

People Scrutiny Commission

13 December 2021

Public Forum – Qs 22-24



Questions

Ref	Name	Topic
Qs 22 - 23	Ivan and Catherine Vallejo Veiga	Special Educational Needs and Disability
Q 24	Laura Morgan	Special Educational Needs and Disability



Questions

Answers to Qs 22 - 24 provided to the Chair by the Director of Education & Skills

Questions 22 - 23: Ivan and Catherine Vallejo Veiga

Q22:

Our statistical neighbours, Leeds, had 786 EHCP requests in 2020. A higher number than Bristol, and yet Leeds managed to complete 88.8% of the requests on time. Bristol's figure was 21.9% for 2020 (source: <https://explore-education-statistics.service.gov.uk/data-tables/permalink/b8a44235-3b38-45f1-a441-e19f6021523b>).

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

When is BCC going to start to ensure EHCPs 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 EHCPs in 2020 than any of our statistical neighbours.

Q23:

Parents who go through the SEND tribunal (SENDIST) to get the provision their child needs in an EHCP can find that, in Bristol, they then need to instruct a solicitor in relation to judicial review against the council in order to have that provision delivered, sometimes more than once.

Does BCC not recognise the jurisdiction of SENDIST or does it consider itself above the law?

Answer

Across our local area in Bristol, all our Children and young people’s services (Education, Health and Social care) are under significant pressure. This has been exacerbated further during the pandemic. This means that we are not always able to secure provision as quickly as we would like to be able to do so, even when instructed by tribunals to do so. We are working with partners to develop more specialist provision and to strengthen the school based stages of the SEND code of practice. This will ensure that we have access to provision to meet the needs of our children and young people that across the local area. We are working closely with our DFE advisors to ensure that our processes are compliant with all legislation governing children’s services.

Questions 24: Laura Morgan

I have 2 children.

My son is 10 years old.

My daughter is 15 years old.

I asked Bristol City Council to carry out an EHC needs assessment for both my children on 23rd April 2021 which they agreed to.

My son saw an EP on 15th July 2021 and was issued with an EHCP on 14th September his ECHP was in week 20.

My daughter has only today seen an EP after following every complaints process contacting our local MP Karin Smyth who also sent a letter on our behalf as well as constant emails and phone calls from myself to chase the progress and she still does not have an ECHP, we are in week 33.

This has made my daughter feel like she’s not as important or her struggles are less valid and it has affected us as a family because we have no Control over how the process works, even following the legal complaints process did little to move things along, it has added undue stress to our family and a feeling of injustice that my daughter has been left to struggle in one of the most important times of her academic years.

Q24:

- Why are some children prioritised over others?
- How did you decide the criteria and what happens to those that have to wait even longer?
- Why are we as parents told you work in chronological order when this is clearly not the case?
- Why when we follow your own legal complaints process and timeframes are we meet with no answers?

Answer

Each week, cases that are considered as urgent are discussed. These include Children in Care where the local authority has a responsibility as corporate parent, and situations where additional urgent information has been provided about the severity of the child or young person's needs (this could include those with life limiting conditions and or other urgent medical needs), and those at key transition points in their education. Cases are then allocated in chronological order of date received.

Difficult decisions have to be made daily within the council. In relation to SEND and specifically in relation to the statutory stages of the SEND Code of practice, decision making criteria have been drafted with input from our DFE SEND advisor, which is used to support the decision making process.

All responses through the council complaints system are carefully considered and stages are built into the process, if the complainant is not assured by the initial response. When a child or young person has an EHCP the tribunal process is in place to resolve any disputes.