

INDEPENDENT REVIEW MEETING 10 SEPTEMBER 2019 - EVENING

Sharon Scott (SS), who has been commissioned to conduct an independent review to look at wider issues within the local area to concentrate on and agree a way forward. This is not for individual issues; however, she is happy to be emailed these separately, but is looking at improvements going forward from January 2019. SS will listen this evening to issues but won't comment.

There are three strands SS is investigating as follows:

1. To review working practices within Cognus who are contracted by the Local Authority to provide statutory SEN services, such producing EHC plans. SS needs to hear parents' views and to hear what they think should be done to make their experiences positive, seamless and enjoyable. Concerns from January 2019 will be focussed on and what can be done to make it better.
2. To independently look at the progress that the Local Area has made since the WSOA in education, social care and health. In January 2018, the local area inspection identified work needing to be take place across the Local Area to improve services and outcomes for children and young people. Ofsted due to do reinspection to see the impact of the work done since the WSOA.
3. To look at different options on how statutory education services could be provided going forward (the Cognus contract) looking at commissioning, key performance indicators and jobs and to see what "good" looks like. This has to be completed by October 2019. SS to address this fully and independently. A report will be done to go to Council Committees in which SS will make recommendations. The report will be a public document

An example of an improvement might be that It would be helpful if a booklet was given to parent/carers at the outset to say what the impacts are of having a child with SEN are for parent/carers.

Concerns raised by parent/carers during the meeting

- Getting the Local Authority to carry out a Needs Assessment for my child has been a very lengthy process. This has now been done but parent had to lodge an appeal to Tribunal. The request went to Panel three times, the first being 2019. The school was not asked to submit information and then the Panel met over the Easter holidays. The time delay has now had a severe impact on her child's mental health. She is now in Year 6 and has only been back four days in school with no help or support in the meantime for her other children. Six weeks is a long time to have no support during the school holidays.

There was a lack of engagement and decisions were inconsistent, no support or help while you fight decision and no audit of the Tribunal outcome.

It was difficult to work out what information was different when this went to Panel as the third time as the submission seemed to have the same content but laid out differently, but an EHCNA was approved the third time.

- Statistics show that there have been 22 appeals to Tribunal this year of which 18 were successful. One parent went to panel six times. Sutton has a substantial history of poor rejection rates which is twice/three times the national average. During the last 5-6 years, this has got worse and more Tribunals are now being won. There have been issues with Local Authority quality control. Since the Cognus spin out, tribunal outcomes have rocketed against the Local Authority.

When you look at tribunal data and notes from judges together with themes Cognus have rejected a lot of Needs Assessments. Panel is run by Cognus and chaired by the Head of SEN who is an employee from the Local Authority who has been seconded to Cognus which causes a conflict of interests.

- There are issues with the current Head of SEN as she does not engage with parents in the spirit of the process. One parent explained her child's EHCP stated the school to provide 12 hours of 1-1 support. The parent was then told that this would not be given to the child. The parent challenged this under Section F of the EHCP with Cognus and was told that this would be put in a different place in the EHCP. The parent emailed Nick Ireland and Peter Gasparelli, Head of Service to get a response from the Head of SEN which took over three weeks. Parent then asked who Head of SEN reports to. SS confirmed that this is Bob Harrison, however, parents said more clarity was needed on who reports to who and who have the decision-making roles.
- Another parent said that she was sickened by some of these stories, saying that the child or children suffer as a result of these battles. This parent has had a struggle for years and now finally has an EHCP which is incorrect. The case worker questioned the Educational Psychologist who said that a mainstream school was the correct placement. Cognus did not consult with the school due to planned maintenance taking place over the summer holidays; this is not acceptable. The school have said that they will take this child with 1-1 support, but have said that this is the wrong setting for him. The child is now 13 and had a Statement which ceased when he was six. Parent has been asking for help since he was 8.

None of the needs of the child are in the EHCP; diagnosis and therapies have been removed as they were deemed not necessary. Why are families put through this? Professional report disregarded when deciding whether to assess.

- When having discussions about working documents with Cognus, a parent challenged why a need was not included in Section B of the EHCP (SALT report recommends 1-1, but Cognus refused to include this in the EHCP. The wording had also been changed in a professional report. How can an unqualified member of Cognus staff be allowed to make a change to a healthcare professional report? The parent could understand if Cognus were trying to simplify a report, however, cutting out a need altogether which is necessary is totally unacceptable. My child needs 1-1 and this was removed.
- When transferring information into the new EHCP format, a lot of information has been left out, including the diagnosis. The “All About Me” which was written by a young person was removed and was put as an Appendix. Parents are being told that the SPF coproduced this. SPF just helped to design the form but had no input to the content. They did not agree changes to wording, reports or removal of wording from the previous format.
- One parent said that they had received a response from the Head of SEN which was not truthful. The Head of SEN had put forward that she had contacted the partnership of education and that this had been signed off, so it was ok to remove the 1-1, which was in line with statutory requirements. The 1-1 was then put back in and everything else was taken out. The parent chased this up but received no response. The parent then received an email saying that the EHCP would be finalised the following Monday and copied in other people from Cognus. Parent asked for this to be taken up with Bob Harrison. This was not done and now the parent is taking this to Tribunal. Cognus failed to turn up to mediation. The parent felt that at best, this was total incompetence and a misunderstanding, but parent feels that the Head of SEN does not want to give the child what they are entitled to.
- A parent had a 1-1 meeting with the Head of SEN and was told that she was moving away from 1-1 support, surely this is a blanket policy? She was also told that Section B of the EHCP just needs a summary and reports can be just appendices. Who is the Head of SEN accountable to? The parent was also told that needs do not need to be in an EHCP. Parent feels that Blanket policies are used to make decisions such as all ASD cyp needs can be met in mainstream schools.
- A set of papers were sent to Tribunal, but Cognus were missing deadlines and other papers were either missing or had something wrong. The parent was told that this was a training error, however, the parent felt that the Local Authority were not following the law. The parent also stated that the law overrides local policy, why do we need a local policy. They told that two policies had been removed from the website last July and that these documents were no longer being used after July 2019. However, the parent believes that this is not true as there was no rejection letter on the basis of the Local Authority policy and

that Cognus will be using other criteria. Why is local policy needed when law trumps this?

- A parent received some recent panel minutes and was told that their decision was based on cost and parts of the Code of Practice were in the minutes, some of which was in bold which the parent was told were put in to refresh the Panel. Professional advice was ignored and disregarded.
- One parent went through the process four years' ago before Cognus. They went to Panel twice and had a much better experience. They thought that their experience was hard at the time, but nothing compared to what is happening now and thought the process had become more difficult since Cognus had taken over and was felt to show their attitude towards our children and young people.
- One parent expressed a concern about transport. Her son was about to start secondary school and the parent was given the driver and escort's name. They had to reapply for transport and did not hear anything in August. An email was sent to her junk mail and, as a result, her son is with a different cab company. The cab was 50 minutes late on the first day and the next day a different driver and escort turned up to the ones named in the original transport letter. The parent tried to contact Cognus on numerous occasions with no response which showed their attitude to our children and young people is very poor.
- One driver was picking up children on his list, however, the parent of one child knew nothing about this. The parent was told that this had never happened before and people were told that the children could go together and that the drivers and escorts had received appropriate training. The parent telephoned the cab company who knew nothing about the young people's conditions. There is now a lack of transparency and mistrust and felt they could not trust Cognus anymore. The parent was told that there would be an investigation into what went wrong as this was a safeguarding issue.
- A parent was told that her daughter would not be entitled to an EHCP as she had a healthcare issue which caused anxiety seizures. The parent has been told that Cognus will not help as there is no funding for this. Where does she go from here? Primary school have been amazing but have said that she should have an individual health plan, which the primary school now have. The secondary schools have said that they cannot take her without support for her condition.
- Parents want to know how the Panel works and who trains Panel members. It is also unclear who is accountable. They have been told that each panel has a separate piece of paper for each child. A SENCO sat in on panel and had apparently said they were told "Just agree to issue EHCP due to parent's persistence." The parent did not receive minutes from Panel and was

concerned whether the Panel had followed the correct procedure. The parent was told that there are Head reps who sit on Panels and all the panel members have the same paperwork.

- SS said that she had gone to a Panel meeting unannounced and that the process was appropriate. Panel members talk about one child at a time and everyone was encouraged to contribute to the meeting. A parent suggested that they may be a better person to sit on Panel rather than Cognus. SS said that a Needs assessment was agreed for 8 out of the 10 children at the Panel she observed. The only reason the other two did not qualify for a Needs assessment was that there was not enough paperwork.

SS said that the criteria was very clear as to who qualifies for an assessment and the Panel process was totally professional. The Panel is an advisory process and the decision maker is the Head of SEN at Cognus on behalf of the Local Authority and they endorse the recommendations. SS's experience was positive and that there was a clear consensus of all issues discussed and this was represented and reflected.

- A parent said that this has changed since this year's post 16-19 decisions were made as they were not made by Panel and placement was not discussed at Panel. This was until very recently and it will take time to know if this has worked but you need something that explains how the process works. SS said the Panel has been updated very recently and also said that this should not be a fight but an entitlement and that this is a national issue, not just one in Sutton.
- A parent commented that Portage and Dragonflies are brilliant for pre-school children. Her son is non-verbal and was due to start his first day of school on Monday. The parent had asked for visuals so that she could show him what the driver and escort of the cab looked like. This was not done. She only received an email because SPF had chased this for her. On the Friday before he was due to start school, the taxi company had withdrawn from the transport contract for her child's school. There was no phone call from Cognus and the parent learnt of this from a Facebook group. The parent did not know who would be collecting her son on Monday and said that her child could not go to his first day at school with someone who was unknown to him or the parent. Parent was then told by transport to look in their junk mail.
- A parent has a son with Aspergers which took five years to diagnose and no support was given to the family. The Health Visitor told the parent that there is no problem. Support is now in place at school.
- An international parent was told her daughter could attend a mainstream school. The support received in her home country was very different and much better than over here. The daughter is now in the UK and nothing has been done.

- A parent has a daughter who is now in the UK with a diagnosis of autism. She had social anxiety and parent and sibling beaten up every day on a regular basis. Cognus suggested a parenting course but parent feels her daughter needs psychological help as she holds it together at school and then as soon as she gets home, she is hitting and biting both parent and brother. Parent is still waiting for help and was told to have an EHAT completed, however, there has been no sign posting or support for her and still nothing in place.
- One parent runs Saturday Club for ASD children based on ABA which is not recognised. She went to Tribunal to get her daughter into an ABA school. The EHCP was then changed and the school placement was changed without sending in an Educational Psychologist, making the decision beforehand. This also happened to six other young people whose placements were changed to take them away from ABA provision. Despite this, Cognus eventually conceded to keep her daughter at got the ABA school she wanted. She was lied to by Cognus saying that the Tribunal Order was out of date; Tribunal Orders do not go out of date. A local school was named who said that they could not meet needs.

A parent asked for Conflict Resolution meeting and then the Local Authority conceded that her daughter could go to the ABA school. Evidence was ignored, the EHCP was changed. The parent also has a daughter with cerebral palsy who was entitled to OT. Cognus did not have an OT available and the parent went privately as the OT need was so great. A personal budget was then agreed but was not paid for a year. The personal budget did not cover the cost of an OT session, but Cognus will only give the equivalent of what is charged out by them which is much too low and does not cover the cost of an OT.

The same policy is also adopted when supplying a classroom TA. The funding from Cognus does not cover the cost of the TA.

The personal budget was then removed from the EHCP. The parent kept chasing this up and was asked to provide more information. A report was asked for and received but was then removed from the EHCP.

- There is no consistency in decision making regarding agreement for ECNA.
- You have to go to Tribunal to get agreement to uphold the law. There is no help whilst you fight the decisions and this has a negative impact on the family's mental health.
- There is a lack of engagement from Cognus and Tribunal outcomes are not audited.

- There needs to be clarify regarding who reports to whom and the respective decision roles.
- Cognus are using the new EHCP format to remove information from EHCPs.
- EHCP co-ordinators are not professionally trained and need to be trained in communication, the law and interpreting reports.
- The SEN team should be multi-professional.
- Cognus need to develop trust and relationships and stop treating parent/carers as consumers.
- There needs to be more information and transparency so that you can understand why decisions are made.
- There needs to be a review of staffing levels and specialisms, including training intentions.

SS has asked that all parents, including the ones that have raised issues, to email her personally with their details and more information on their child. She has also assured parents that this information will not be shared with anyone else.

Key Themes and what would make your experience better

- Early years and early intervention to take place.
- Provision must be needs led, not provision/budget led.
- Parents to be given a reasonable amount of notice to attend emergency meetings regarding their child.
- Communication needs to be better.
- Communication, accountability and joint working/co-production together with early intervention essential.
- Honesty, transparency so that you can understand why decisions are made. More information needed, not less.
- Information shared and sign posting to other services which are relevant to you and your family. People to be told about Playwise.
- ICount. If you already know the child has SEN, other teams need to be made aware such as ICount.

- Welcome pack for SEN families giving full information of what services and support are available and appropriate sign posting.
- Less duplication of paperwork and forms as information from transport can be obtained from EHCP.
- If child coming through system, referral to be available across all relevant services rather than parents completing more forms and repeating information.
- Better communication and database systems need to be place to ensure data is correct and up to date.
- Professionals to manage services, not business managers.
- Better ways of registering a disability and communicating this to other services so that ICount card easier to obtain.
- People who are collating information to be more qualified within the service to prevent wrong information going to Panel.
- Parents to be treated better with quicker responses to emails. Phones to be answered and attitude to improve.
- Review of staff levels/specialists.
- Cognus to be re-educated about how the law works as many colleagues unaware of this. More training needed not just in SEN team but in multi-agency professionals.
- EHCP process embedded. More qualified case workers and/or training needed on how to write good EHCPs.
- EHC Co-ordinator need to be professionally trained in both communication and the law and interpreting reports.
- More respect given to parents from Cognus and Local Authority.
- SEN team to receive training on understanding reports such as CAMHS and the different tiers and what the ASD service deliver.
- Attitude by Cognus is that parents are oppositional and change of attitude to parents needed, so that they do not feel that they are asking for too much and treated like consumers.
- Trust of parents need to be addressed and developed.

- Better communication of Panel decisions and knowing who Panel is made up of and the reason of the outcome of Panel decisions.
- Outline of how Panel works, and examples of what outcomes may look like and examples of templates used.
- Ensure lawful criteria used to determine whether Needs assessment can go ahead.
- Multi-agency referral pathways
- Right people doing the right job.