

People Scrutiny Commission

28 November 2022

Public Forum



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

1. Jen Smith – Agenda item 10 – Education Health and Care performance

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

1. Jen Smith – SEND



PUBLIC FORUM - QUESTIONS

1. QUESTIONS FROM JEN SMITH

Topic: Agenda item 10 – Education, Health and Care performance

Question 1

Agenda Item 10, Education Health and Care (EHC) performance update papers Section 2.6 says: 'Over the last two years there has been an increase in emergency annual reviews and the team have responded to the increased demand.'

What are the reasons for an increase in emergency annual reviews over the last two years?

Officer response:

The global pandemic led to increased difficulties for some of our children and young people and our schools were under significant pressure. The team changed their ways of working including using virtual technologies to ensure they could attend increased numbers of reviews.

Question 2

The same paper and section says: 'Each SEND Officer currently has on average 260 children or young people, with varying levels of complex disability and vulnerability assigned to them each. This is a high number. The LA aspires to ensure families have the timely support they need within current staffing levels and to ensure annual review paperwork after the meeting meets statutory timescales.'

How does Bristol City Council ensure those individual Senior Inclusion Officers who are responsible for each finalised EHCP and subsequent Annual Reviews are supported and able to implement the contents of EHCPs, when each member of staff is responsible for a 'high number' of cases and an 'increase' in emergency annual reviews will not only be pulling on their time but likely sees schools not carrying out provision?

Officer response:

Whilst the local authority and Inclusion officers hold the responsibility for statutory administrative roles and coordination of functions, effective SEND work relies upon local area partnerships. This means that important work is undertaken by other agencies such as schools. Each Bristol school is allocated a Senior Inclusion Officer and through this partnership with schools as well as with families we work to ensure that children and young people with EHC plans have all their EHCP implemented.

Given the varied education landscape and increased academisation, local authorities have limited levers with educational settings; work is undertaken using a partnership model. The SEND review is looking to increase the levers available to local authorities when provision is not implemented in educational settings.

PUBLIC FORUM – STATEMENTS

Statement 1 – Jen Smith

Topic - SEND

Please find a statement for People Scrutiny on Monday 28 November 2022.

I have attached a PDF of an FOI sent to me by Bristol City Council, which should be circulated to members and I'm happy to be published with this statement as it is relevant.

I will be attending this meeting.

Jen Smith

Last week, my child spoke to me at length about how sad and angry he feels about missing out on secondary school. Missing out on education, learning, school trips, friendships, activities, school plays and opportunities. He is finding it hard coming to terms with the fact that he will never have this time again.

A missed part of life that most children and families take for granted but is stolen by an abysmal system in Bristol that has written off a cohort of children, just because they have Send.

I would say that at least we have the support of services like health, but we are still waiting for input from CAMHS, despite the referral going in some 18 months ago, if not longer.

Luckily, there is provision in our EHCP to help with mental health support. But we have been waiting for this for about six months. And even though one of the named organisation has taken my child on they have had to suspend the provision until the council pays for it. A familiar story which we have had with two other EHCP provisions since September. Won't pay, it's taken away.

Here's a list of provision that is currently missing from our EHCP as of 21 November 2022:

Speech and Language Therapy – 30 minute weekly therapy sessions by a SALT

Academic year 2021/22 Terms 3-6

2 hours a week of PE 1-1 tuition

2 hours a week of Creative Media 1-1 tuition

Academic year 2022/23

2 hours a week of PE

Targeted support 1-1 with a clinical psychologist

Weekly support from a named organisation

Weekly key life skills sessions

6 x 1 hour session of OT – not done since the EHCP was finalised in July 2019

2 hours per week mentoring support through the inclusion service funded by Direct Payments

I was forced to Sendist for the provision in this EHCP, the hearing was 25 March 2022, the judge's ruling on 11 April 2022 and the EHCP finalised on 03 May 2022.

This provision was put in the plan after having to go up against Bristol City Council's outsourced solicitor – so the money is there isn't it. By not being implemented it is not only unlawful, it's education theft. If having five years of secondary education stolen from you is not enough, it's then stealing all the support a child is legally entitled to dealing with the trauma and complex needs resulting from this.

The Executive Director of People is more than aware of missing provision, after I emailed him directly regarding social care provision on 07 October 2022 warning of a Judicial Review. This was ignored until I further complained on 03 November 2022 and finally heard back about this on 17 November 2022.

I don't even blame my caseworker for this. If senior inclusion officers have an average of 260 EHCPs to manage each, where is the time to solve issues as and when they arise? Presumably they are not the ones approving the payments for EHCP provision. There's probably a panel of a panel of a panel to do that, all while the council saves money and wins on the missing provision.

This massive mess is a deliberate decision by the People Directorate and presumably the CEO of Bristol City Council to implement a dystopian system, forcing the most vulnerable to fight for their support. Then, even when they've got it, enter Round 2 to actually get it implemented. Then Round 3 to get it paid for then Round 4... Welcome to Annual Review, where nothing's been implemented but everything can be stolen back from you again. This is a barbaric system.

It seems that there's still plenty of time to spy and deny though. After the council finally responded with some of the information I requested as an FOI in June 2022 regarding unlawful covert surveillance, it appears from the very first example that I was being surveilled in real time. That's not even systematic, it's instamatic.

I've included the PDF I was sent as part of this FOI. I think it's important People Scrutiny Commission see them. This is a council that fails to act lawfully, then clearly uses the power it has to spy on residents. It doesn't like FOIs, it doesn't like disability rights being questioned, it doesn't like mention of disability discrimination, or questioning who's in charge of education, or even questioning the Mayor...

To quote my own surveilled Tweet: '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.'

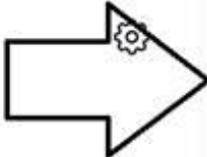
07 April 2022

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

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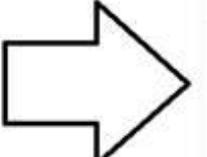
  1  4 

#

  **Chopsy Bristol** @ChopsyBristol · 19 Jan ...

Bristol parents are being warned to take care with ALP they choose to commission with EOTAS. 'Unlicensed and unregulated' ALP provision is springing up by 'unscrupulous people' offering 'damaging provision'. Gets better and better...

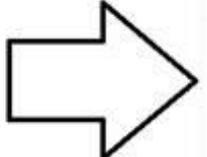
  2  7 

  **Chopsy Bristol** @ChopsyBristol · 19 Jan ...

They are anticipating even more demand due to the pandemic

   3 

[Show this thread](#)

  **Chopsy Bristol** @ChopsyBristol · 19 Jan ...

"The majority of pupils in alternative provision do not have an EHCP."
Bristol's head of AP in a Sendias meeting right now.

 3  2  5 

'Fabulous' Bristol Resident Hits Back at 'Vexatious' FOI

October 17, 2021 · Chopsy Baby · 67 Views · 3 min read

Issues surrounding the handling of FOI requests at Bristol City Council continues

A Bristol resident has taken umbrage at Bristol City Council labelling her Freedom of Information (FOI) request as 'vexatious' by telling them that most people think she is 'fabulous'.

The resident had been requesting information regarding Special Educational Needs (SEN). This is a subject that has been historically difficult for residents to obtain information about.

[REDACTED] was requesting information regarding the Education Health Care Needs Assessment (EHCNA) through the platform What Do They Know.

She asked: 'In accordance with Regulation 6.1(h) of The Special Educational Needs and Disability Regulations 2014 a parent may 'reasonably requests that the local authority seek advice from' any person during an EHC Needs Assessment.

'Please could you inform me of the criteria that BCC apply when determining what constitutes a "reasonable" request, I assume this is written into a SOP so please provide that document.

'I would also like a copy of every SOP that BCC SEND team use for every aspect of the EHCP process.'

But Bristol City Council in response stated that they found her requests for information relating to SEN as 'vexatious' and banned her from any further requests regarding Bristol SEN.

They replied: 'Bristol City Council has determined that your requests for information in relation to SEN (Special Educational Needs) are vexatious in accordance with section 14(1) of the act. As such, Bristol City Council will not deal with any further requests from you about SEN and including previous requests we already have from you.'

Evans has since asked for an internal review of the FOI ahead of taking it to the Information Commissioner's Office (ICO).

Twitter user [REDACTED] highlighted the exchange on Twitter.

In the online discussion, the Twitter user expressed concern over the way Bristol City Council are currently handling FOIs stating: 'Perhaps a Scrutiny Commission needs to look at the management of FOIs? BCC is not acting in the spirit of the act.'

The [REDACTED] also called it a 'systematic undermining of the law' continuing: 'What are councillors for if not to ensure their officers are following the law? This is currently wholesale institutional failure.'

In [REDACTED] response to the council she said: 'As Section 14(1) of the Freedom of Information Act can only be applied to the request itself and not the individual who submitted it I assume these numbers relate to specific requests. An authority cannot, therefore, refuse a request on the grounds that the requester is vexatious. Generally most people think I am fabulous, so I certainly hope that isn't the case.

'I am really sorry if the requests are placing a burden in any way, it would be really helpful if the information I requested was available within the public domain so I did not have to make FOIs. But unfortunately the data available publicly isn't kept up to date or doesn't always show the whole picture. And I have previously asked for other information to be made available on the Local Offer (ie, what is a reasonable request in terms on a EHCNA Reg 6.1.h) but this hasn't happened either.

'The Freedom of Information Act was designed to give individuals a greater right of access to official information with the intention of making public bodies more transparent and accountable. My requests all serve this purpose.'

She continued in her response saying it was not her intention to cause 'disruption, irritation or distress' and asked if it would be helpful if she only submitted two requests per morning in the future, supplying FOI legislation suggesting a 'conciliatory approach' would be best taken ahead of refusing requests as vexatious.

Bristol City Council have yet to response to her request for an internal review.

More from Chopsy Bristol

Find us on Twitter: <https://twitter.com/ChopsyBristol>



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A mash up of complaining, sci-fi, SEND, Bristol, education, politics, theatre and disability by Jen Smith in Bristol



Chopsy Bristol 56m [Twitter](#)

Yesterday evening, the Local Authority conceded on the 'up to' wording they added to Section F provision in the Working Document. Bristol's money is being well spent in the Tribunal process... For those that aren't aware, by adding 'up to' gives the council a chance to provide 0 [📷](#)

[🗨️](#) [🔄](#) [❤️](#) 5 [Twitter](#)

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Instead of an apple 🍏 a day, how about a survey a day?! ✍️

We need to hear back from parents and carers about how local services are working. We need to know the good 😊 the bad 😞 and the ugly 😡!

We will be sharing this information with Ofsted when they come back to reinspect SEND services in Bristol.

We have 5 surveys, the first is about accountability in Bristol - please make your voice heard!

✍️ You can complete this 5-minute survey online:
<https://forms.gle/PZJE43UnAKirQCZ28>

🗣️ Or you can come to an online event and tell us:
<https://tinyurl.com/wsoaworkshops>

Has the child you care for:

Been discriminated against?

Experienced any type of exclusion?

Received a full time education?



ACCOUNTABILITY IN BRISTOL:
TELL US WHAT YOU REALLY THINK

18 shares

Like
 Comment
 Share

[Freedom of Information requests - WhatDoTheyKnow](#)

https://www.bristolpost.co.uk/news/bristol-news/questions-over-who-charge-bristols-6006886?utm_source=linkCopy&utm_medium=social&utm_campaign=sharebar

[Jen Smith - Freedom of Information requests - WhatDoTheyKnow](#)

[Campaigner questions Bristol mayor's commitment to disability rights - Bristol Live \(bristolpost.co.uk\)](#)

(23) [Chopsy Bristol on Twitter: "I'm telling you, one whiff of Early Intervention success with Send at the Ofsted inspection and I'm going up like Vesuvius because it will be a lie. Anything positive is spin. Bristol CYP are suffering for years. Suffering." / Twitter](#)

(21) [\[Redacted\] on Twitter: "Well done everyone that guessed none! Not a single school has said they could do anything on this list. I wonder what the other 13 will say! 🤔🙄😞" / Twitter](#)

(23) [\[Redacted\] on Twitter: "I asked 25 secondary schools in Bristol if they could make these adjustments for my son. 12 have replied. How many people of those 12 have said yes to at least 2 adjustments on this list do you think? https://t.co/9EkSeuhAAR" / Twitter](#)

(24) [redacted] on Twitter: "This is me trying to find SEND information reports on school websites. So infuriating 🤔🤔 <https://t.co/OurU2BaxMO>" / Twitter

(24) [redacted] on Twitter: "And this is why, even if you write all the green and white papers in the land, nothing will change. To actually put this in writing shows the level of contempt parents and carers across England, face on a daily basis, attempting to secure provision for their children. #NotAGame" / Twitter

(28) [redacted] on Twitter: "This week I had a week off work and because I'm incapable of not doing any work I helped 5 parents send in grounds of appeals for EHCPs in South Glos, Glosx2, Wiltshire & Devon. I've discovered it's an actual thing that ND people can't tolerant injustice can you turn it off? 😞👉" / Twitter

← Tweet

 [redacted] 

Can parents in and around Bristol retweet this please. I am looking to speak to as many parents as possible who are struggling to get health advice for an EHC Needs Assessment in order to coordinate legal action. I have 7 parents on board, any more takers?

10:38 AM · Sep 10, 2021 · Twitter Web App

60 Retweets 2 Quote Tweets 20 Likes