

People Scrutiny Commission

8th March 2021

Public Forum



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Questions

Questions 1 & 2: Jen Smith

Q1: Pupils who could or should be being educated in their mainstream or specialist schools are ending up in Alternative Provision or Bristol Hospital Education due to anxiety related conditions or anxiety based school avoidance. This can be caused by a lack of mainstream inclusion or schools unable to meet EHCPs. What is being done to challenge and change this?

Answer

- The wider inclusion agenda across schools and settings is a key element of the education transformation priorities as well as the Special Educational Needs and Disabilities (SEND) Written Statement of Action.
- A recent focus and work-stream on 'Ordinarily Available Provision' has been completed and about to be launched. This work focuses on the provision that should ordinarily and routinely be available, in and for mainstream schools and settings, as part of universally available and school-based interventions and support. This includes 'Quality First Teaching' and a 'Graduated Response' (SEND Code of Practice) to assessment and support for presenting needs, including social, emotional and mental health difficulties (SEMH). In Bristol the culture of removing children from mainstream settings to access specialist help, including alternative learning provision, is being addressed in partnership with the school sector through the City's 'Attendance & Belonging Strategy' and work being coordinated by the Attendance Strategy Manager. Anxiety related conditions or conditions where anxiety can increase in mainstream school setting are often caused or compounded by social communication difficulties (including autism). Coordination with specialist services such as Health, CAMHs, Bristol Autism Team (Family & Education Hubs) and training for schools are key to improving inclusion and inclusion services and all areas that are being addressed.
- The service is working with working with the Autism Education Trust to provide nationally recognised training to all our educational settings to ensure that all the work force is aware of Autism and anxiety. A current pilot programme is being delivered, which focusses on pupil well-being and social, emotional and mental health needs. The pilot uses a screening tool to look at individual and whole school well-being identifying areas, such as anxiety, for the setting to focus on to improve well-being for the school community. In addition to this, a series of seminars are being delivered across the local area by psychologists as part of the return to education wellbeing offer.
- Priorities such as a SEMH pathway have also been identified as part of the recent review of Alternative Learning Provision (ALP) and will be addressed in the accompanying action plan. Both documents will be published at the end of March.

Q2: Can I have a breakdown of all Send EHCP tribunal figures for 2020 and 2021 including:

- How many lodged
- How many Bristol City Council defended, conceded and won

- How often a barrister was used and at what cost

Answer

How many lodged:

2020 = 44
2021 = 5 (as of end of Feb)

How many Bristol City Council defended, conceded and won

Number that went to hearing (defended)	Conceded following new information (includes agreement by consent ie negotiation to resolve. In such cases some points are conceded by LA and some points by parents)	“won” is not a term used by tribunal service or LA. Number of appeals where LA was ordered following hearing to name school of parental preference	Number of appeals where LA consented to name school of parental preference before hearing
10/32	18*	5*	7*

*some cases fit more than one of these categories eg aspects were agreed by consent but the hearing went ahead for the placement issue

How often a barrister was used and at what cost

- 2021 =0 (as no 2021 issued cases have come to a hearing) £0
- 2020 = 5 £3,330

Questions 3 & 4: Lee Starr-Elliott

Q3: Does the committee have the following information;

- Number of disabled children with an ECHP
- Number of disabled children awaiting assessment for a ECHP Age breakdown of children with disabilities
- Breakdown of disability issues in numbers
- Number of special needs schools and places
- Number of those in mainstream
- Number of SEN qualified teachers
- Number of SEN qualified support workers
- Number of support workers without SEN qualifications
- Number of teachers with SEN children on the school without SEN Qualifications
- Number of available school spaces in mainstream for those with SEN

Reason I ask for such info is I'm looking at how we can resolve this issue and as someone who is a product of the SEN system I can relate both with the teachers, funding groups and the parents but most of all I can relate with the children so I'm keen to see how bad it actually is and where we can fix things before people just throw money at it thinking it will resolve issues!

Answer

The local authority does not currently report on disabled children with an EHC Plan / EHC Needs assessment and it is not a requirement for the annual SEN return to the Department for Education.

The rest of the information request will be reviewed and when we can confirm what relevant data is held a further written response will follow.

Q4: I'd also like to ask why haven't those who have past experiences of SEND schools and the impacts faced by those children in future! Been invited to look at those issues and potentially have ideas that will help resolve these issues! As the old saying goes "Nothing beats good old fashioned lived experience"

Answer

There has been a significant work to engage with children and parents with SEND and those attending specialist provision as part of the SEND Written Statement of Action and recent activity by the Children's Commissioning Team working on the recommissioning of the alternative learning provision framework. Due to the pandemic, there have been some logistical challenges posed in gathering lived experience though stakeholder feedback from children and families and there will be further opportunities for this going forwards. The LA is working closely with Bristol's Parent/Carer Forum and other partner organisations, but agree we should find further ways of working with adults who have experienced specialist settings first hand.

Statements

S1: Jen Smith

Alternative Provision (AP) and Bristol Hospital Education Service (BHES) is inextricably linked to Bristol Send and its related issues.

We are told that 31 different issues have been identified, covering 9 different themes and are being put into an operational plan presented to Bristol Schools Forum this month.

AP in Bristol has some really big issues. A couple of years ago, according to the former Director of Education, Bristol City Council's spend on AP was the highest of every LA in the country outside of London. This is not surprising. My family has had a lot of experience with AP and the problems are not hard to identify, but I wonder why has it taken so long to get to the point of this much needed review?

AP and BHES has been used as a sieve to catch pupils falling out of mainstream education for a variety of reasons.

It has been used as a way of deflecting the responsibility of some mainstream inclusion.

It has mopped up pupils who should have an EHCP but were either unlawfully turned down in the 2016 fiasco or who have been caught up in the recent year-long process.

It has resulted from a failure to fund EHCP provision in a timely manner – leaving pupils waiting without EHCP provision for months because funding has to come from Top Up panels.

It is being used to siphon off pupils who need a specialist school place where none are available.

It has been used to cover up a lack of accountability within some mainstream settings.

Once a child is dual registered with AP, they are out of sight and out of mind. It does not mean they are accessing education or their EHCP is being fulfilled.

Some of the actual teachers my children have been taught by through AP and BHES have been brilliant.

But my issue is around the suitability of offered placements, availability of placements, overall management, accountability and at times, a serious lack of communication and cohesive approach between the dual rolled education settings.

When things go wrong with AP and a child with an EHCP, the accountability falls directly on the LA SEN team and I think this is at times unfair. When you have a caseworker trying their best to make it work, why should accountability fall in their lap if named settings are being deliberately difficult.

To make a placement work relies on strong inclusion of the dual registered settings for which there is no accountability when things go wrong.

AP and BHES is nowhere near the same as full time education. The standard offer of AP appears to be five hours a week for pupils not attending a physical setting. And to be clear, many pupils could attend a setting, the anxiety of doing so is directly related to the stresses caused by inadequate inclusion. And this can have a long-term impact on the pupil's wellbeing.

Some of the quality of AP I was offered was dire and certainly would not have met the needs or safety of the child being offered it.

At one point, despite having AP provision specified and quantified in an EHCP, the LA had to uphold a complaint from me that only 18 out of 65 sessions had been provided. Again, it's just education lost.

The AP report should really come to scrutiny in the future. There are many facets to Send. AP and BHES is part of the bigger picture of what's going on in Bristol and where things are going wrong.

S2: Sid Smith

I ended up in AP and BHES because I had a bad experience at school previously which made me very anxious. I didn't get on with the previous school because of the way they were with Send. They didn't understand autism at all. This is why I ended up in AP.

I went from mainstream to BHES to mainstream then ended up with BHES. But they didn't provide all the lessons properly. I didn't have the best experience when it came to BHES because it wasn't suitable for me. It didn't help me too much at all. But there was one English teacher who taught me over the phone who was good.

Most of the times I didn't go in because the access arrangement weren't that good at all. They were not autism friendly at all. They treated us like normal students which was really difficult to me. If there were more specialised teachers for understanding when things are hard it would be better.

Their plan of action if I didn't go in was nothing would be done. I would be allowed to stay home for the entire day.

I lost a lot of education because of AP. It makes me feel very upset. I worry about the future because of the past trauma I've experienced at school.

If APs were provided more help with send and alternative needs it would be better. They really didn't understand the issues about what I found hard.

In the end I ended up with a different AP which was incredible.

I did have one tutor who was amazing and really understood. They were incredible and we really got along and had a great time. I learnt a lot.

I was at AP longer because I was struggling to get a special school place which would have helped me more because they mostly understand autistic people.

I think AP is used when everything goes wrong. Some people in AP do know what they are doing but that is uncommon. I feel like AP should be more accessible to disabled children in Bristol.

S3: Sara Stocks

This is the second time I have spoken to this committee. 2 years ago I reported to you that I had to pay Watkins solicitors to get the SEND team to adhere to the Code of Practice and correctly complete an EHCP process. The SEND team agreed to all points within 6 hours of receiving the solicitors letter where they had steadfastly refused me exactly the same thing for months before hand.

Since then I have become involved in voluntarily supporting parents who are finding the negotiation of support for their SEND children overwhelming. I have spoken to very many families who would never be able to pay for assessments or lawyers and whose children therefore cannot rely on support being provided in a timely and appropriate manner.

Fast forward to now and to my own children and this week I have again had to threaten judicial review in order to get a basic EHCP amendment completed very nearly 6 months late. Again, following credible threats of Judicial review and within a short time the provision was included and the EHCP issued.

My first point is this: Parents who can't, for whatever reason, spend thousands of pounds on lawyers or hundreds of hours on arguing are surely being left behind by BCC. Parents like me can insist that SEND team follow the rules but my experience shows that will only happen with extensive research and an expensive lawyer on stand by. Is the committee happy that democracy is being served and the most vulnerable are being adequately supported in a system where money and experience are

required in order for that system to work? And if so, how are you monitoring the experience of parents who are unlikely to be here speaking to you now?

My second point is this: If BCC were to follow the process as laid down in the law and code of practice it would save hundreds of thousands of pounds fighting tribunals that you almost never win and hours of wasted SEND team time. It makes no sense to me at all why the SEND team are still, after everything that has happened in the last few years, not able to follow the rules. Why hasn't an audit been done on how this is still happening? Things will never improve if you don't know what is going wrong.

S4: Kay Galpin

I have been asked several times through telephone calls and parent surveys about this matter but wanted this to be on the public record. Firstly, that the staff at Hospital Education are amazing, passionate people who are committed to supporting their learners in hugely creative ways and this statement is not intended to criticize them in anyway. They are however, severely underfunded and oversubscribed and this is having a detrimental impact upon the services they can deliver. No new referrals were accepted for Hospital Education from February 2020 until the end of October 2020 on the basis that they were following Government guidelines, and they could do no more than a mainstream school by providing online education. However, in my view this was not correct, and had detrimental impacts to my child. Given that my child was not able to attend mainstream, the online work provided was not accessible to them, even though the school tried to differentiate it. What was needed was the individualized support provided by such a support as Hospital Education. This gap in learning provided has an ongoing impact on my child's ability to access and engage in learning. The intervention provisions in their EHCP were also not provided during this time and are still not being provided. I might add that a formal complaint was upheld in this respect.

This service is also unable to provide enough consistent 121 contact hours outside of lessons in the base which I can see is down to resource availability. More consideration needs to be given to children who are unable to access lessons at the learning base and who need more intensive 121 support to re-engage in their learning. A handful of hours a week puts enormous pressure on parents trying to achieve consistency of learning and to build up a child's confidence for reintegration into a learning setting on a regular basis. Many children in this position are traumatised by mainstream settings, having been unsupported there. It goes without saying that many children who are accessing hospital education for mental health needs will have come from a placement that has broken down and hospital education needs to be resourced to provide appropriate support. Given the lack of specialist places in Bristol, and the fact that children are now being forced onto inappropriate mainstream settings, this will only continue. The system is damaging children's mental health and wellbeing and then is not resourcing any alternatives adequately, so exacerbating the problems and disadvantages. Children suffer in an inappropriate placement, they suffer whilst support is being gained through an ineffective EHCP process, they suffer in an alternative provision and then when they eventually are given an appropriate placement they have years of missed learning and suffering and trauma to unpick which in some cases precludes them from ever accessing education again. More short-term thinking which has long term consequences for the children of Bristol.