

People Scrutiny Commission

7 March 2022

Public Forum



Questions

Ref	Name	Topic
Qs 1 - 2	Jen Smith	Special Educational Needs and Disability
Qs 3 - 4	Hayley	Special Educational Needs and Disability

Statements

Ref	Name	Topic
S1	Jen Smith	Special Educational Needs and Disability
S2	Hayley	Special Educational Needs and Disability
S3	Mrs P	Special Educational Needs and Disability
S3	Fiona Castle	Special Educational Needs and Disability



Questions

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

Qs 1-2: Jen Smith

Q1: From January 2020 until now, listed under each reason for exclusion, how many pupils have been permanently excluded?

Response

Reason	Number excluded*
Weapon	5 or less
Drugs / Alcohol	5 or less
Persistent Disruptive Behaviour	14
Physical Assault on a Pupil	12
Physical Assault on Adults	12

19 of the total were from non-Bristol (other local authority) schools.

* '5 or less' where numbers are 5 or below to reduce likelihood of identifying individuals.

Q2: Of those pupils permanently excluded, what has their destination been? Broken down into categories such as CME, ALP, PRU, BHES, EOTAS etc

Response

Destination (refer to Glossary of Terms below)	Number*
Mainstream school	14
ALP (DfE registered as an AP school)	5 or less
PRU	16
CME (not on a school roll but attending ALP)	7
Special School (includes 1 INM)	5 or less
BHES	0
EOTAS	0
NEET (Post 16) referrals to Post 16 Providers Group	5 or less
NEET (Post 16) Working with Safer Options Team to obtain a place in education	5 or less

* '5 or less' where numbers are 5 or below to reduce likelihood of identifying individuals.

Glossary of Terms:

ALP – Alternative Learning Provision

CME _Children Missing Education

PRU – Pupil Referral Unit

BHES – Bristol Hospital Education Service

EOTAS – Educated other than at school

NEET – Not in Education, Employment or Training

INM- Independent Non-Maintained School

Qs 3-4: Hayley

Q3: Between Jan 2021 and December 2021:

- How many EHC needs assessments were refused?
- How many needs assessments were carried out but then an EHC plan was refused?
- How many are still being assessed or where an assessment has been completed but no decision taken for an EHC plan?

Response

- How many EHC needs assessments were refused? **71**
- How many needs assessments were carried out but then an EHC plan was refused? **49**
- How many are still being assessed or where an assessment has been completed but no decision taken for an EHC plan? **461**

Q4: The current method for measuring timeliness is not fit for purpose in the context of WSoA and the fractured relationship between parents and carers. Can Bristol City Council develop a model of timeliness that actually reflects the current parent carer experience? My modelling suggests 21% of EHCPs were issued on time in 2020 but 2021 is incomplete as public data is not published for Dec 2021 yet. Current trends suggest 22% of EHCPs due to be issued were issued on time in 2021.

Response

Timeliness of EHCPs is calculated according to the DfE methodology which requires us to provide the proportion of plans issued that are within the 20 week timescale. This is the advised methodology and matches statutory reporting requirements for the SEN2. Full details can be seen here: [SEN2 2022 Guide \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/103111/sen2-2022-guide.pdf). Working in this way ensures all reported numbers are in line with statutory SEN 2 data and ensures comparable and consistent information within BCC. We do also record and monitor a number of other data measures relating to finalised plans as part of our monthly reporting process.

Statements

S1: Jen Smith

In July 2019, I read a statement to People Scrutiny Commission saying: 'I'm telling you from a year of experience, a year of dealing directly with the people who will be making this plan functional [Bristol Send Strategy] is that some treat us appallingly. Some lie. Some deliberately withhold services which would enable children to attend education. Some deliberately give misleading and false information. And some fail to commission the special school places we need.'

In March 2022, nearly three more years along our Send journey from that terrible point, I feel little impact and no positive change in my child's life. So that was another strategy that was a massive waste of everyone's time.

I am currently on my fourth and fifth SENDIST, a joyous mix of EHCP appeals and Disability Discrimination action, since the Send inspection of 2019.

During the current process, on multiple occasions, I have had to tell legal representatives for Bristol City Council to stop sending emails to SENDIST with encryption because this made the process difficult for me to take part in due to disability. It took months and multiple emails to resolve.

I currently have a Working Document which has in places, been unspecified and unquantified by the LA's legal representatives.

Whilst this was initially funny with its stupidity, it is not funny in reality. It's been done to water down provision to make it vague and unenforceable.

Access to social care for disabled children and young people in Bristol is diabolical. I recall a phone call in the early Autumn of 2021 between me and the Disabled Children's Social Workers team whereby I was told – We're not stopping you have a S17 assessment for a disabled child, but we're not going to do one because we don't think you will get anything from it.

In taking an advanced stance like that, what a gift of foresight that must be. Around we went in circles for a good while discussing the council's statutory duty to do one regardless of their resistance.

As it was, the assessment identified needs but provided no provision other than some vouchers for the Lord Mayor's Christmas fund which we received on the same day they expired.

Now this is pertinent because social care does inform EHCPs. And social care in Bristol is something that the council often appears not to relinquish, hence further cost to the city by having to take this, the working document and some newly added and entirely fictitious entries put into the Working Document- which can be disproved by emails sent to me by the very same Local Authority – to SENDIST.

In short, this is a time-wasting provision delay, costing Bristol money through the use of outsourced solicitors, to fight over legal provision the council could and should just do instead.

I am one person in Bristol but I do not find myself in a unique position with these kind of issues.

It's almost time to wave goodbye to my child's secondary education, although I would be delighted if he ever gets a proper chance to start year 7. But as I do so, I look ahead to the transitioning to adulthood offer and realise it's just looking ahead to a further car crash to come.

It feels entirely pointless submitting statements, wanting things to be better, because the reality families in the city are presented with is that their children aren't even worth educating and never will be.

S2: Hayley

Data

I volunteer as an advocate for families going through the EHCP process and the way in which this data continues to be presented to scrutiny is extremely frustrating. There is a complete lack of context in the data presented to you. I realise the WSoA is connected to timeliness but to understand timeliness you need a wider view of the EHCP process.

The number of plans requested tells you one small part of the EHCP journey families in Bristol experience, below is the data journey of a needs assessment for 2019 and 2020* and partial publicly available data for 2021.

The important figures that should be shown to scrutiny are, “how many assessments did BCC have to carry out this year?” and “how many plans should have been issued but haven’t been?” These figures tells you more about the demand on the assessment team, EP services etc than the number of requests made; this information would help scrutiny better understand the capacity to meet timeliness targets.

	2019	2020	2021
Initial requests for an EHC needs assessment	626	728	850**
Initial requests for assessment for an EHC plan that were refused	101	24	unknown
Children and young people assessed for whom an EHC plan was issued	410	735	546
Assessments where it was decided not to issue an EHC plan	15	35	unknown
Rate of EHC plans excluding exceptions issued within 20 weeks	0.8%	21.9%	33.9%
Still being assessed or where an assessment has been completed but no decision taken for an EHC plan at the calendar year-end	460	367	unknown

*Source: <https://explore-education-statistics.service.gov.uk/data-tables/permalink/36526263-f93b-4bb1-9d1f-5d02682086f6> **Source: SEND WSoA Progress March 2022 - Scrutiny Report.pdf, P4.

Clarity on the wording used and presented to scrutiny

- EHC Needs Assessment demand increased by 16.3% in 2020 and 16.7% in 2021. It doesn't feel right to describe this as an "exponential increase".
- In 2021 BCC produced 12% more EHC plans on time but produced 25% fewer EHC plans overall.
- It's important to understand the percentage figures used. To say that 33.9% of EHCPs were completed on time is not quite right. Of the EHCPs completed, 33.9% were completed in 20 weeks. I realise that DofE modelling asks for data to be reported in this way but the wording by BCC does not match the modelling used. I understand that when officers are writing lengthy contributions to agenda items some context may be lost, but when families in Bristol read these documents it goes against everything we feel and experience and so ensuring this context is in place is essential. For clarity for those at scrutiny not familiar with the DofE model:
 - True maths: if 10 families are expecting an EHCP on 1st Feb and you issue 10 on the 1st Feb to those 10 families; 100% are on time.
 - True maths: If you issue 1 EHCP on 1st Feb, 9 other families are thinking "my EHCP is past statutory timescales"; 10% are on time.
 - DofE model: If you issue 2 on 1st Feb, 1 that was due on 1st Feb of the EHCPs completed, 50% were on time. But there are still 9 families thinking, "my EHCP is past statutory timescales".

S3: Mrs P

There is an adorable 6 year old boy with Down syndrome and other additional needs living in Bristol. He should be in year 2 at school but has no school place. The LA have advised that they also have no alternative learning provision that can meet his needs whilst he is out of school. A breakdown between the LA and his old school has meant that a bespoke package agreed 6 months ago at an emergency Annual Review has still not been provided. A charity stepped in two months ago to offer the services of a mentor for the vulnerable boy whilst he was out of school and receiving no other services, let alone education, but the LA failed to confirm payment. As such, the mentoring never started. LD CAMHS, who were supporting the boy and his family, have been cut back to a team of just two (from 7 or 8) and are about to discharge him from their services. Social care provision was agreed several months ago for just a few hours a week outside school hours only, and yet there is no actual social care happening as none can be found that fit the requirements laid down by the Social Care team.

The entire send system is broken.

This little boy, who now suffers from chronic anxiety, continues to be completely failed by Bristol SEND. Not only is the system broken, the failure to meet the needs of families like this, and the subsequent impact that has on the children and their carers, is criminal.

S4: Fiona Castle

I am the mother of an autistic child with an EHCP delivered by Bristol City Council (BCC). Following on from the OFSTED & CQC inspection of the Council in 2019 and the Written Statement of Action that was precipitated by the Council’s failure to meet the required standard for SEND provision, I have watched with interest to see the improvements in education and care being offered to children with Special Educational Needs and Disabilities (SEND) and their families. I have read the last summary of progress against the WSoA from July 2021 and the SEND improvement report being presented at this People Scrutiny Commission meeting, along with the Bristol Belonging Strategy: Belonging in Education 2021-2024 and the Quarter 3 performance progress report. Collectively, it is these documents that have compelled me to write this statement.

In 2019 the percentage of EHC plans completed by Bristol City Council within 20 weeks, which is the lawful timeframe, was 0.8%. In 2020, it was 20.8%. In the first 2 quarters of 2021/22, it was 42%, but has dropped in the third quarter to 33.6%. The target set by Bristol Council is a 20-week completion rate of 60%. Leaving aside for the moment that, barring specific exclusions, the legal requirement is for 100% of EHC plans to be finalised within 20 weeks, Bristol Council continues to fall woefully short of meeting the needs of SEND children within the city, by consistently not even reaching the targets it sets for itself. The reasons given for the poor level of adherence to the legal timeframe are that, along with issues involving recruitment and retention of staff, the requests for EHCPs have risen “exponentially”. However, the empirical data does not support this claim. The increase in EHCP requests from 2019 to 2020 was 16.2%. In 2021 the increase was 16.7%. This is not exponential growth. This is a steady year on year increase. It could be argued, that a steady increase such as this can be predicted and the Council should be able to include this expected increase in its year-on-year planning for SEND provision.

For the first 3 quarters of 2021/22, BCC managed to produce EHCPs within the lawful 20 weeks an average of only 39.5% of the time. This time period fell within and just after the WSoA period, when the Council was supposed to be working its hardest to address failings in SEND provision and restore the faith of parents of children and young people with SEND. If this is the best that the Council can achieve, when it is trying its utmost, what assurances do we have those rates of legal compliance are not going to start to decline once more or that the Council will simply continue to use the excuse that there are too many parents “daring” to apply the support, to which their children are legally entitled? Additionally, the SEND improvement report before Scrutiny today states that regarding Specialist provision, BCC is “committed to deliver 450 SEND placements within the next 3 years”. However, the report also states that so far, 24 extra places will be available for September 2022 and 36 in January 2023. This amounts to only 60 places and leaves the LA with a shortfall of 380 specialist places to create in the next 3 years. Bristol’s current specialist provisions are full to bursting and given that last September the LA recommended supporting many SEND children who were legally entitled to a specialist school place, in Mainstream with “extra support”, how can the LA possibly ask parents to believe that the extra 380 promised specialist places will be delivered on time, or at all?

Lastly, the SEND improvement report refers to the Belonging Strategy as evidence of its commitment to inclusion for all children and young people. And yet, the Belonging in Education document, contains only one image of a child with an identifiable Special Education Need or Disability. BCC has chosen not to include more images of SEND children and there are no representations of children or young people with SEND from non-white backgrounds. If children and young people with SEND cannot recognise themselves in Council produced documentation designed to promote inclusion, how can they or their families believe that the Council recognises these individuals within its city and is working hard to include them in Bristol's future?

The SEND improvement plan for Bristol is not fit for purpose and despite the documentation brought before Scrutiny today, the propaganda message that things are improving and that SEND families are having their faith in the LA restored, could not, in my opinion, be further from the truth. It is of grave concern to me that later in the third quarter progress report it is reported that of the Adults with SEN, known to social care, only 6% are in paid employment. Whilst the current Council cannot be held accountable for the failings of previous administrations, does the current administration honestly believe that they are doing enough to positively change the futures of the next generation to ensure they can achieve their potential as adults?