't scratch the surface of this in one statement alone.

However, Paragraph 34 is particularly worrying for me and one that I find concerning for all Send families in Bristol. It shows that the SENDIASS service has been part of the spying action in some capacity.

SENDIASS is the Special Educational Needs & Disability Information Advice & Support Service. In Bristol, this is run by Send and You. The service is funded by Bristol City Council as part of their duties in Chapter 2 of the Send Code of Practice (CoP).

The CoP also says: 'Information, Advice and Support Services should be impartial, confidential and accessible and should have the capacity to handle face-to-face, telephone and electronic enquiries.'

On 20 January 2022, SENDIASS contacted Bristol City Council to say that an officer of Bristol Parent Carers had posted 'confidential' information online regarding a co-production meeting attended by the 'Alternative Learning Provision Team and the council and other stakeholders'.

Unfortunately, no such meeting actually took place involving a BPC officer\*. The event that did take place on that day was an informal coffee morning hosted by Send and You for any parent carer in Bristol to attend. I attended.

Send and You often hold things like Send Surgeries, virtual coffee mornings and information events on topics such as exclusions, transitions, personal budgets and SEN support.

I don't make a habit of attending Send and You parent carer meetings. I did on this occasion because the specific subject of the meeting was for parent carers to find out more about Education Other Than At School (EOTAS).

As I was in the process of taking Bristol City Council to tribunal for EOTAS in one of my children's Education Health Care Plans, I attended the meeting. I registered on Eventbrite as a parent carer, under my own name and with my own personal email address.

Being part of the Twitter Send community, I posted some of the comments being made during the public parent carer meeting, because they might have been of interest to others. According to Bristol City Council's report, someone from Send and You saw these quoted comments in some capacity and reported them back to Bristol City Council.

SENDIASS Staff would have known full well that this was not a co-production meeting and I was not there as part of BPC because they organised it and ran it themselves.

In light of this, I went back through my Twitter account and blocked a number of Send and You staff along with some Bristol City Council and Sirona officers who had been following me.

The service appears to have conspired with the Local Authority to say that a BPC officer had released confidential information from a co-production meeting which did not actually exist.

Remembering that Send and You 'should be impartial, confidential and accessible,' how can a supposedly vital service heavily relied upon by Bristol families now be trusted with personal information that would be highly beneficial to the council legally at Tribunal?

The report also fails to mention the spying on the wider Send community in general. Emails leaked to the Bristolian website, clearly showed this was going on by a list of redacted names of other parent carers Bristol City Council decided were too critical alongside Send campaign groups.

As the situation develops, reliable discussion online shows that closed Bristol EHCP peer support groups for desperate families in the city have also been targeted.

Agenda papers for this meeting include a need to create 450 Send school places by 2024 due to a specialist places crisis.

It also shows severe delays in active EHCP cases of which 85 are over 21 weeks, 76 are over 31 weeks, 26 are over 41 weeks and 90 are over a year. Remembering the entire process should only take 20 weeks according to the law.

There is also a complaint to the LGO found in the parent's favour about a late EHCP with compensation awarded.

Despite these council failings, the report into the Send spying scandal attempts to unfairly demonise members of BPC and the Send community. Other Bristol residents on Twitter are also coming under fire now and historically, for speaking up about council failings including the Send system, which has failed children and stopped their lawful entitlement to education. Unsurprising considering Bristol even views local media with contempt and the Mayor's office has paid vast sums of money to Impact Social to monitor Twitter.

The council has encroached into online Send communities where they are not welcome, labelling neurodivergent posters as 'aggressive' and without the allowance of Reasonable Adjustments to the autistic communication they are butting into.

Co-production in Bristol genuinely will not work because the council has created an untrustworthy and toxic environment for all residents, with the exception of administration cheerleaders. It only wants feedback to suit its own rose-tinted agenda.

Ofsted and the CQC cited 'the fractured relationships with parents and carers' as an area of 'significant weakness' in their Joint Send inspection of 2019. I don't think the city is ready to cross that off its Fixed List yet.

\* Evidence can be provided to support this.



Jen Smith

**Reply to**  
foi@bristol.gov.uk  
Our ref 27371865  
Date 12 September 2022

Dear Jen Smith

### **Freedom of Information Act 2000**

Please accept my apologies for the substantial delay in providing you with this response.

Bristol City Council does not hold any information which relates to your request, as no monitoring or surveillance of Bristol SEND parents has been carried out. This conclusion was reached following an investigation carried out by Bristol City Council. You can find the report of the investigation here: [ModernGov - bristol.gov.uk](https://www.bristol.gov.uk/moderngov) (item 8).

However, I have attached information which I believe will be of interest to you as it consists of compilations of social media posts which include your personal data. Please note, your personal data is exempt under Section 40(1) of the Freedom of Information Act 2000, and as such is being provided to you under the Right of Access granted by Article 15 of the UK GDPR. The personal data of any third-parties included within the attached information has been supplied with their consent. Any information which has been redacted has been withheld as it constitutes the personal data of a third-party and for which Bristol City Council does not have a lawful basis to disclose, and as such is exempt from disclosure under Section 40(2) of the Act.

Please quote the reference number 27371865 in any future communications.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be sent to [complaints.feedback@bristol.gov.uk](mailto:complaints.feedback@bristol.gov.uk).

**Website**  
[www.bristol.gov.uk](http://www.bristol.gov.uk)



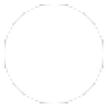
If you are still dissatisfied with the Council's response after the internal review you have a right of appeal to the Information Commissioner at:

The Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF.  
Telephone: 0303 123 1113

Website: [www.ico.gov.uk](http://www.ico.gov.uk)

I will now close your request as of this date.

Yours faithfully



Bristol City Council



[Chopsy Bristol on Twitter: "@BristolCouncil this is me waiting for a reply to my email about FSM for kids out of education https://t.co/coCnI1L5EI" / Twitter](#)

[\(18\) Chopsy Bristol on Twitter: "This mum is waiting for an EHCP and the one in green is waiting for a specialist school place https://t.co/m9Pbdh2kz8" / Twitter](#)

[Chopsy Bristol on Twitter: "It's funny that when I read the words 'public consultation' I actually hear the words 'stealth cuts'. Bristol Schools Forum papers are out. Except for the 'verbal' update from Alison Hurley. Not a fan of verbal updates https://t.co/tV6LJpVPoR" / Twitter](#)

[Chopsy Bristol on Twitter: "A report is claiming - in support of a planning application - that Bristol has a 'multiplicity' of Send places, despite a capacity crisis that will be unresolved for some years: https://t.co/bZLeZIRowg https://t.co/1jXb7Z8yNA" / Twitter](#)

[Chopsy Bristol on Twitter: "Yeah so what did I just read in a planning application from developers? Bristol doesn't need any more specialist places? I very much beg to differ...@SCANBristol https://t.co/xzjSam9SfU" / Twitter](#)

[Chopsy Bristol on Twitter: "The Bristol Autism Forum appears to be no more. Anyone know why? https://t.co/kxKOAL1clh" / Twitter](#)

[Chopsy Bristol on Twitter: "Limitless Bristol. A One City where PR guff is spun about inclusion when many Send kids have no access to education, experience discrimination and end up in ALP where lack of sufficient safeguarding puts them at risk https://t.co/SmvxshcAOe" / Twitter](#)

[Chopsy Bristol on Twitter: "Is there any data collection on the number of Bristol pupils who do not take GCSEs and the reasons why? Or research?" / Twitter](#)

[Chopsy Bristol on Twitter: "Bristol City Council has introduced a new Executive Director of Children and Education. Is this to ensure another generation of Send kids miss out on secondary education and end up with no GCSEs, cos you're doing a sterling job of that sunshine" / Twitter](#)

[Chopsy Bristol on Twitter: "I understand the last school my son was at has recently had their first Ofsted inspection. I can't wait to see the result of that. It will be a real test of how genuine the Send element of it is" / Twitter](#)

## Random Samples of Tweets from Vice Chair Jan 22 to 3<sup>rd</sup> May 22.

 **Chopsy Bristol** @ChopsyBristol · 17 Jan ...

Interesting late answer to a public forum question at last People Scrutiny Commission just in. So is Bristol exceeding both the National average and statistical neighbours for EHCNAs? I wonder what the data shows?

In 2019 Leeds had 953 initial requests, they completed 96.1% within 20 weeks.

When is BCC going to start to ensure EHCs are completed on time instead of blaming the number of applications? If other LAs can manage, why can't Bristol?

**Answer**

The situation in Bristol is challenging as our increase in applications for needs assessment exceeds both the national and statistical neighbour averages, unlike some local authorities we also have legacy cases that we need to complete in addition to the new requests coming into the team. There are also continual, difficult decisions to be taken as to where to allocate our limited resources. For example, do we improve the number of plans issued on time or ensure that we are working on cases where families have already been waiting for some time? In Bristol we have decided to address both issues. We have also submitted a request to increase finances to increase our capacity for statutory SEND work.

Whilst not reflected in our timeliness figures, the total number of EHC plans finalised has increased in September 2021 to the highest recorded so far this year in a month. To understand the scope of the Statutory SEND assessment team it is important to look at all the work undertaken by the team including plans in and out of time scales. Whilst we acknowledge we are still on a journey to improve our timeliness figures, Bristol has issued more EHCs in 2020 than any of our statistical neighbours.

 **Chopsy Bristol** @ChopsyBristol · 20 Jan ...

I'm a bit behind what's going on with Bristol Send on a political level at the moment. Won't be back on top of it until about mid February. As a family, we're too impacted by the Send crisis in Bristol to keep a step ahead. Rest assured, it's still a catastrophe

  1  6 

 **Chopsy Bristol** @ChopsyBristol · 23 Jan ...

This 🙄 I am incredibly selective about which professionals are allowed in my home these days. And anything from a Trouble Families background AKA Families in Focus is positively banned

 **Chopsy Bristol** @ChopsyBristol · 24 Jan ...

Just filled in a couple of surveys for the local parent carer forum. Has your child ever experienced discrimination in school? Rolled my sleeves up for that one. My response is the one with the word 'unhinged' in it.

   5 

**NB: the last Tweet refers to the surveys BPC launched – Chopsy is vice chair, but writes this as if not affiliated at all.**



**Chopsy Bristol** @ChopsyBristol · 24 Jan



I'll be looking in the over £500 spend in the future for the solicitor firm handling our EHCP Sendist tribunal for Bristol City Council. Wonder what area of spend they will be listed as. Or will they go under the random agency staff spend



**Chopsy Bristol** @ChopsyBristol · 7h



I'd like to suggest that Bristol City Council's Send tribunal participation is a complete mess. If you're going to force parents to appeal, at least have the good grace to do it lawfully and efficiently.



**Chopsy Bristol** @ChopsyBristol · 7h



I've got my answer about what the council is doing about unlawful exclusions in Bristol. Hope the Education Task and Finish Group has Cotham School on their to-do list, because they got caught with their hands in the cookie jar: P 25 for screen readers:  
[democracy.bristol.gov.uk/documents/b299...](https://democracy.bristol.gov.uk/documents/b299...)



**Chopsy Bristol** @ChopsyBristol · 2h



A nice tidy Annual Review this afternoon, with a lovely school, the best caseworker and no assbattery. I wish every Send thing in my life was this easy.



← **Tweet** This tweet has been deleted by the tweet author. Learn more



**Chopsy Bristol**  
@ChopsyBristol

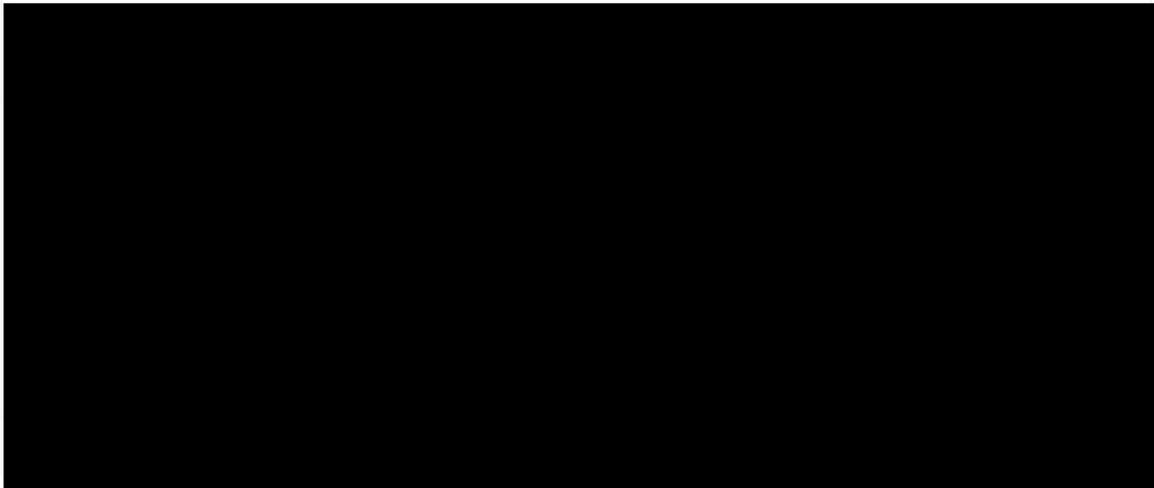


Replying to [REDACTED]

**Bristol City Council spends a hearty sum on consultants**

1:11 pm · 6 Mar 2022 · Twitter for iPhone

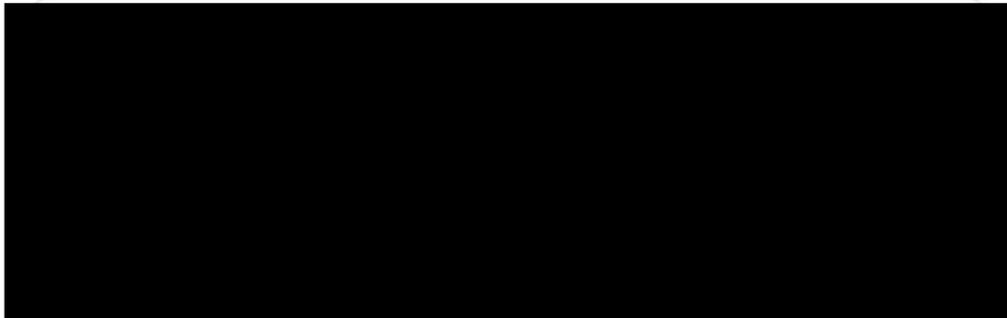
6 Likes



**3<sup>rd</sup> APRIL 2022**



**Chopsy Bristol** @ChopsyBristol · 3 Apr  
Why is a really good question.





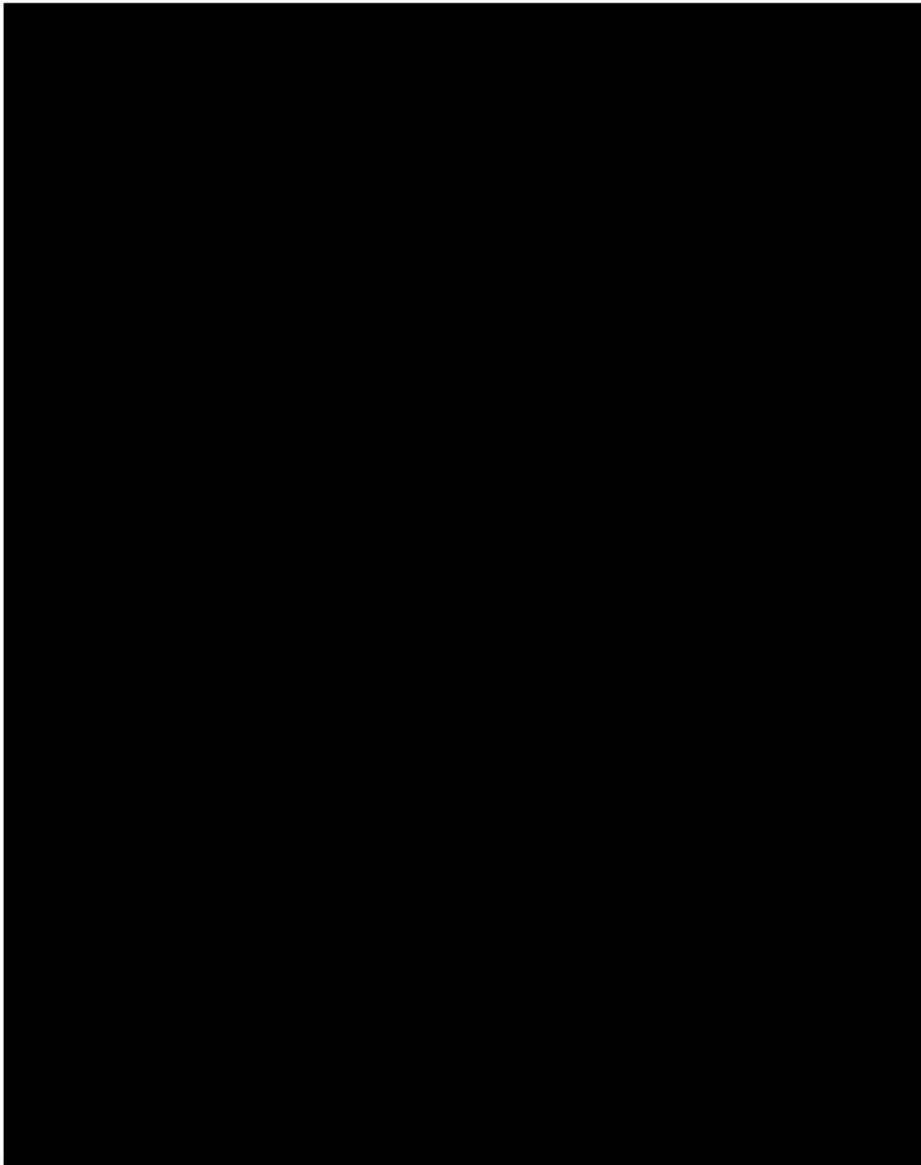
**Chopsy Bristol** @ChopsyBristol · 23m



I won't sell out my personal integrity to stop telling the truth about Send in Bristol no matter how many people try to shut me up. I won't be bullied by organisations or the People Directorate at Bristol City Council. The Send population in Bristol is being failed.



**Above: 07/04/22 copied at 18:15 immediately after Jen, Hayley and Claire had met with Heather Tarbuck**



**Chopsy Bristol** @ChopsyBristol · 19h



Replying to [REDACTED]

The condescending claptrap that came out of one of the former Cabinet education lead's mouth about having to close St George and then this? No wonder no one trusts education in Bristol. It's an underhanded long game that never benefits the children



↻ 3

♥ 4



**29/04/2022**



**Chopsy Bristol** @ChopsyBristol · 5h



I think we should put Bristol on the World Stage. find out what the rest of the world thinks about education here. Not enough schools, not enough places, kids off rolled, kids out of education because they're disabled. Let's put that on the world stage and get some feedback

💬 1

↻ 4

♥ 7



## 03/0522 – a veiled threat below?

**CHOPSY BRISTOL** **Chopsy Bristol** @ChopsyBristol · 22h ...

And if you screen shot this and store it, I would advise you contact your Ripa Monitoring Officer pronto

1 1 2

[Show this thread](#)

**CHOPSY BRISTOL** **Chopsy Bristol** @ChopsyBristol · 22h ...

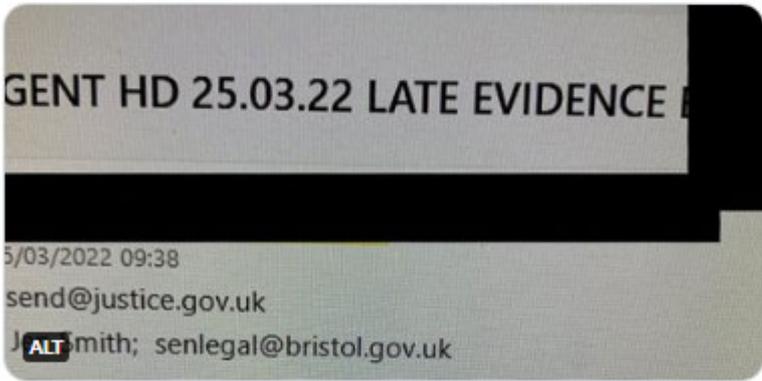
I could go on, but I'll finish saying this is the kind of crap Send parents are still dealing with in Bristol. Being served up crap at the last minute in a dishonest and contemptuous way whilst bleating to scrutiny that things are getting better. They're not getting better

1 1 5

[Show this thread](#)

**CHOPSY BRISTOL** **Chopsy Bristol** @ChopsyBristol · 22h ...

I could go on, but here we go. They had months to put the clap trap together anyway, but sent it 20 mins before the hearing started and I didn't look at my emails until 9.50am while I was bored waiting for the hearing to start.



GENT HD 25.03.22 LATE EVIDENCE

5/03/2022 09:38  
send@justice.gov.uk  
J **ALT** mith; senlegal@bristol.gov.uk

1 1 2



**Chopsy Bristol** @ChopsyBristol · 22h

...

This was a stunning lie in tribunal telling the panel all about how Wecil had said they could provide a volunteer to take my child to any activity and it was all go. Wecil told me they didn't offer what the council said they did and didn't think they could manage my child's needs



2



1



[Show this thread](#)



Bristol Parent Carer (BPC) Forum is a volunteer-led organisation that works with strategic partners and the wider SEND community groups in Bristol, to amplify and represent the voices of some of the most vulnerable people in our society.

In a time of Special Educational Needs and Disabilities (SEND) crisis across the country, we feel saddened that we are facing further unfounded allegations and feel that our focus should be on working with our partners to address this crisis.

We wish to be clear that we remain committed to supporting the SEND community in Bristol in a bid to repair the fractured relationship between parents and carers as per the Written Statement of Action aims. We will continue working in collaboration with strategic partners in health and schools as well as alongside other DfE-funded Forums.

On the 1st of July, BPC raised concerns with the BCC regarding the surveillance, processing and storing of Forum officers' data without their consent and the possible harm this action has had to officers' professional reputations. BCC informed us that they would investigate our concerns. BCC subsequently produced a fact-finding report released on Friday 2nd September.

In light of this report and to address any concerns of our stakeholders, we would like to offer the following clarification:

- BPC has not been asked for any information to inform the fact-finding report and first viewed it on Friday 2nd September when it was shared publicly.
- BCC raised concerns with previous BPC officers about Forum representatives' conduct in September 2021. Previous BPC officers examined these concerns and sought external advice. On the basis of this advice, it was concluded that there was insufficient evidence to carry out any internal investigation regarding Forum representatives' conduct.
- BPC Forum informed BCC on 19th October 2021, that there was insufficient evidence to support their concerns and that Forum representatives had not broken any Forum policies, BCC or DfE terms based on the evidence BCC had submitted to support their complaint.
- BPC, further added in this letter, that personal social media activities, individual Freedom of Information requests, and personal Judicial Review actions are all individual rights which are out of the remit of BPC to control.
- BPC Forum has not received any evidence from any other organisations, to support the opinion that Forum officers have shared sensitive information, or broken any Forum guidelines or any DfE or BCC funding terms.

- With no discussion or attempt to create achievable goals together, BCC informed BPC that they would not sign a memorandum of understanding to allow BPC to receive DfE funding.

We continue to support parent carers through school-based SEND coffee mornings, and offer webinars for parent carers to access advice and information. We are currently appointing new members to our steering group from our fellow SEND community groups in order to strengthen our reach and engagement so that every voice in every community across Bristol is heard.

Our door continues to be open for working with BCC and we hope that, despite our differences, we can join forces so we can work together to move forward and address the very real SEND crisis in our City. We have previously offered to show BCC officers our draft, “10 quick wins” for the EHCP process in Bristol, but they have not taken us up on our offer. As the EHCP process is an agenda item here today, perhaps councillors could take on board some of the suggestions made by parent carers in Bristol



Bristol Parent  
Carer Forum

Shaping the Future *Together*

# Bristol Parent Carer Forum

DRAFT

➤ WORKING WITH BRISTOL CITY COUNCIL  
EHCPs: 10 'QUICK WINS'  
SEP 2022/23



# Bristol Parent Carers



## Vision

To work as equal partners with all Bristol SEND services in order to shape the experiences that services provide for all families, children and young people living in Bristol. We strive to ensure co-production is as inclusive as possible, demonstrating equality, diversity, accessibility, and reciprocity to ensure co-production efforts are genuine and authentic.

## Mission

We seek to support and empower families to be heard and achieve better outcomes ensuring families' voices are heard by planners and decision-makers. Signposting and communication are key to our roles and we always aim for work to be co-produced with us, so that the voice of families is at the heart of every decision and policy. →



# Our Goals

We want families, children and young people to...

**Feel included in their education settings**

**Have access to suitable education settings**

**Be able to access the community & go to work**

**Receive health advice & support promptly**

**Have accurate information on their EHCP journey**



We will achieve these by working with families, children & young people, community groups & SEND services...

Create awareness in the community of the resources (OAP etc) & services (FLORA) BCC have created around SEND support via school-based coffee mornings.

Work with the ICS to support ND pupils in schools

Keep families informed on the progress that BCC has made in creating school spaces

Co-produce lists of schools and types, liaise with them to keep spaces up to date on LO & BPC website

Help families understand graduated response to help BCC place plan SEND school spaces

Parental support webinars/seminars

Clear co-produced information on the availability of local services and direct payments/personal budgets

Stronger links between CYP with EHCPs & Social care team

Parental support webinars/seminars

Co-produce ND toolkit and family leaflet

Co-produce a city-wide understanding of PDA

Co-produce understanding of the use of private reports & obtaining health advice in EHCPS

Co-produce a visual guide to the EHCP process

Co-Produce documents detailing the EHCP process that reflect current wording around panels

Co-produce and publish parent-friendly versions of all EHCP SoPs



# 10 quick EHCP wins for Bristol City Council

1

Problem: Families tell us that there is a long wait to receive a reply to an email or that they are not informed of panel decisions. [Solution](#): Implement a service-level response time so families know you will get back to them to prevent lots of duplicate emails chasing initial queries that staff then need to process on top of the original question

2

BCC has been working with schools to strengthen inclusion but it is families who ultimately have the power to hold schools to account. [Solution](#): Use parent carer feedback to identify schools that need more support with inclusion practices & educate families on what good SEND support looks like and how to engage school leaders.

3  
Page 24

Problem: Each time a family raises a complaint, the complaints team then asks the SEND team to look into the issue, diverting staff away from EHC assessments.

[Solution](#): Co-produce solutions to common complaints to prevent problems from repeating and lessen the need for families to complain

4

Problem: Families tell us that Bristol City Council does not arrange mediation dates within 30 days as they are required to in law. [Solution](#): Co-produce a standard operating procedure with families relating to mediation so that appeals can be avoided meaning more staff available for needs assessments which will increase timeliness

5

Problem: The number of EHC needs assessments BCC refuse to carry out is increasing and families tell us that when they are informed of this, they do not know what to do or where to get support. They also tell us that they do not believe decisions have been made in line with the law and that once they enter an appeal, BCC quickly concedes, causing around a 5-month delay in supporting their child. [Solution](#): i) ensure legal departments are aware of BCC EHCNA request criteria, ii) include advice on the support available from community groups with the decision letter iii) include an example of a support plan with ordinarily available provisions. These actions may reduce appeals and reassessment figures freeing up resources which in turn may increase timeliness.



# 10 quick EHCP wins for Bristol City Council

6

Problem: The local offer in Bristol is not well understood by families. [Solution](#): Provide BPC Forum with the DfE funding so that they can create a network of volunteer parent carer peer supporters to help other families navigate and understand the services available locally.

7

Problem: The decision on whether to carry out an EHC assessment comes too late in the process due to the panel system BCC use. [Solution](#): Speed up this process by only using panels for difficult cases with unclear evidence. This means fewer school staff have to attend panels so they can get on with delivering the support needed in schools.

8  
Page 24

Problem: Parents tell us that they are confused by the EHCP system. [Solution](#): Coproduce all of the letters sent to families during the process so that families are clear on what's involved especially where English is not the family's first language. This will create and hopefully lead to fewer complaints, ensuring better relationships between families and BCC.

9

Problem: Families and schools tell us that when the process misses a legal deadline they do not have anyone to contact. [Solution](#): provide a dedicated email address for schools/families to use with an agreed service level response time. This will hopefully mean fewer complaints, ensuring resources are not diverted from the SEND team.

10

Problem: Families tell us that they often see an Educational Psychologist (EP) 2 or 3 times in 18-24 months. This creates a huge demand for EP services which contributes to delays in the EHC assessment process. [Solution](#): Coproduce the EP reports that families are provided with before they reach the EHC needs assessment stage with the aim of ensuring that EPs write "EHCP ready" reports. This means that the advice can then be used in the EHCNA process (pending Reg 6.4) meaning that a report would not need to be duplicated which would speed up the process. Alternatively, BCC could consider carrying out an EHC needs assessment for any CYP who needs input from an EP & BCC could provide guidance on the use of independent reports which are frequently ignored.



# Glossary

SEND	Special Educational Needs and Disabilities
OAP	Ordinarily Available Provisions (support schools should try)
FLORA	Families Local Offer Resources Advice
ICS	Integrated Care Service (health services in the area)
ND	Neurodivergent: A non-medical term that describes people whose brain develops or works differently for some reason
BCC	Bristol City Council
LO	Local Offer: The SEND services & support available locally
BPC	Bristol Parent Carers
CYP	Children and Young People
EHCP	Education Health Care Plan
EHCNA	Education Health Care Needs Assessment
SoP	Standard operating procedure
CoG	Community Groups (SEND-based) in Bristol
P/C	Parent Carer



## Statement 4

I am Sally Kent, I am mother to a child with SEND in Bristol. I have been involved in SEND since 2015 and in 2017 I decided to set up a facebook EHCP peer to peer support group for families going through the EHCP process. EHCPs are an agenda item at this meeting today, alongside a "fact finding" into 2 data subjects related to Bristol Parent Carer Forum.

There have been concerns from many families over the last 3 years about monitoring of families on both twitter and facebook, including the group I monitor. HH is an administrator of the group and has been since she joined BPC. Before her role at the forum she would offer completely free advocacy work via my group, for a handful of families stuck in the EHCP process with an extremely high level of need.

Families with parents recovering from cancer of children who self harm or have tried to take their own life. Since joining the forum she has only done one piece of free advocacy work to support a friend outside of the group, who has a child who was permanently excluded who had an EHCP that had exceeded week 40. She carried out this work although she knew it would upset BCC officers because she wanted to stop the child being excluded.

I posted to the group I run to let them know about the alleged surveillance carried out by BCC on HH, JS and other SEND families. I know that SEND families do not have time to write statements or send questions to meetings like this and so I asked if other members were in support of the following four points.

We feel that it's:

1. Really important that people who are making changes to services really know and understand the processes inside and out
2. That people suggesting changes and improvements have lived experiences of services they seek to change and
3. That these people should also have an understanding of the experiences of other families, from all communities, not just this FB group, face. They should know what happens in reality, not only what the data on paper tells us.
4. PCF Officers should not be penalised for supporting families in navigating the SEND maze when local services refuse to make things easier for us and provide tangible support for local families.

The undersigned are submitting this statement and fully support HH and JS in their continuing their role at the forum, working with BCC to see the changes we all desperately want.

1. Sally Kent
2. Lucy White
3. Louise Bush
4. Mandy Juggler

5. Nickie Woods
6. Sarah Traves Smillie
7. Rebecca ford
8. Rachel Gardiner
9. Lyn Ruth
10. Sarah Geach
11. Jo Farr
12. Lucy Winchester
13. Sara Stocks
14. Liesl Lowes
15. Laura Anne
16. Laura Fogg Rogers
17. Polly Irish
18. Dany Moore
19. Tara Waite
20. Em Williams
21. Gemma Curtis
22. Fiona Preece
23. Harry Barry
24. Ian Hemming
25. Tracy Franklin
26. Amanda Strickland
27. Lisa Beacham Butler
28. Bridget Ruth Kelly
29. Ghislaine Swinburn
30. Kylie Hicks
31. Fran Turner
32. TF G Sandie
33. Amy Twibell
34. Kelly Rogers
35. Sarah Smith
36. Lana Gayle
37. Rach-ael R Robbins
38. Kerry J Bailes
39. Kelly Cogan
40. Adele Green
41. Sam Burrett
42. Elaine Elstone
43. Natasha Lock
44. Victoria Hawkins
45. Lynda Smith
46. Vicky Caradine
47. Sarah Elizabeth
48. Sarah Lugg
49. Marie Peppercorn Snow
50. Tracy Baggott

51. Kate Eltee
52. Anna Hinchliffe
53. Kim Gibson
54. Michelle Whitlock
55. Lisa Andrew
56. Gill Jane
57. Gillian Crea
58. Louise Mills
59. Lucie Starr
60. Sally Davies
61. Imogen Allen
62. Krystal Hurley
63. Helen Mills
64. Emma Piggott
65. Jayanthi Mondri
66. Lisa Herbert
67. Nicola Harris
68. Kate Avery
69. Vicki Austin
70. Susan Lambert
71. Jemma Reid
72. Mandie Price
73. Tamsyn Jane Carey
74. Paula Croydon
75. Anusree Iyer
76. Alan Parry
77. Laura Plenty
78. TF G Sandie
79. Add me
80. Dian Sin
81. Sian Elizabeth Morgan
82. Vicky Caradine
83. Leanne Heavens
84. Sara Louise Bryant
85. Naomi-Jaine Garlick
86. Elizabeth Jane
87. Jennifer Suzanne
88. Carole Payne-gill
89. Charlotte Robertson
90. Catherine Vallejo Veiga

## Statement 5

### People Scrutiny Meeting Sept 26/09/22 Statement

From: Hannah Summers & Amy Valenzia, Residents and Parents in Horfield  
(Bishopston & Ashley Down ward)

#### Statement

Hannah and Amy begun campaigning in 2021 to highlight the problems faced by their local community in securing local Secondary places for their children.

Petition;

[https://www.change.org/p/bristol-city-council-horfield-lack-of-secondary-school-provision-bishopston-ashley-down-ward/dashboard?source\\_location=user\\_profile\\_started](https://www.change.org/p/bristol-city-council-horfield-lack-of-secondary-school-provision-bishopston-ashley-down-ward/dashboard?source_location=user_profile_started)

Having already submitted to both Full Council and People Scrutiny at past meetings, we wished to hear what progress is being made in regards to our cause.

We ask that our portion of Horfield (Bishopston & Ashley Down ward, see map) is confidently served by at least one local Secondary School.

We recently had our Story and campaign covered by BBC Points West,

<https://www.bbc.co.uk/news/uk-england-bristol-62667034>

It has come to our attention after thorough research, investigation and inspired by local experiences, that many families are facing huge issues with securing local provision. This seems mostly driven by the fact that the majority of Bristol's secondaries are now Academies and their own authority on admissions and catchments. It appears there are flaws with how Bristol City Council oversees that these Academies serve the whole city in a realistic and fair way. We believe Redland Green School and Fairfield High School have not reviewed their catchments since 2006, let alone since the new Trinity Academy opened. Trinity's catchment overlaps with both Orchard Academy and Fairfield, yet our portion of this area is not served by any of them. Redland Green's popularity realistically means our area is not served by this School at all and this needs recognition and reflection of how it's catchment actually looks.

Part of the response from the Ex-Director of Education Alison Hurley, in response to our last submission stated; *'The local authority's role is to coordinate the admission arrangements and ensure sufficiency'*.

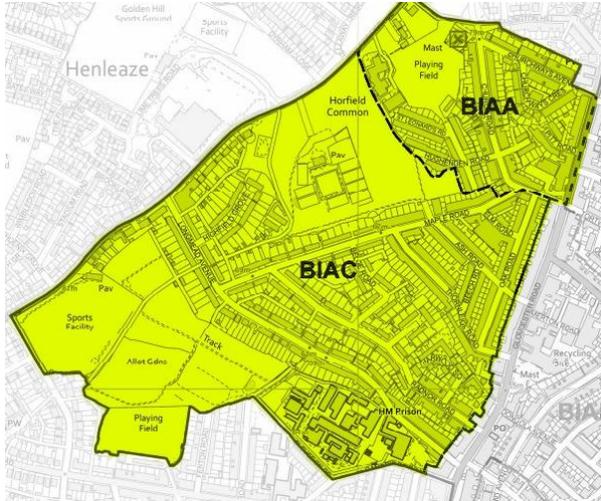
Our area has no sufficiency or certainty that any child would secure a local place.

In response to our comments submitted to the 2023-4 School's Admission consultation, we were informed by Fairfiled, Excalibur Trust Academies that;

*'Whilst Excalibur do have the authority to change our catchment area we would not do this without discussion with BCC. Many of the points you raise require action and co-ordination at a local authority level rather than an Admissions Authority level.'*

We ask that discussions begin without hesitation, not after several years, as has been suggested.

Map illustrating approximate geographical region of concern



Dear all,

On 20th September 2022, I was contacted by Nicholas Mimmack who is a Lawyer at Bristol City Council. Nicholas contacted me to ask for my consent to share a collection of comments that I had posted from my personal Facebook account with, 'one of the members of the People Scrutiny Commission'.

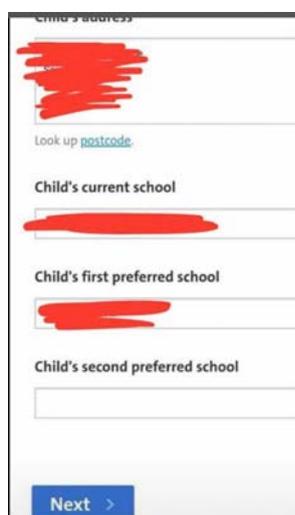
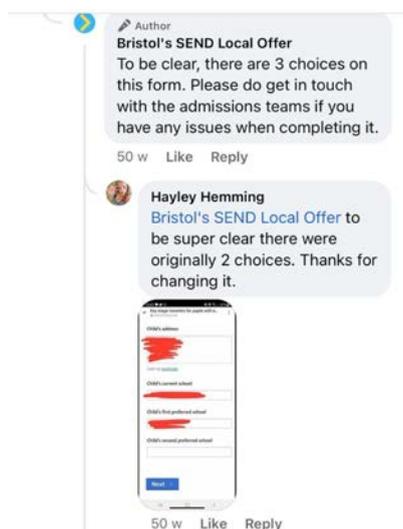
Nicholas informed me that the scrutiny member had requested the 'indexed pack of information' that Officer C prepared in order to evidence conflict on the part of both HH and JS which is referred to in paragraph 41 of the report.

I gave my consent for this information to be shared and added the following message: *"I also ask that you share a copy of the form that was on the Local Offer and the comments alongside it which were not collated into this indexed pack, likely because it does not fit the picture BCC is attempting to paint of my personal conduct via interactions on FB."*

Nicholas replied to say that he could not append additional information but that I could approach the Chair of the Commission in relation to sharing the additional information which I did. Following a conversation with 'legal colleagues', Ian Hird (Scrutiny Advisor) informed me that, *'the most appropriate approach would be for [me] to send the information [I] wish to share as a public forum statement for the 26 Sept People Scrutiny Commission.'*

Below is the information that I was sent by Nicholas Mimmack. Nicholas said that this was my data that was contained in, *"the 'indexed pack of information referred to in paragraph 41 of the report.'*" The dates cover 17.02.21 - 01.10.21. I joined the forum Steering Group in December 2021 and became an officer in January 2022.

From the pack you will see on 15/09/21 comments around a form that was added to the local offer facebook page which asked families to select two schools for children with EHCPs. There were concerns in the community that this was discriminatory as mainstream pupils have 3 school choices. There is a comment made by a redacted officer, it says *'the form wasn't changed - I was advised it had always been 3 choices'*. See the screenshot below showing 2 choices this was posted within the same Facebook comments but omitted from this indexed pack of information.



## Facebook negative or combative comments HH and JS

Date	Topic	Name	Comment
17/02/21	Advert for Disability Equality Commission Chair	JS	"Value disabled people by paying them for their work."
24/03/21	CYP Outcomes Framework published	JS	"Is there any chance we can get some clarity on this: 'What are outcomes? Outcomes are recorded in EHC plans. An outcome stretches over a phase or stage, usually a key stage. ■ I want to be in school full time by the end of this term: As long as this is what the child or young person wants, this is a good outcome.' Because it doesn't make any sense to me"
		JS	"So if a child or young person doesn't want to go to school, then what? They get no education and that's fine by the Local Authority?"
		HH	" <a href="#">Jen Smith</a> BCC are confusing the outcomes pyramid the CDC created after the CHUMS research study into health outcomes. It identified that participants wanted health interventions to enabled them to live ordinary and fulfilled lives. The outcomes pyramid was devised to encourage health professionals to think long term about CYP outcomes. Families and health professionals do not always share a vision for what services are seeking to achieve. It's a joint commissioning tool. The pyramid is not connected to how an EHCP should flow or how it should be reviewed. I really hope caseworkers and SENCOs understand this."
		HH	"Bristol's outcomes document also says: "The Framework will ensure that outcomes and the provision put in place to meet outcomes will be derived from the child or young person's hopes and dreams for the future" If you match provision to outcomes that could mean EHCP are ceased prematurely, as after-all, the outcome will have been achieved, so it seems only logical, right? At it's very core an EHCP needs to identify a child / young persons SEN NEED and provision needs to be matched to that > which leads to better outcomes and meeting aspirations. The CDC say, "there must be provision for each and every need identified" and "specify the provision to meet the needs" An EHCP should flow, in my opinion and in the opinion of many lawyers as Needs>Provision>Outcomes>Aspirations

			<p>Home • Resources</p> <p><b>Case Law Update 34 – B and M v Cheshire East Council – When a local authority can cease to maintain an EHC Plan</b></p> <p>In this update, the Upper Tribunal set aside a decision of the First-tier Tribunal that the local authority was entitled to cease to maintain an EHC plan of a severely disabled young person. There are numerous reasons why it may be necessary for a local authority to continue to maintain an EHC plan, and the question is not simply whether the outcomes in the plan have been achieved.</p>
01/04/21	Bristol Autism Team support videos for returning to school for Autism Awareness Week	JS	"Are autistic children and young people able to access disability social workers yet? Or do they still need to have a learning disability no matter how disabling the autism may be?"
27/04/21	Advert for sensory support service	HH	"Hello, what is the sensory support service please?"
19/05/21	Advert for videos to help other parents  (49 comments, mostly angry, HH also 'loved' some of these)	HH	"I'd find it hard to make a video that had very many positive things to say. But I'd be happy to be a buddy for parents of children with SEND. I found the best support was online from other parents. My son was diagnosed and we were given parenting course details and a charity to call. 😊"  " I asked who ran the course and as no one running it was a parent of a child with SEND I refused to attend 🤔 friend have told me it's been a helpful way to meet other parents but they didn't pick much up on the course 😞"
		JS	"This is fantastic. My son is 14 and despite the fact I identified him with Send when he was 2, everyone else is just catching up now. I tell you what I have found helpful, Legal Aid and a Direct Access Barrister."
22/06/21	Advert for EHCP coffee morning	HH	"Is it too late to attend? the link doesn't work 😞"
		JS	"Why is the Time For Change group logo going for the whole wrong puzzle piece thing?"
24/06/21	ALP consultation	HH	"@Jen Smith"

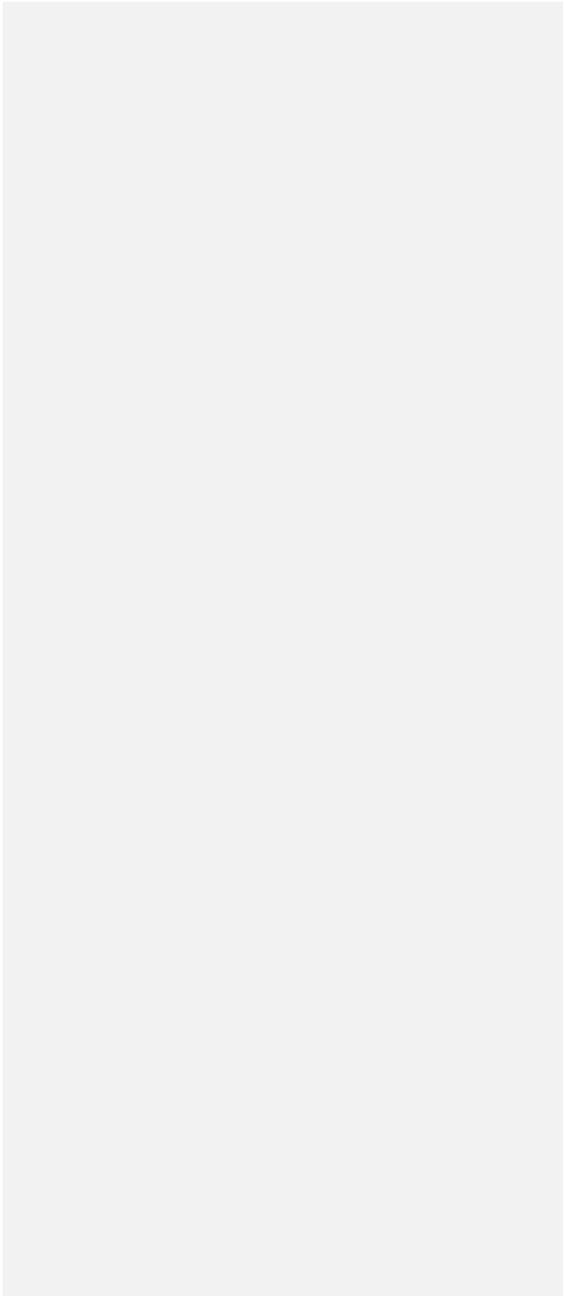
		JS	" <a href="#">Hayley Hemming</a> I filled it in but I doubt my input is going to help pupils get the right support."
15/09/21	Secondary school admissions EHCP key stage transfer	HH	<p>"Why do EHCP pupils have to apply using that link and has this been communicated to parents and carer of children with EHCPs / schools as this isn't the usual process. Also what about children and young people stuck at draft stage? With their schools be named at issue? Thanks"</p> <p>"For anyone reading this post in a panic please know this....  <ul style="list-style-type: none"> <li>⚠ The LA may prefer parents and carer to do this for their own administrative purposes, but this is not required by law. ⚠</li> <li>⚠ They cannot require that you do this instead of holding an AR and following the law as set out in the Children &amp; Families Act 2014 and the regulations made under it (i.e. the SEND Regs 2014)."</li> </ul> </p> <p>"Thanks for getting the form changed to show 3 choices rather than the 2 choices that were initially offered. 🙌  If the form helps your planning, that's fantastic and really good news that you're taking steps to get an idea of demand early on.  But please make it clear that if the date is missed the child or young person will not suffer the consequences.  There is no requirement for parents and carers to complete this form.  The LA are able to allocate places via autumn annual reviews as per Regulation 18 of the SEN Regs with EHCPs being reviewed and finalised by Feb 15th."</p> <p>"<a href="#">Bristol's SEND Local Offer</a> to be super clear there were originally 2 choices. Thanks for changing it."</p>
01/10/21	Advert for ALP SoA coproduction sessions	JS	<p>"You have put all these Zoom sessions directly in the school run. Why is this?"</p> <p>"You've completely changed these times in the last hour. Which is good. But let's not pretend I was wrong. Have some transparency and say that we were informed the 3.30-5pm times clashed with the school run and due to pressure we've changed them"</p> <p>"Don't try to play people who are used to being played by the council"</p>

Commented [REDACTED]: NB: the form wasn't changed – I was advised it has always been 3 choices.

			"No, this is just not the truth. The times have been changed from what was originally planned. Parents and carers won't believe the council until it starts being honest and competent ]"
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Other top critical commenters: [REDACTED]

Affiliated groups: Bristol SEND Community Alliance, Bristol SEND Justice, Bristol SEND crisis



## **STATEMENT 7 – Sandra Thomas**

I am a parent of a child with Special Educational needs. I am not an officer or volunteer of Bristol Parent Carer forum but I have experienced tweets of mine being copied and shared with other agencies.

It took me almost 2 years and cost me thousands of pounds to ensure my son was in a suitable school place - this was decided by a judge during a tribunal process, through independent reports.

During this process I was referred to social services as Bristol SEND services raised concerns that I had fabricated or induced my son's illness. Fabricated or Induced Illness (FII) is the term used for when a parent or caregiver of someone, most commonly a child, is accused of fabricating, exaggerating or inducing the symptoms of that person.

False FII allegations are made by people in power, such as medical professionals, social workers, teachers, the Local Authority etc and they happen more often than is known and the cases are continuing to rise by the day.

Part of the reason these allegations came about is because in May 2021, an employee of BCC sent my son's head teacher a copy of some tweets I had made about how my son feels in school. The officers told the headteacher that, "BCC communications team.... Monitor social media for us" and that she felt the school would, "rather be aware of the situation than not".

SEND parents know that monitoring of families is prolific, especially if we appeal decisions of shoddy EHCPs which are not fit for purpose. This SEND surveillance is not just about forum officers - the leaked emails clearly show redacted names which are likely to be other parents.

Although my eldest son is now in the correct provision and social services have no concerns and are discharging us, my younger two children are being denied referrals to the Autism team. This is in part due to the school insisting that my children are not autistic and should not be referred and being denied Human Rights to go private.

The officer that shared my tweet sought to damage my relationship with the school - which they have been totally successful in and the actions of this officer now impacts the support my children are able to access and the hellish nightmare of FII accusations over the last year. The school for example, has actively called the paediatrician to ensure the GP request of referral for autism assessments is blocked.

I urgently need to get my children help as their SEN needs have been recognised by independent professionals but I am not able to get them the help they need due to the FII allegations, yet I have support of my GP, Social Services. Their needs are being ignored across health and education. Surely this is disability discrimination?

I feel this situation has been deliberately created due to the surveillance actions of the comms team and the officer that shared the post with the headteacher. I believe

this is some form of punishment for advocating for my eldest and for contacting the Evening Post in 2020 to share with them how awful the SEND system is.

This is simply unacceptable and I hope my story encourages other families to share the experiences they have had and not to be scared of the threat of social services.

## **STATEMENT 8 – Cllr Geoff Gollop**

People Scrutiny Commission

26 September 2022

Public Forum statement

Item 8 Fact finding Report

There are a significant number of issues arising from this report.

Whilst the report is extremely professional and detailed and may deliver what it was instructed to, the initial brief missed the most serious concern.

I ask whether the Council should be monitoring any of its residents on social media. I can only think of extreme situations involving fraud or criminal activity where that could possibly be justifiable.

What ever the legal situation, I can think of no moral or ethical justification for monitoring families of children we are meant to be safeguarding.

I don't believe I am the only councillor who is offended by this activity being carried out by The Council I am a member of, but I am concerned that we employ people who thought it was acceptable and the fact that we have no document anywhere that makes such unacceptable behaviour an issue for potential dismissal.

I urge scrutiny, People or Overview and Scrutiny Management to keep this issue on the agenda until the administration takes action to introduce an appropriate policy and modifies employment terms and conditions to reflect this. I also ask for an urgent and strongly worded statement to be submitted to cabinet.

I am sorry I cannot be present to present this statement but unfortunately the rearranged meeting clashes with another meeting that was already scheduled.

Cllr Geoff Gollop

23/09/22



## **STATEMENT 9**

23 September 2022

People Scrutiny Commission  
Bristol City Council

GMB Submission – Adult Social Care Transformation Update

GMB wish to make the following statement with specific reference to the focus upon how in-house services are incorporated into the transformation programme (MTFP 2022/23 saving £650,000).

GMB welcome the comments made in the report regarding SBRC where it states that ‘important lessons have been learned in relation to working with health partners and the impact on staff during this process and these will be applied in future work.’

However to date, management have made no attempt to contact GMB regarding our request for a ‘lessons learnt’ opportunity. The way in which the staff have been treated throughout the process regarding the closure of SBRC was disgraceful and we believe it is only fair this Commission is made aware of this. To inform staff in November 2021 they would be the subject of a TUPE transfer to Sirona (stating if they did not agree to the transfer they would be terminating their employment). Staff were told they would be transferred as Sirona was finding it difficult to recruit. Staff were then left over the Christmas period without any communication.

In January 2022 upon closer scrutiny it was challenged by the union as this was not a comparable transfer of like service plus Sirona did not proceed with submitting a business plan to proceed

GMB have requested the HR Committee to set up an investigation into the way in which this process has been conducted and how staff have been treated.

We note that in this Scrutiny report it is the council’s decision to outsource the remaining intermediate/rehab centre in east Bristol to Sirona and would ask if and when staff have been informed of this?

GMB would also request whether or not a decision has already been made by the council regarding the outsourcing of Redfield Lodge/Reablement Intermediate Care as this is all under one section (page 8)?

GMB would not support any decision to outsource existing services as transferring staff to another employer does not either improve or make the delivery of the service any more cost effective. If there are issues then surely the first focus should be upon management and how they deliver the service rather than outsourcing. We would have hoped that Bristol City Council would have learnt this lesson over the years of outsourcing and then having to bring services back in!

*Jeff Sutton*

Jeff Sutton  
Branch Secretary

*Rowena Hayward*

Rowena Hayward  
Senior Organiser

# People Scrutiny Commission

## 26 September 2022

### Public Forum - Questions



**Questions have been received as listed below (full details are set out on the subsequent pages):**

1. Jen Smith – Agenda item 8 – Fact finding report – use of social media by council staff in respect of the Bristol Parent Carer Forum
2. Jen Smith – Agenda item 11 – Progress update on Education, Health and Care performance
3. Lucy White – Agenda item 8 – Fact finding report – use of social media by council staff in respect of the Bristol Parent Carer Forum
4. Suzanne Audrey – Agenda item 8 – Fact finding report – use of social media by council staff in respect of the Bristol Parent Carer Forum
5. Adele Green – Agenda item 8 – Fact finding report – use of social media by council staff in respect of the Bristol Parent Carer Forum
6. Charlotte Robertson – Agenda item 8 – Fact finding report – use of social media by council staff in respect of the Bristol Parent Carer Forum
7. Ian Hemming – Agenda item 8 – Fact finding report – use of social media by council staff in respect of the Bristol Parent Carer Forum
8. Kay Galpin – Agenda item 8 – Fact finding report – use of social media by council staff in respect of the Bristol Parent Carer Forum
9. Lotte Lane – Agenda item 8 – Fact finding report – use of social media by council staff in respect of the Bristol Parent Carer Forum
10. Lotte Lane – Agenda item 11 – Progress update on Education, Health and Care performance
11. Hayley Hemming - Agenda item 8 – Fact finding report – use of social media by council staff in respect of the Bristol Parent Carer Forum
12. Councillor Kerry Bailes – SEND partnership plan
13. Julie Wilson – Education Health and Care plans
14. Hannah Summers & Amy Valenzia – Secondary school admissions
15. Bristol Parent Carer Forum – Agenda item 11 – Progress update on Education Health and Care performance
16. Laura Drake - Agenda item 8 – Fact finding report – use of social media by council staff in respect of the Bristol Parent Carer Forum



## PUBLIC FORUM - QUESTIONS

### 1. QUESTIONS FROM JEN SMITH

**Topic: Questions on Agenda item 8 – Fact finding report – use of social media by council staff in respect of the Bristol Parent Carer Forum**

#### Question 1

**Paragraph 34:** *'On 20 January, Officer D was contacted by SENDIASS7\* to flag the fact that Data subject 2 had been (redacted), the Alternative Learning Provision Team at the council and other stakeholders, in spite of the fact that Data subject 2 was attending in their capacity as a BPCF member and the meeting was confidential. On the same day, Officer E contacted Officer C to notify them that BPCF had launched a survey, without any consultation with the council, in which the questions advertising it appeared to invite negative responses8'*

\*The SENDIASS service in Bristol is provided by Send and You

There is no evidence provided that such a meeting took place, let alone evidence of confidential material leaked by a BPC officer. Please provide this when answering the question.

Send and You are now implicated in the spying issue. How then can Bristol Send families trust this service – which is a key stakeholder and service - to provide honest, impartial advice and not feedback confidential and identifiable information to Bristol City Council which would be detrimental to families using the service?

#### Officer response

The meeting referred to in the report was a virtual coffee morning event and was advertised on Eventbrite as an opportunity:

- to find out more about alternative learning provision or education other than in school.
- to have questions answered.
- to hear from guest speakers from Bristol City Council's Alternative Learning Provision Hub.

The stated aims of the informal session were to provide:

- Information about alternative provision.
- An opportunity to meet other parents/carers.
- Answers to questions.

All participants signing up to the event were sent ground rules for the event which was hosted on zoom. In the zoom/ground rules participants were asked to: -  
'... please 'be kind' and respect the confidentiality of all participants.'

Following the event, the organisers became aware that tweets had been sent during the event. The organisers were concerned that in the future, potential speakers could be put off agreeing to attend these events. The organisers contacted the speaker who was Head of Alternative Learning Provision in Bristol City Council in order to thank the speaker, inform them of what had happened and apologise. They indicated that as an independent and impartial service, no response would be made to the tweets by them but the ground rules sent to attendees prior to events would be reviewed.

At no point has a formal concern been raised by the SENDIASS about the PCF with the Council.

## Question 2

In paragraph 42, Bristol City Council describes the personal social media post of the Forum's former Vice Chair's as 'aggressive'. The former Vice Chair is neurodivergent, which has been disclosed on several occasions as well as initially at People Scrutiny Commission on Monday 19 July 2021.

What Reasonable Adjustments and for disability, along with citation of the relevant sections of the Equality Act 2010, did Bristol City Council engage when repeatedly reading Tweets posted within the environment of the Twitter neurodivergent community written by a neurodivergent person? Please provide evidence of this when answering the question.

### Officer response

The 'Reasonable Adjustments' duty under the Equality Act 2010 requires us to recognise and remove potential barriers for disabled people who would otherwise be placed at a substantial disadvantage compared with people who are not disabled. The Act requires us to consider whether our activity and places are accessible, and states that we should make reasonable adjustments to enable access.

Of itself, the identifying and highlighting of publicly-available social media activity that was undertaken at the request of the BPCF did not involve any specific interaction with any of the individuals concerned. Due to this, the concept of Reasonable Adjustments does not directly apply.

Whilst the term 'reasonable adjustments' is not applicable in this context, we should still consider whether the questioner individually or as part of a group, has any additional needs which should have been taken into account in communications with us, and in our responses. We are happy to discuss this to ensure that future communications between us are conducted in a manner that is conducive to individual needs and preferences.

## Question 3

### **Regarding Paragraph 31/41/46/47/48/49:**

Paragraph 31 says there was 'no formal written decision to authorise the gathering of these social media posts, but Alison Hurley was briefed on the request and action taken.'

Paragraph 49 says 'There is no evidence that systematic monitoring took place.' However, Hugh Evans mentioned 'ongoing, critical social media posts, by members of the forum steering group...' in a letter to Bristol Parent Carers dated 06/04/2022. This shows that online activity was being monitored in an 'ongoing' capacity.

Paragraph 41 says 'On 20 May, Officer E sent Officer C a collection of tweets that evidenced campaigning by Data subject 1/Data subject 2. Officer C prepared an indexed pack of information evidencing conflict on the part of both Data subject 1 and Data subject 2 and sent this to HE, AH and Officer B on 30 May. This was used as background information by AH in preparation for a meeting that took place on 10 June and was facilitated by Contact.'

**So why has Bristol City Council contradicted its own policy on social media surveillance in the Children's Services Procedures Manual, which is included below for reference?**

**Information gleaned from searches of social media sites will constitute 'personal data' which must be processed in accordance with data processing principles. It must be:**

- Processed in a way that is lawful and fair;
- For specified, explicit and legitimate purposes;
- Adequate, relevant and not excessive;
- Accurate and kept up to date;
- Kept for no longer than is necessary;
- Processed in a secure manner.

However, consideration must be given, in all cases, as to whether viewing the sites constitutes 'directed surveillance' under the Regulation of Investigatory Powers Act 2000 ('RIPA') and so requires authorisation under that Act. This is a complex area.

Whilst the following general principles apply, each case must be treated on its own facts, and legal advice **MUST** be sought as necessary:

- If the consent of the service-user is obtained, then no further authorisation would be required;
- If consent is not obtained but no privacy settings are in operation to prevent viewing, then the material available on the sites can be regarded as 'open source', and so a single viewing would not constitute 'directed surveillance' under RIPA and no authorisation would be required under that Act;
- However, the Chief Surveillance Commissioner (now superseded by the [Investigatory Powers Commissioner](#)) made clear his view that repeat viewing of sites by staff may constitute 'directed surveillance' and if done covertly (i.e. without the knowledge of that person) then this would be 'covert surveillance'. This would require authorisation under the Act in the form of a warrant from a magistrate.\* It is for the employer to ensure that any covert surveillance is properly authorised, recorded and, most importantly, legally justifiable.

\*(The Protection of Freedoms Act 2012 amended the regulation of investigatory powers legislation to reduce the circumstances in which a surveillance authorisation under RIPA can be granted by a local authority, rather than by a court. A local authority can now only grant an authorisation under RIPA for the use of directed surveillance for the investigation of criminal offences which attract a maximum custodial sentence of 6 months or more or relate to the underage sale of alcohol or tobacco. Surveillance as part of any other investigations, e.g. child welfare/protection, can only be authorised by a court).

What constitutes 'repeat viewing' is not set out and will depend on the facts of each case.

#### Officer response

The policy referred to is specific to Social Care and Safeguarding staff in a Child Protection context. The report makes clear that a review and update of the Council's Social Media Policy that will apply to all staff is recommended and this has been accepted.

#### **Question 4**

Why has the report not included reference to the 'Top Three Critical Commentors' who are also having their online presence monitored as well as the 'Affiliated groups' - Bristol SEND Community Alliance, Bristol SEND Justice and Bristol SEND Crisis?

#### Officer response

The 'top three critical commentors' related solely to comments on the Local Offer facebook page operated by the council. Officer F was asked to collate the information and did so. Commenting on them did not fall within the remit of the report.

**2. QUESTION FROM JEN SMITH****Topic: Question on Agenda item 11 – Progress update on Education, Health and Care performance**

The Education Health and Care (EHC) Performance updates says on page 2: 'Work to improve the timeliness of the Education Health and Care Needs Assessment (EHCNA) process began in the summer of 2019.'

Page 5 says: 'To lessen the impact of long waiting times on families, managers have reviewed the balance of work on new and overdue cases to ensure that from 31 July 2022 no further cases will exceed 52 weeks. The 90 cases which have already exceeded this timescale will all be allocated a SEND Assessment Coordinator, with the aim of issuing a draft plan by 30 September 2022 at the latest.'

In 2018/19, one of our EHCPs took 46 weeks and the second 50 weeks and here in 2022 we still have a significant number of EHCNAs taking over a year.

Bristol City Council keeps tinkering but cannot get a proper grip on EHCP timeliness. How is the new Interim Director of Education and the forthcoming next new Interim Director of Education planning to urgently tackle this both in the current interim, the forthcoming interim and the future?

Officer response

There has been significant investment in additional staff and the actions taken by the team are robust and have approval of the DfE and the SEND Improvement Board. The published report outlines our current position and the mitigating actions we are taking over the next six months to continue to improve our performance. There is commitment from across the Local Area to this work. The SEND review has acknowledged that this is a national issue, and we await the outcome of the recent consultation.

**3. QUESTIONS FROM LUCY WHITE****Topic: Questions on Agenda item 8 – Fact finding report – use of social media by council staff in respect of the Bristol Parent Carer Forum****Question 1**

What is BCC's understanding of the rules around Parent Carer forum volunteers and their ability to campaign and what work have BCC done to understand this area?

Officer response

This is a very nuanced area. Contact and the National Network of Parent Carer Forums have produced guidance [co-production and campaigning guidance.pdf \(contact.org.uk\)](#) but concur that it is not an easy distinction to make. The council sought the advice and expertise of Contact, the DfE's delivery partner for parent carer participation. Extensive work was undertaken by Contact with members of the Forum's steering group, including workshops and training relating to appropriate conduct on social media by steering group members so they don't compromise their position in the forum. We understand that most Parent Carer Forums accept that campaigning activity by their members can jeopardise the possibility of building trust and relationships and therefore manage campaigning by Forum members within their own governance. Members of Parent Carer Forums can campaign in their own right, though need to be aware that they may be perceived as being a member of the forum even on their own private social media.

**Question 2**

What evidence was there that data subjects 1 and 2 campaigned under the Bristol Parent Carer Forum 'banner'? Obviously the identity of those concerned should be redacted but please include examples of activities but only when they were carried out under the BPC forum banner.

Officer response

Individual members of the forum can campaign, however, this does present a possible conflict of interest with their forum role as they could be perceived to be campaigning as a forum member which could present challenges to local partnership relationships.

The DfE expects members of the steering group, of the formally funded Parent Carer Forum, to take part in strategic discussions with officers of the council. Their role is to represent the views and experiences of local families and act as a critical friend – gaining an understanding of the pressures and challenges and working with officers to find ways to reach the best possible solutions and co-produce the strategic approaches, given those pressures and challenges. Where members of the steering group have strong views against the council's strategy, they can share those views and challenge officers around the strategic table. However, where members of the steering group openly criticise the strategy that they are involved in developing, this erodes trust and confidence.

The DfE conditions of grant stipulate that parent carer forums should not use the DfE funding for campaigning or lobbying purposes. There is a place for campaign groups and whilst BPCF is not the grant recipient, it is at liberty to campaign along with any other group in Bristol.

**4. QUESTIONS FROM SUZANNE AUDREY**

**Topic: Questions on Agenda item 8 – Fact finding report – use of social media by council staff in respect of the Bristol Parent Carer Forum**

**Question 1**

**Background.** The 'Fact-finding report – Use of social media by council staff re SEND Parent Carer Forum', written by Bristol City Council Legal Services, repeatedly refers to 'conflict of interest' between campaigning activity by two members of Bristol Parent Carers Forum and their co-production role. However, having 20 years experience of working for charities and in the voluntary sector, it is my understanding that charities and voluntary sector groups are permitted to engage in campaigning to help those they represent, and it is not seen as conflicting with their role in trying to shape and improve services.

**Question 1:** The report states "the collation of social media content on the two occasions outlined was done for the specific purpose of evidencing the conflict of interest". Please can you explain exactly what the conflict of interest is between campaigning and co-production?

Officer response

Individual members of the forum can campaign, however, this does present a possible conflict of interest with their forum role as they could be perceived to be campaigning as a forum member which could present challenges to local partnership relationships

The DfE expects members of the steering group, of the formally funded Parent Carer Forum, to take part in strategic discussions with officers of the council. Their role is to represent the views and experiences of local families act as a critical friend – gaining an understanding of the pressures and challenges and working with officers to find ways to reach the best possible solutions and co-produce the strategic approaches, given those pressures and challenges. Where members of the steering group have strong views against the council’s strategy, they can share those views and challenge officers around the strategic table. However, where members of the steering group openly criticise the strategy that they are involved in developing, this erodes trust and confidence.

The DfE conditions of grant stipulate that Parent carer forums should not use the DfE funding for campaigning or lobbying purposes. There is a place for campaign groups and whilst BPCF is not the grant recipient it is at liberty to campaign along with any other group in Bristol.

## Question 2

**Background.** The report culminates in a justification for removing funding from Bristol Parent Carers Forum, stating: "Although it is not possible to ascertain the exact amount of time spent by officers on collating the examples of conflict, given that the data collected was tweets from two accounts and viewing a Facebook account in order to establish a link, it is quite apparent that the amount of time in question was negligible and justified on the basis that it enabled an informed decision to be made to discontinue support for funding. The decision to discontinue support for funding was quite properly informed by discussions with the relevant Cabinet member and at Cabinet Board."

**Question 2:** Was the purpose of monitoring the social media accounts of two members of Bristol Parent Carers Forum, to find a justification for Cabinet to remove funding from Bristol Parent Carers Forum?

### Officer response

As stated in the report’s findings, the accounts of the two data subjects were not systematically monitored. Social media activity was only a small part of the decision-making process as set out in the report.

## 5 – QUESTIONS FROM ADELE GREEN

**Topic: Questions on Agenda item 8 – Fact finding report – use of social media by council staff in respect of the Bristol Parent Carer Forum**

### Question 1

Following the refusal to work with BPCF and the cancellation of the DfE funding, have contact / the DfE confirmed they will fund individual groups per Cllr Asher Craig’s email on July 21st?

### Officer response

The council has not refused to work with BPCF. The council has made it clear that BPCF is still welcome to engage as one of the many parent carer groups in Bristol who are members of the growing Community of Groups (CoG).

It is anticipated that Contact will apply to hold the DfE grant and if so, will work with CoG, and the wider SEND community, to agree how to make best use of the funding this year. Arrangements for this year’s DfE funding are yet to be decided but the grant is still available to be used in Bristol to support the

development of partnership arrangements and parent carer participation. Contact will work with all the current parties to determine what these arrangements look like, but the intention is that the community of SEND parents will be at the centre and forefront of driving this work forward.

## Question 2

Where is the evidence for the claims made by the SENDIAS service regarding data subject 2? Please redact the name but share the salient parts of the concerns raised.

### Officer response

The meeting referred to in the report was a virtual coffee morning event advertised on Eventbrite as an opportunity:-

- to find out more about alternative learning provision or education other than in school.
- to have questions answered.
- to hear from guest speakers from Bristol City Council's Alternative Learning Provision Hub.

The stated aims of the informal session were to provide:

- Information about alternative provision.
- An opportunity to meet other parents/carers.
- Answers to questions.

All participants signing up to the event were sent ground rules for the event which was hosted on zoom. In the zoom/ground rules participants were asked to: -  
'... please 'be kind' and respect the confidentiality of all participants.'

Following the event, the organisers became aware that tweets had been sent during the event. The organisers were concerned that in the future, potential speakers could be put off agreeing to attend these events. The organisers contacted the speaker who was Head of Alternative Learning Provision in Bristol City Council in order to thank the speaker, inform them of what had happened and apologise. They indicated that as an independent and impartial service, no response would be made to the tweets by them, but the ground rules sent to attendees prior to events would be reviewed.

At no point has a formal concern been raised by the SENDIASS about the PCF with the Council

## **6 – QUESTIONS FROM CHARLOTTE ROBERTSON**

**Topic: Questions on Agenda item 8 – Fact finding report – use of social media by council staff in respect of the Bristol Parent Carer Forum**

### Question 1

On the leaked email by The Bristolian there are several other names of families that have been redacted but these individuals are not mentioned in this report. Have you informed them that you have processed their data to present, and informed various agencies that they are negative with regard to SEND without their permission?

### Officer response

This relates solely to comments on the Local Offer Facebook page operated by the council. Officer F was asked to collate together the information that was contained in that account.

## Question 2

In the past 3 years Have any other staff or consultants or external comms any other person connected to BCC, taken information from a parents social media page and shared it either internally or externally? For example with social care teams or schools? Obviously this excluded issues regarding genuine safeguarding concerns they were reported to first response or similar which presumably there would have been a written agreement to carry out.

### Officer response

Social Care and Safeguarding staff may view social media for child protection purposes in line with the Use of Social Media Sites by Social Care and Safeguarding Staff procedure. Other than that, there is no evidence to suggest that monitoring of specific social media accounts is common practice. This will be specifically dealt with in the review of the Social Media Policy.

We have a rota of staff within external communications and customer service teams regularly using the council's social media channels to ensure that any citizen who contacts us via social media, or tags us in social media, receives the information or help they need from us in a timely way. This is a standard practice in most local authorities.

## 7 – QUESTIONS FROM IAN HEMMING

**Topic: Questions on Agenda item 8 – Fact finding report – use of social media by council staff in respect of the Bristol Parent Carer Forum**

### Question 1

Para 36 says: “The Council should be proactive in contacting those families who feel they cannot engage or access services and should widen the representation of voices across diverse communities in Bristol in the co-production and co-reviewing of services.”

What work did BCC do as strategic partners of the forum to support them with this and when did they first raise concerns with BPC that they were not reaching the right communities?

### Officer response

We acknowledge the difficulty for all groups / parties to be fully representative. Our work to develop the Community of Groups (CoG), involving BPCF, is our support to all groups to have a representative voice, and to enable and facilitate connections between different groups.

### Question 2

The MOU that BCC refused to sign says:

The local authority will agree:

- We commit to uphold the principles of the SEND Code of Practice and to work in partnership with the DfE funded local parent carer forum to improve local services for children and young people with SEND.
- We recognise the independence of the DfE funded parent carer forum.
- We value the role of the DfE funded parent carer forum in representing the needs, experiences, and views of parent carers of children and young people with SEND including their role in raising issues, providing constructive feedback through open dialogue, and challenging partners when necessary.

- We agree to work together with respect and as equal partners.

Given the CONTACT memorandum of understanding terms don't mention representation as a key reason to sign, which point on this list did BCC feel they could not commit to?

Officer response

BCC is fully committed to the principles of the MOU. The signing of the MOU comes at the end of a process of evaluation which was informed by a range of discussion with key stakeholder partners.

**8 – QUESTIONS FROM KAY GALPIN**

**Topic: Questions on Agenda item 8 – Fact finding report – use of social media by council staff in respect of the Bristol Parent Carer Forum**

**Question 1**

In the context of the report, and its suggestion that data subjects 1 and 2 were "campaigning" - What actions or behaviours of individuals constitute "campaigning" in the eyes of Bristol City Council and how does this materially differ from the Council's understanding of individuals' behaviours and actions when they are involved in co-production?

Officer response

Individual members of the forum can campaign, however, this does present a possible conflict of interest with their forum role as they could be perceived to be campaigning as a forum member which could present challenges to local partnership relationships

The DfE expects members of the steering group, of the formally funded Parent Carer Forum, to take part in strategic discussions with officers of the council. Their role is to represent the views and experiences of local families and act as a critical friend – gaining an understanding of the pressures and challenges and working with officers to find ways to reach the best possible solutions and co-produce the strategic approaches, given those pressures and challenges. Where members of the steering group have strong views against the council's strategy, they have the opportunity to share those views and challenge officers around the strategic table. However, where members of the steering group openly criticise the strategy that they are involved in developing, this erodes trust and confidence.

The DfE conditions of grant stipulate that Parent carer forums should not use the DfE funding for campaigning or lobbying purposes. There is a place for campaign groups and whilst BPCF is not the grant recipient it is at liberty to campaign along with any other group in Bristol.

**Question 2**

What evidence was found in the report that data subjects 1 and 2 were "campaigning" according to the definitions requested above? This request is not for personal details or individually identifiable information but of redacted evidence used to reach the conclusions suggested in the report.

Officer response

The evidence is publicly available to anybody who uses social media and searches for or 'follows' SEND / BCC.

**9 – QUESTIONS FROM LOTTE LANE**

**Topic: Questions on Agenda item 8 – Fact finding report – use of social media by council staff in respect of the Bristol Parent Carer Forum**

**Question 1**

Para 15 of the report states: “Due to this the External Communications Team and the service area were familiar with both by virtue of their social media posts relating to SEND” Is it a given then that you’d be under surveillance if you are critical of SEND in Bristol? Or is there a policy to determine which parents you monitor or a certain threshold or number of negative comments they need to hit first?

Officer response

The external communications and customer service teams regularly use the council’s social media channels to ensure that any citizen who contacts us via social media, or tags us in social media, receives the information or help they need from us in a timely way. This is a standard practice in most local authorities.

No one has been, or is, under surveillance by BCC due to their views about the council, including SEND.

**Question 2**

Para 15 of the report states: “These [concerns] were due to the perceived conflict between their campaigning activity and the co-production role of the Forum”. Is it against the DfE rules for individual parents to advocate for their own child or for individual parents to give advice and support other parents on the EHCP process?

Officer response

There are no DfE rules that relate to individual parents to advocating for their own child or for individual parents to give advice and support other parents on the EHCP process.

As forum members are by definition parents of disabled children themselves, there will be times when they will act as an advocate for their child or give advice to other SEND Parents. Forums will use their own governance to agree if the parent should step away from strategic activity whilst they are advocating for their child, or actively supporting another parent. We believe that the forum should have a conflict of interest policy. The guidance [co-production and campaigning guidance.pdf](#) ([contact.org.uk](http://contact.org.uk)) may help to determine what constitutes campaigning or lobbying activity.

**10 – QUESTIONS FROM LOTTE LANE**

**Topic: Questions on Agenda item 11 – Progress update on Education, Health and Care performance**

**Question 1**

My family waited 57 weeks to learn whether or not BCC planned to issue my daughter (who is currently unable to attend school due to unmet needs) with an EHCP. I only got a response after threatening judicial review. It transpired that a decision had been made by panel seven weeks prior, but no-one had seen fit to inform either myself or my daughter’s school. May I ask if this is standard council practice? If not, how can I be assured this will not happen to other families in our situation.

Officer response

At Scrutiny, we do not provide information on individual cases, however I do want to apologise for the unusual administrative error you experienced and the distress this caused.

As a result, a whole system review took place which confirmed no other families had outstanding panel decisions and a new system is now in place which ensured prompt notification of panel decisions with a quality assurance system built in.

### Question 2

Panel decided my daughter did not need an EHCP. As her school are not able to meet need, we are forced to go to tribunal. As one of the overdue EHCP cases (we waited 57 weeks for the outcome of the EHCNA) does this mean the clock is "reset" for BCC? Could it be possible my daughter was refused an EHCP to help BCC get through their backlog more quickly?

### Officer response

The panel carefully consider each and every Needs Assessment request and decisions are based solely on an evaluation of the information and reports provided. The panels include representatives from SEND, social care, health and a range of other professionals including Early Years specialists, teachers and SENDCos. If parent/ carers do not agree with panel's findings then we encourage our families to talk to LA officers and this can be through mediation if they wish, which is free of charge. The SEND tribunal system is also available to parents and carers where there are concerns about panel findings.

## 11 – QUESTIONS FROM HAYLEY HEMMING

**Topic: Questions on Agenda item 8 – Fact finding report – use of social media by council staff in respect of the Bristol Parent Carer Forum**

### Question 1

On 1st September BCC was informed that Data subject 1 had joined the forum "pending checks and references". So that the public may understand any rules that data subject 1 was bound by regarding BPC and DfE funding terms please can BCC clarify on which date did data subject 1:

- Sign their contract with BPC Forum following those references and checks
- Join the forum steering group
- Become an officer of the forum

### Question 2

Para 31 of the fact-finding report states: *"There was no formal written decision to authorise the gathering of these social media posts, but AH was briefed on the request and action taken"* On what date was AH briefed?

### Officer response

Thank you for your questions. Since the publication of the 26 September People Scrutiny Commission agenda, an Ofsted SEND inspection has been announced, starting in early October. Whilst the authority has been able to issue replies to the questions (Qs 1-10) originally submitted to the (postponed) 12 September meeting, there is no capacity, in light of the inspection and associated preparatory work, to immediately respond to the additional questions submitted for the 26 September meeting. Replies will be prepared but there will be an unavoidable delay. The authority will seek to respond by 14 October.

## 12 – QUESTIONS FROM COUNCILLOR KERRY BAILES

### Topic: SEND Partnership Plan

Please note that I cannot attend the meeting if held on Monday 26th September at 10am. Therefore, I request a written response.

#### Question 1

1. In light of the lack of co-production partners in Bristol, who has co-produced the SEND partnership plan with BCC?

#### Question 2

2. Who is co-producing the new local offer with BCC in line with the SEND Code of Practice?

#### Question 3

3. From my own understanding of the DfE terms, they don't mention representation as a key part of the agreement. Why has BAME representation, those with English as a second language, and other 'hard to reach' vulnerable families formed part of your decision to refuse to work with BPC, especially given the fact that white families have reported they previously did not feel represented by the forum (at SEND Scrutiny evidence day in 2020, which I attended) under previous officers.

#### Officer response

Thank you for your questions. Since the publication of the 26 September People Scrutiny Commission agenda, an Ofsted SEND inspection has been announced, starting in early October. Whilst the authority has been able to issue replies to the questions (Qs 1-10) originally submitted to the (postponed) 12 September meeting, there is no capacity, in light of the inspection and associated preparatory work, to immediately respond to the additional questions submitted for the 26 September meeting. Replies will be prepared but there will be an unavoidable delay. The authority will seek to respond by 14 October.

## 13 – QUESTIONS FROM JULIE WILSON

### Topic: Education, Health and Care Plans

#### Question 1

Is it true that Asher Craig, Hugh Evans and Alison Hurley were upset that a parent (who is a forum officer but was not acting in that capacity at the time) had written to BCC on behalf of a mother who was recovering from cancer, to inform them that the child (aged 9) was going to be permanently excluded from school if the EHCP (which was in week 43) was not issued in 2 weeks time and that the family may take legal action if the EHCP was not issued urgently to prevent the exclusion? If it is true could BCC explain why this action would be so upsetting to them and if you would prefer a child to be permanently excluded instead?

#### Question 2

If BCC spent less time monitoring families on social media and thinking of reasons to pull the DfE funding from Bristol Parent Carer forum and more time tackling the SEND crisis in Bristol by talking to that same forum, might fewer children wait in excess of 20 weeks to receive an EHC plan?

Officer response

Thank you for your questions. Since the publication of the 26 September People Scrutiny Commission agenda, an Ofsted SEND inspection has been announced, starting in early October. Whilst the authority has been able to issue replies to the questions (Qs 1-10) originally submitted to the (postponed) 12 September meeting, there is no capacity, in light of the inspection and associated preparatory work, to immediately respond to the additional questions submitted for the 26 September meeting. Replies will be prepared but there will be an unavoidable delay. The authority will seek to respond by 14 October.

**14 – QUESTION FROM HANNAH SUMMERS & AMY VALENZIA**

**Topic: Secondary school admissions**

Will Bristol City Council's Education Department be reviewing the Catchments and admissions of Bristol's Secondary Schools as a matter of urgency, taking more ownership of administration and ensuring all Academies are working together to ensure all postcodes and areas of the city are served by at least one school?

Officer response

Thank you for your question. Since the publication of the 26 September People Scrutiny Commission agenda, an Ofsted SEND inspection has been announced, starting in early October. Whilst the authority has been able to issue replies to the questions (Qs 1-10) originally submitted to the (postponed) 12 September meeting, there is no capacity, in light of the inspection and associated preparatory work, to immediately respond to the additional questions submitted for the 26 September meeting. Replies will be prepared but there will be an unavoidable delay. The authority will seek to respond by 14 October.

**15 – QUESTIONS FROM BRISTOL PARENT CARER FORUM (PLEASE PDF ENCLOSED ALSO AT THE END OF THIS DOCUMENT)**

**Topic: Agenda item 11 – Progress update on Education Health and Care performance**

As Bristol Parent Carer is no longer involved in strategic meetings with Bristol City Council but we remain committed to our charitable aims of improving parent carer experiences of SEND services in Bristol, we would like to submit questions to scrutiny on Agenda item 11.

It is unusual for a Parent Carer Forum to write in this manner and we would like to be very clear that we are not campaigning for any changes but offering our support to work with BCC to improve SEND services.

The data presented to the board does not appear to align with the feedback we receive from families. For clarity could BCC please provide us with the following information:

\* What is the DfE cohort and what characteristics do the children and young people (CYP) in this cohort have that other CYP do not? Do other Local Authorities have this cohort definition and was it agreed with the DfE?

\* The image in para 2.2 of is much clearer in terms of how many EHCPs were issued in a given month and how many EHCPs in that month were finalised within the 20-week period. Thank you for clarifying that. In order to get a complete picture, it would be helpful to know how many families were **expecting** a plan to be issued between January 2022 to the end of July 2022. So, 158 were issued within 20 weeks but how many families were expecting a plan in that period? It is helpful to understand data in terms of parent carer experiences in addition to DfE methodology.

\* It would also be helpful to know that of the 158 plans issued between January 2022 to the end of July 2022 how many of these fell within the DfE cohort and how many did not.

The agenda item uses the word "demand" a few times. It is important to understand where the demand lies if we can. If the demand is borne out of schools not being inclusive enough then BCC's approach to strengthening inclusion and the school-based stages of the code of practice could provide something of a solution. But demand may also be partly a matter of statistics. To understand this, it is helpful to look at our statistical neighbours.

\* Please can you tell us, for the academic year 2021/22, what the EHCP % count per population head was for Bristol? And how does this compare to our statistical neighbours, Brighton and Hove, Derby, Coventry, Leeds, Peterborough, Plymouth, Portsmouth, Reading, Sheffield, and Southampton?

In order to better understand demand and capacity and think about better ways of working, it's really helpful to have some additional context to the data. There is no denying that EHC needs assessment requests have increased which will add strain to the department.

The request stage is the easiest and least resource-demanding phase of the EHCP process, it should be concluded within a maximum of 6 weeks, but ideally sooner. The actual assessment stage comes next which does demand resources from schools, Educational Psychologists and health services. If we are going to talk about demand, we must also look at this data, we have included it below in comparison with our statistical neighbours who also experienced an increase in requests for 2020-2021.

Table 1 (full data at end of questions)

	Requests received	Is this increase higher or lower than BCC?	Assessments carried out	Is this increase higher or lower than BCC?	Plans requested and issued in the same year	Is this increase higher or lower than BCC?	% on time 2020-2021	Is this % on time higher or lower than BCC?
	% change 2020-2021		% change 2020-2021		% change 2020-2021			
Bristol, City of	16.76%		10.65%		-10.93%		33.90%	
Sheffield	56.40%	↑	63.44%	↑	81.85%	↑	50.20%	↑
Derby	20.14%	↑	8.54%	↓	38.10%	↑	39.90%	↑
Peterborough	31.94%	↑	68.22%	↑	124.62%	↑	92.90%	↑
Reading	28.78%	↑	9.27%	↓	4.76%	↑	89.90%	↑
Plymouth	21.98%	↑	9.32%	↓	-2.03%	↑	51.50%	↑

As you can see there is an increase in the number of requests across each of these LAs, and the number of actual needs assessments carried out rose in Bristol by 10.65%. Rises in assessments carried out were also seen in Sheffield and Peterborough which issued more ECHPs on time than Bristol. The rise in assessments in Reading and Plymouth is not massively different to Bristol, which both also issued more ECHPs on time in Bristol.

\* If employing more people is not solving the problem, is it time to start looking at the processes involved in the Bristol EHC process to work together, with families, to determine how processes can be made more efficient alongside the improvements being made around inclusion and the school-based SEND Code of Practice? Bristol Parent Carers have previously offered their support with this to Alison Hurley and Richard Hanks and that offer remains.

\* It's also important to understand why there is this increase in demand, for example, does BCC collect data on how many requests have been made previously which were denied, so a request is being made for a second (or maybe third or the fourth time)?

The agenda item notes, "A communication strategy was implemented in 2022 ensuring that all parent carers who have not yet been allocated a case officer, or are awaiting an EP assessment, are contacted and kept informed of next steps."

\* Families do not seem aware of this strategy, please can you tell us what this entails so we can inform families of what they should expect?

The agenda item notes, "Out of the 90 cases, over half are in receipt of additional funding to support non-statutory support plans."

\* This is fantastic news that over half are receiving extra funding. Could BCC please tell us how many of these CYP are attending a setting full time and being educated by a qualified teacher on a full-time basis in a manner equivalent to their peers without Special Educational Needs and Disabilities? If possible please could you provide a breakdown per timeliness group, i.e. 'X children in the 21-30 week bracket, X children in the 31-40 bracket etc.

Officer response

Thank you for your questions. Since the publication of the 26 September People Scrutiny Commission agenda, an Ofsted SEND inspection has been announced, starting in early October. Whilst the authority has been able to issue replies to the questions (Qs 1-10) originally submitted to the (postponed) 12 September meeting, there is no capacity, in light of the inspection and associated preparatory work, to immediately respond to the additional questions submitted for the 26 September meeting. Replies will be prepared but there will be an unavoidable delay. The authority will seek to respond by 14 October.

## **16 – QUESTIONS FROM LAURA DRAKE**

**Topic: Questions on Agenda item 8 – Fact finding report – use of social media by council staff in respect of the Bristol Parent Carer Forum**

### **Question 1**

On 20 January, Officer E contacted Officer C to notify them that BPCF had launched a survey, without any consultation with the council, in which the questions advertising it appeared to invite negative responses. Hugh Evans then wrote to BPCF on 6 April in order to set out the council's concerns in relation to the survey. Why did it take BCC so long to address these concerns if they were considered so important that BCC have now stopped community funding for SEND families?

### **Question 2**

In its fact finding report, BCC says that. 'The issue of representation was considered at the SEND Scrutiny evidence day' this was on 3rd Feb 2020. The Community of Groups had their first meeting on 27th January 2022. Why did it take BCC 2 years to prioritise this work around representation, was it just a coincidence that it started shortly after the forum appointed new officers?

### Officer response

Thank you for your questions. Since the publication of the 26 September People Scrutiny Commission agenda, an Ofsted SEND inspection has been announced, starting in early October. Whilst the authority has been able to issue replies to the questions (Qs 1-10) originally submitted to the (postponed) 12 September meeting, there is no capacity, in light of the inspection and associated preparatory work, to immediately respond to the additional questions submitted for the 26 September meeting. Replies will be prepared but there will be an unavoidable delay. The authority will seek to respond by 14 October.

# Public Scrutiny Questions

## Agenda item 11

Note: this is the full PDF supplied re: Q15

**Monday 26th September**

As Bristol Parent Carer is no longer involved in strategic meetings with Bristol City Council but we remain committed to our charitable aims of improving parent carer experiences of SEND services in Bristol, we would like to submit questions to scrutiny on Agenda item 11.

It is unusual for a Parent Carer Forum to write in this manner and we would like to be very clear that we are not campaigning for any changes but offering our support to work with BCC to improve SEND services.

The data presented to the board does not appear to align with the feedback we receive from families. For clarity could BCC please provide us with the following information:

- What is the DfE cohort and what characteristics do the children and young people (CYP) in this cohort have that other CYP do not? Do other Local Authorities have this cohort definition and was it agreed with the DfE?
- The image in para 2.2 of is much clearer in terms of how many EHCPs were issued in a given month and how many EHCPs in that month were finalised within the 20-week period. Thank you for clarifying that. In order to get a complete picture, it would be helpful to know how many families were **expecting** a plan to be issued between January 2022 to the end of July 2022. So, 158 were issued within 20 weeks but how many families were expecting a plan in that period? It is helpful to understand data in terms of parent carer experiences in addition to DfE methodology.
- It would also be helpful to know that of the 158 plans issued between January 2022 to the end of July 2022 how many of these fell within the DfE cohort and how many did not.

The agenda item uses the word "demand" a few times. It is important to understand where the demand lies if we can. If the demand is borne out of schools not being inclusive enough then BCC's approach to strengthening inclusion and the school-based stages of the code of practice could provide something of a solution. But demand may also be partly a matter of statistics. To understand this it is helpful to look at our statistical neighbours.

- Please can you tell us, for the academic year 2021/22, what the EHCP % count per population head was for Bristol? And how does this compare to our statistical neighbours, Brighton and Hove, Derby, Coventry, Leeds, Peterborough, Plymouth, Portsmouth, Reading, Sheffield, and Southampton?

In order to better understand demand and capacity and think about better ways of working, it's really helpful to have some additional context to the data. There is no denying that EHC needs assessment requests have increased which will add strain to the department.

The request stage is the easiest and least resource-demanding phase of the EHCP process, it should be concluded within a maximum of 6 weeks, but ideally sooner. The actual assessment stage comes next which does demand resources from schools, Educational Psychologists and health services. If we are going to talk about demand we must also look at this data. We have included it below in comparison with our statistical neighbours who also experienced an increase in requests for 2020-2021.

**Table 1: full data at end of questions**

	Requests received	Is this increase higher or lower than BCC?	Assessments carried out	Is this increase higher or lower than BCC?	Plans requested and issued in the same year	Is this increase higher or lower than BCC?	% on time 2020-2021	Is this % on time higher or lower than BCC?
	% change 2020-2021		% change 2020-2021		% change 2020-2021			
Bristol, City of	16.76%		10.65%		-10.93%		33.90%	
Sheffield	56.40%	↑	63.44%	↑	81.85%	↑	50.20%	↑
Derby	20.14%	↑	8.54%	↓	38.10%	↑	39.90%	↑
Peterborough	31.94%	↑	68.22%	↑	124.62%	↑	92.90%	↑
Reading	28.78%	↑	9.27%	↓	4.76%	↑	89.90%	↑
Plymouth	21.98%	↑	9.32%	↓	-2.03%	↑	51.50%	↑

As you can see there is an increase in the number of requests across each of these LAs, and the number of actual needs assessments carried out rose in Bristol by 10.65%. Rises in assessments carried out were also seen in Sheffield and Peterborough which issued more ECHPs on time than Bristol. The rise in assessments in Reading and Plymouth is not massively different to Bristol, which both also issued more EHCPs on time in Bristol.

- If employing more people is not solving the problem, is it time to start looking at the processes involved in the Bristol EHC process to work together, with families, to determine how processes can be made more efficient alongside the improvements being made around inclusion and the school-based SEND Code of Practice? Bristol Parent Carers have previously offered their support with this to Alison Hurley and Richard Hank and that offer remains.
- It's also important to understand why there is this increase in demand, for example, does BCC collect data on how many requests have been made previously which were denied, so a request is being made for a second (or maybe third or the fourth time)?

The agenda item notes, "A communication strategy was implemented in 2022 ensuring that all parent carers who have not yet been allocated a case officer, or are awaiting an EP assessment, are contacted and kept informed of next steps."

- Families do not seem aware of this strategy, please can you tell us what this entails so we can inform families of what they should expect?

The agenda item notes, "Out of the 90 cases, over half are in receipt of additional funding to support non-statutory support plans."

- This is fantastic news that over half are receiving extra funding. Could BCC please tell us how many of these CYP are attending a setting full time and being educated by a qualified teacher on a full-time basis in a manner equivalent to their peers without Special Educational Needs and Disabilities? If possible please could you provide a breakdown per timeliness group, ie 'X children in the 21-30 week bracket, X children in the 31-40 bracket etc.



Portsmouth	Initial requests for assessment for an EHC plan that were refused	30	33	37	31	52	3.87%		14.79%		7.52%		19.76%		97.00%	
	Needs Assessments due to be carried out	254	213	207	226	243										
	Assessments where it was decided not to issue an EHC plan	5	4	6	13	12										
	Still being assessed or where assessment has been completed taken for an EHC plan at the calendar year end	54	45	50	46	31										
	EHCNAs requested in that year that were processed by the end of the year	195	164	151	167	200										
Reading	Initial requests for an EHC plan	226	262	296	271	349	54.42%		28.78%		9.27%		4.76%		89.90%	
	Initial requests for assessment for an EHC plan that were refused	38	52	91	66	125										
	Needs Assessments due to be carried out	188	210	205	205	224										
	Assessments where it was decided not to issue an EHC plan	13	6	8	12	6										
	Still being assessed or where assessment has been completed taken for an EHC plan at the calendar year end	60	61	41	25	42										
EHCNAs requested in that year that were processed by the end of the year	115	143	156	168	176											
Southampton	Initial requests for an EHC plan	263	317	380	416	342	30.04%		-17.79%		-23.57%		-45.63%		99.50%	
	Initial requests for assessment for an EHC plan that were refused	45	132	122	119	115										
	Needs Assessments due to be carried out	218	185	258	297	227										
	Assessments where it was decided not to issue an EHC plan	1	1	1	4	13										
	Still being assessed or where assessment has been completed taken for an EHC plan at the calendar year end	66	44	0	41	77										
EHCNAs requested in that year that were processed by the end of the year	151	140	257	252	137											
Plymouth	Initial requests for an EHC plan	255	238	277	405	494	93.73%		21.98%		9.32%		-2.03%		51.50%	
	Initial requests for assessment for an EHC plan that were refused	83	122	65	83	142										
	Needs Assessments due to be carried out	172	116	212	322	352										
	Assessments where it was decided not to issue an EHC plan	1	1	0	1	2										
	Still being assessed or where assessment has been completed taken for an EHC plan at the calendar year end	13	32	20	25	60										
EHCNAs requested in that year that were processed by the end of the year	158	83	192	296	290											

Source: <https://explore-education-statistics.service.gov.uk/data-tables/permalink/2179d19b-5a3c-426a-be64-b725397d15a3>