

## **Special Educational Needs and Disability Evidence Day: Report of the People Scrutiny Commission**

### **1. Introduction**

- 1.1. The work programme of the People Scrutiny Commission for 2019-20 included an Evidence Day to conduct in-depth scrutiny into the Local Authority's performance of the Education Health & Care Plans (EHCPs).
- 1.2. This session was planned to compliment the agreed focus on Special Educational Needs and Disability (SEND) in 2019-20, as a standing item on each People Scrutiny Commission meeting.

### **2. What is an Evidence Day?**

- 2.1. An Evidence Day, also known as an Inquiry Day, utilises the Council's scrutiny function to critically examine policies, performance and how things are done within the Council and related partnerships.
- 2.2. Simply put it is a day where evidence is gathered by listening to a wide range of people's views, experiences and expertise. Elected Members look at the evidence, identifying key issues, so as to contribute ways to improve things, enabling better outcomes for Bristol.

### **3. Why was a SEND Evidence Day held?**

- 3.1. The reason for the focus on SEND was the wide-ranging concern about performance of Bristol's SEND provision. The Evidence Day was planned to focus on the EHCP process which, it was clear, was unacceptable - letting down Bristol's young people, and causing distress to parents and carers across the city.
- 3.2. A commitment was made to utilise the scrutiny function to listen, learn and help enable an improved and effective statutory assessment process for an Education, Health and Care Plan, so as to improve outcomes for Bristol's children and their parents and carers.

### **4. Who took part in the Evidence Day?**

- 4.1. The SEND Evidence Day was held at City Hall on the 3<sup>rd</sup> February 2020, led by a cross-party panel, including Cllr Claire Hiscott, Chair of the People Scrutiny Commission, Cllr Celia Phipps, Vice-Chair of the People Scrutiny Commission, Cllr Eleanor Combley, Lead for the Green Group, and Cllr Tim Kent, Lead for the Liberal Democrat Group. Invited delegates who took part in the session included Bristol's elected Members, Council Officers, and representatives from the NHS, schools and parents groups.

- 4.2. The three evidence sessions, following the Extraordinary Meeting of the People Scrutiny Commission, provided good opportunities for constructive scrutiny. The Chair felt it was important to attempt to articulate the emotional, heartfelt and profound contributions from parents and carers, especially in the public Extraordinary scrutiny meeting, which touched everyone and strengthened resolve to contribute to improvements. As one parent commented, “apologies and words are not enough; it is deeds that count”. The People Scrutiny Commission intends that the Evidence Day and ongoing scrutiny contributes to positive actions rather than words only.
- 4.3. The People Scrutiny Commission would like to thank all those who attended the Evidence Day, providing for dynamic and instructive scrutiny.
- 4.4. The Commission would especially like to thank the 10 expert witnesses, including parents and carers, national policy specialists, and education practitioners who took part in the three evidence sessions, sharing their knowledge and experience, for which the Commission is extremely grateful. A full list of the witnesses is at pp. 12-13 of Appendix 2 (Information pack).

## **5. What was included in the Evidence Day?**

- 5.1. The SEND Evidence Day centred around three evidence sessions:

- (i) Parents and young people;
- (ii) National policy and specialist; and
- (iii) Education practitioners.

Each session benefitted from a wealth of knowledge, experience and expertise from specialists in their areas, including from Parent Carers Forum; Bristol Independent SEND Community; Supportive Parents; Barnardo’s; Local Government Association; SOS!SEN; Bristol Dyslexia Centre; Bristol City Academy; KnowLEDGE; and Bannerman Road Community Academy.

- 5.2. The Commission would have preferred a wider representation of expert witnesses and invited guests, but they were required to work within constraints including numbers that could be accommodated and the time available. This was a closed session, although a public meeting was held beforehand (which was live streamed on the internet) and all statements and questions about EHCPs submitted at that meeting have been taken into account for the Evidence Day findings.
- 5.3. The focus at the Evidence Day was on local authority functions, with the Director of Education and Skills present to give an opening account of the local context - refer to pp. 10-11 of Appendix 2 Information pack). Because of this focus, it was acknowledged that health colleagues were not represented, and so the findings could not fully influence the Health aspect of the EHCP process. Whilst it is not believed this has detracted from the scrutiny process health colleagues would be requested to be a part of future scrutiny sessions.

5.4. The Evidence Day was originally planned to be held on the 2<sup>nd</sup> December 2019; and due to the Ofsted/CQC local area inspection and the subsequent delayed report as a result of the General Election, a decision was made to postpone to the 3<sup>rd</sup> February 2020.

## 6. Findings

6.1. A number of issues and remedies have been identified. This report focuses on what the Commission considers are the key issues and achievable remedies. These are not an exhaustive list; and represents as best as possible the views in the room during the three evidence sessions as well as submitted statements.

### 6.2. Key issues

#### (i) Culture and trust

- There is a clear lack of trust which the Council and partners need to address.
- Parents and carers feel the current LA culture is not child or family-focussed, leading to frustration and alienation of families from the process.
- There is a need for a wider representation of communities across Bristol when co-producing the service; it is felt there are barriers for some people within communities across Bristol to engage with and access SEND provision, which needs to be addressed.

#### (ii) Funding and capacity

- There is concern that demand is increased due to misunderstanding or mistrust or lack of transparency regarding how support can be provided without applying for an EHCP.
- Staff levels are lower than the demand requires, and there is a need for a local response to national policy and funding decisions.

#### (iii) Quality

- The assessment process is, not only too slow, but too complex and is of poor quality; some reports are unclear and too long.
- There is no agreement or understanding of what 'good' looks like; and inconsistency of how things are done.
- Lack of ownership from teams and individuals are barriers to achieving quality plans and good outcomes.

- The expectation is for a higher bar than the minimum legal requirement, yet there are misunderstandings about what the statutory requirements are, creating further barriers to quality assurance.

(iv) Meaningful partnership working

- Too often parents and carers need to knock on doors and explain their situation to more than one person, creating frustration, mis-trust, and poor outcomes for the child. This may be due to a lack of constructive information sharing between schools, health services and the Council, and a lack of ownership of casework before, after and throughout an EHCP process.

### 6.3. Remedies

(i) Culture and trust

- Improved communication by the Council with children, parents and carers and partners: A communication and engagement framework that reflects on, and addresses attitudes, values, how we communicate, and how engagement and access is enabled (and implementing this in practice) will help achieve a cultural change and enable trust.
- Ensure next steps include and are driven by parents and carers; and that no one is left feeling they do not have the opportunity to access information and services.
- We need to reach out to BAME families, those with English as a second language, and other 'hard to reach' vulnerable families. 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.
- There should be as much clarity and transparency about the process and criteria for decision making as possible.
- Schools should be clear and transparent on how all SEN funding is spent.
- School Governor training would help to clarify responsibilities and provide consistency and enable transparency.
- The importance and profile of SEND provision and its impact on Bristol's communities should be communicated across the Council's and partners' workforce.
- The Local Offer should be clearer and more accessible; ensuring it contains up-to-date helpful and relevant information, informed by what parents and carers say they need to know. The new website should be reviewed regularly; and it should have connectivity to related sites.

(ii) Funding and capacity

- Elected Members commit to continue to lobby for adequate funding of services, both directly and by working with the Local Government Association.
- The local funding mechanisms should be reviewed and simplified to ensure provision on the EHCP can be met. This will require the Education and Finance departments working closely together, in collaboration with the Bristol Schools Forum.
- It is important and useful to ensure Bristol fully contributes to the cross party peer review.

(iii) Quality

- A review of standards and what 'good' looks like, and roll out of agreed performance indicators with a clear performance management framework will help with consistency and quality assurance.
- There should be a review/gap analysis of training for staff involved in SEND provision, as well as directly involved in the EHCP related processes (including, for example, report writing) provided across the Council, schools and health. A reviewed learning and development plan and roll out will help improve quality, including consistency of approach, and improvement of communications.
- School Governor training would help clarify responsibilities and provide consistency and enable transparency.
- The process should be simplified, utilising standard templates where appropriate.
- There should be clear 'ownership' with families provided with a team or 'go to' person for information about the process. A clear point of contact should also be available before and after the 20 week process.
- Reports should be concise and written in plain-English, avoiding 'copy and pasting' of long technical reports with jargon; and should be clear regarding identified need, provision, and measurable outcomes.
- Practice should be 'child, parents, carer, and family-centred' – ensuring they are enabled to have control over the process, and objectives and outcomes align with their needs.

(iv) Meaningful partnership working

- A review of partnerships and a published map detailing the relationships between education, health and care partners will provide clarity for parents and carers and also practitioners.

- The Council can help enable stronger relationships with and between schools.
- Schools should be encouraged and enabled to share specialisms and resources with each other.
- Partnerships should ensure there is a clear understanding of accountability and ownership of tasks, communications methods, and information sharing protocol to ensure all information is up-to-date and parents and carers do not need to chase unresolved issues.

## 7. Recommendations and next steps

7.1. The People Scrutiny Commission recommend that;

- (i) This report should be considered by the executive and senior officers, and all findings are taken into account when co-producing the Written Statement of Action and when developing the EHCP process with parents and carers.
- (ii) The development of the EHCP process and Written Statement of Action and next steps be considered by scrutiny as a standing item on the 2020-21 work programme.
- (iii) This report should be considered at the appropriate partnerships groups and boards (including but not restricted to those listed a – d below), where the findings should be considered:
  - a. Health and wellbeing Board
  - b. Keeping People Safe Partnership – keeping Children Safe Group
  - c. Children’s and families Programme Board
  - d. Learning City Partnership Board

With reference to the key issues and remedies listed in paragraph 6, the People Scrutiny Commission recommends that;

- (iv) A clear communication and engagement plan is produced that looks to address the issues relating to culture and trust.
- (v) The EHCP process should be simplified and should utilise templates based on co-design with parents and carers and identifying best practice.
- (vi) A reviewed training programme for all local authority staff involved in the EHCP process should include:
  - Communications and partnership working
  - The legal requirements around EHCPs
  - Early identification of need and appropriate interventions



In addition the Commission feel that similar training should be offered to SENCOs working in schools in Bristol.

- (vii) There should be close relationships and joint work with other local authorities, the independent sector, and universities so as to identify good practice to (i) better inform co-production of the EHCP process and (ii) for early intervention work, before an application is required.
- (viii) There should be regular reports to scrutiny of progress that has been made in this area from the Director of Education.
- (ix) Regular internal reviews of progress and training should be carried out within the department and improvements to partnership working should be monitored.

It will be for the People Scrutiny Commission to regularly review progress made by the local authority so that Parents, Carers and families can be confident that their needs are being met and improvements are being made. The public-facing role of the scrutiny commission must ensure that Bristol citizens are kept up to date with progress and will endeavour to ensure the voices of SEND families are heard throughout the improvement roll out.

Councillor Claire Hiscott, Chair of the People Scrutiny Commission; Conservative Group

Councillor Celia Phipps, Vice Chair of the People Scrutiny Commission; Labour Group

Councillor Eleanor Combley, Lead for Green Group

Councillor Tim Kent, Lead for Liberal Democrat Group

Councillor Jude English, Green Group

Councillor Carole Johnson, Labour Group

Councillor Gill Kirk, Labour Group

Councillor Brenda Massey, Labour Group

Councillor Ruth Pickersgill, Labour Group

Councillor Tim Rippington, Labour Group

Councillor Steve Smith, Conservative Group