

INDEPENDENT REVIEW MEETING 10 SEPTEMBER 2019 - MORNING

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 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

- Looking through recent documents on the Sutton Website, there are statutory processes that Sutton are not adhering to, including the joint working protocol, which was finalised in July 2019, outlined in the "Next Steps Meeting" procedure. Decisions on EHC Needs assessment are based on local policy and not the legal test, which is not lawful. The Local Authority must consider whether a child has or may have SEN and whether or not they may need an EHCP. If the answer is "yes", they must carry out an EHC Needs Assessment and, again, local policy used rather than law to decide this. However, law trumps both the Code of Practice and the local policy.

- A Local Ombudsman decision was made on 29 May stating that Cognus needed to review processes, including time frames and circulating accurate minutes from SEN Panel within the correct time frame.
- The SEND panel terms of reference are not on the Local Authority website.
- What happens when no EHCP is given? You are just left and then have or need to go to Tribunal causing a huge amount of emotional distress which is unforgivable and avoidable. There is no what's next. Tribunal should be a last resort
- Panel meetings are not transparent and information from these meetings are not sent to you. Parent was told that this information would only be sent in the Tribunal bundle. If you are going to Tribunal, you should have this information already, but this is not the case. Panel minutes are orchestrated with the outcome Cognus want and process is not fit for purpose. Parents should also be able to see what is discussed within the Panel meetings.
- Cognus are not compliant with Subject Access requests.
- When your child is out of school for two years and you have had professionals involved from the beginning ie going to Tribunal and writing the reports, the Local Authority/Cognus then "Cherry pick" words out of professional advice to support their case. and evidence from reports are ignored and not used. Reports have also been rewritten altogether. Local Authority constantly miss deadlines to meet with solicitors and to provide Tribunal information. Often instructions have to be repeated which prolongs the situation, causing delays and then turned into Child Protection issues.

There is no accountability and no acceptance from Local Authority for their part in the delay and lack of support given to children out of school. CAMHS input and recommendations were ignored which made it harder for the child to return to school. Five days before the Tribunal date, the Local Authority conceded. Again, why is this always left until the last minute. SS said this is not good for coproduction and needs to be a lot better.

There is no education or social care provided whilst out of school and criteria being used needs to be made clearer and visible, as it is very confusing with regards to Early Help/Disabled Children's Services.

- One child is not in a school that parent preferred. He has now been transitioned to secondary school where there is no specialist support available, which was in place in his previous school. Specialist classes were in place, but he is now being expected to manage in mainstream without the appropriate support.. Mainstream integration has increased, and the provision is not in place for

children with SEN. No therapy is being provided and no accountability for this which needs to happen.

- People do not work together, and they all deflect responsibility. People feel that are being batted between the SENCO and the SEN team.
- SENDIST is not truly impartial. It is part of Cognus and is in the same building as the SEN staff.
- SIASS not impartial as they are part of Cognus and they should not be in the same building as Cognus. SIASS being part of Cognus is a conflict of interest. SIASS staff do not know where to go and fob off parents.
- You apply for an EHCP and you are told what Sutton want you to hear. Other people are blamed, and parents are not getting the support they need. Even if decisions are impartial, parents need to be sure and they are not at the moment.
- One parent was told that they needed SALT therapy for her child, so she went to see GP. She was told by her GP that no referral for SALT was taken after Year 1 and was told to go to CAMHS. Her daughter has ADHD and was refused a break in her exams. No reasonable adjustments were made, and this escalated to a second stage disciplinary. The school wanted her to be excluded. Parent applied for an EHCP herself with no support for the College. This taken to third stage and EP was bought in who confirmed that the daughter needed an EHCP. Parent asked for an EP to go to school where her daughter was previously, but the school refused to pay for an EP to do an assessment.

The EP at college said that her daughter met the criteria for EHCP, but Sutton refused to issue one. Parent went to Tribunal, but by then her daughter was not in education. Her daughter wrote to the Tribunal herself to say that she wanted to continue her education. She tried to apply for places and Sutton emailed the Tribunal asking them to ignore the parents' submission as it was left until the last minute, however, the courses were applied for during the summer break. Parent had to appeal this as an error had been made in law. Sutton had 28 days to respond and her daughter has now been deprived an education.

Parent went to CAMHS with her older daughter and was told that she would not get a diagnosis and suggested she go privately. Autism diagnosis changed and her attendance went down. Daughter could not go to the appointment at CAMHS due to her high levels of anxiety. She then received an appointment at Springfield, and this was the first time that Health were sitting in the room and being held to account. Although the daughter received a diagnosis, no report was sent, and it was suggested that a 1-1 session on understanding your diagnosis be done at home. A form was completed, and nothing heard back. Rebecca from ASD service then told the parent that the service was closed due

to the summer holidays. Parent has now been told that there is a six month wait for understanding your diagnosis.

The referral process is not clear and wastes time.

- You are dismissed if you are academically able and not considered for an EHCP or support, regardless of your other needs.
- Why is the quality of EHCPs not monitored? A quality assurance/audit of EHCPs is needed.
- Where is the accountability within Sutton to check what the school is providing is within the EHCP?
- Despite “You said, we did” the same issues around CAMHS are being raised.
- Chair at Get on Downs explained that known approaches for children with downs syndrome is unique and a broader issue. One parent of a child with downs syndrome was told that their paperwork was not submitted by Cognus and was not allowed to go to Tribunal. Downs syndrome children need 1-1 support during the school day, including lunchtimes. Parent spoke to Head of SEN who said that school should provide this and then told that this is a health issue and not education. Where do you get support if this is a health issue? Basic and specific support is needed for children with downs syndrome. It is well documented that these children need extra support which should be included within schools and you should not have to go to Tribunal to get this.
- Parent has twins both with ASD; one is in mainstream and the other is at a base. The SENCO in the mainstream school clearly does not want him there and due to pressure of funding. He has been excluded twice and the extra support did not work. The school then put this child into a padded room up to 6 times a day . Parent got social services involved. Despite this, Cognus wanted the child to stay at the school and the child then had 2-1 and the school still used the padded room. The school told the Local Authority that they could not meet needs, however, there was no other appropriate school in the borough. An independent school was identified by the parent and they could meet needs with 1-1 support, but the Local Authority refused to consider this. The cost of the local mainstream school including support was £81,000 and the cost of the independent school was £54,000. The whole service is not fit for purpose with no joined-up working.

Respite was agreed in October 2018 for one night a week, but the service could not meet the need and this has still not been provided.

- Parents feel that there is a lack of communication and trust within education services. They are not fit for purposes; there is no accountability and there needs to be clean sweep of staff.

- My child's Statement was converted to an EHCP which took over a year because the Local Authority would not concede to any recommendations. There was a lack of communication regarding outcomes and this could have been agreed quicker. There is a perception by the Local Authority that parents are difficult, so the Local Authority then behave aggressively towards them. The parent received communication a year ago regarding transport. On 13 May a letter was sent to this parent apologising that they had not responded to her formal complaint and said that they had not had time to do so. Culture seen as parents being difficult rather than just wanting what is needed for their SEN child.
- It is important for Cognus to monitor EHCPs for quality assurance to make sure that the needs of the child are being met and to make sure that the school is accountable. It is also important that they check up at the start of the year that targets are correct at the beginning. The quality of the EHCP provision should be specified and quantified as the provision is very vague. Needs must be specific. When EHCPs are updated, provision needs to be in place to meet needs. This should be needs led and not provision led, according to what is available within the borough. Provision has been taken out of EHCPs with no evidence to back this up. Sector not fit for purpose.
- Cognus play "lip service" to statutory services that do not make any money and provision is at basic minimum level. There is no realisation that services are really important for children and young people. Core services are not funded properly, because they are not profitable. Tribunal numbers have increased. Impartiality is now more of a problem within Cognus than the Local Authority.
- The Cognus website advertises their paid services for Tribunal support, which is a conflict of interest. Some staff try hard, but their hands are tied by senior management. There is no accountability and Cognus is working in a broken system.
- No-one will take any notice of SS's recommendations.
- Having listened to everyone's stories, one of our Steering Group commented that services are not person centred.
- Mental health problems are being created by being dragged through Tribunal and if problems were resolved earlier these mental health issues would not arise.
- There needs to be assurance that reports are given within an adequate amount of time and that documents are not handed out at the meeting which happened at Annual Reviews. There were also pages missing. Even when papers were sent a few days before, that was still insufficient time to read the paperwork.

- Parents have also been told by SENCOs that there are other children who have greater needs than yours. They feel that they are being fobbed off and do not know where to go from there.
- Local Offer page needs to be kept up to date with events happening over the summer. Everything on there is out of date at the moment and needs to be updated much more regularly. Revise Local Offer and improve it with more signposting, particularly to short breaks. It used to be decent but is now a mess.

SS has asked that all parents, including the ones that have raised issues, 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

Tribunal
 Accountability
 Communication
 Transparency
 Legal processes
 Person Centred - Telling story once
 Joint working

- Parents not having to repeat information when completing transport application forms that are in child's EHCP.
- Tell your story once and assessment reports to be shared so that a holistic approach is taken, and people can meet the whole of your child's needs. ICount cards applications are difficult to complete.
- Simplification of process and transferability of this process. This would help to improve things under rules and regulations. How do we make an incredibly emotional process a humane and caring system? Different information is asked for because of the many acts ie. The Care Act? You would not need to refer to the Code of Practice if Local Authority followed the rules. As a result, people would be less stressed.
- EHCPs need to be looked at individually to see what could be done in other areas and be more pro-active, ie use logic and common sense and maybe have a keyworker role.
- Lead professional needs to be nominated to see child's journey through and that person should be able to see what the child needs ie. Short breaks, respite. This person should also be able to contact the relevant team to notify them that

this child is coming into their system and identify this early on. Preparation for adulthood should start earlier than Year 9.

- Preparation and transition need to be a smoother process and LA should do what they say they are going to do. If there is a long waiting list, parents should be told, and a crisis number should be available for them in the meantime. Be open and honest and apologise if issues arise, eg ICount as parents would feel more respected.
- Change culture and recruit the correct number of case workers to undertake the work. Decisions need to be shared with enough information in the minutes. Parents are asked to sign papers without seeing them. Minutes should be signed where decisions are made about your child.
- Change leadership and have right people in right jobs and improve trust from top to the bottom.
- Training for staff so that they know what a good placement looks for a different diagnosis.
- Check school is providing what is written in EHCP.
- Legal tests to be in place for EHCP Needs assessments.
- Statutory complaints procedure needs to be independent and inspected for accountability and Local Authority should not hide behind the law.
- Lack of clarity. 60% of local authorities are failing local area inspection. Reports need to be read as the same issues arise again and again so better coproduction. It is about people at the top of organisations not understanding SEN. Interims are being employed which causes the process not to run smoothly.
- Local Offer needs to be managed and information chased at the right level by someone who understands the process and who is at the right level. There also needs to be a note of when each entry was last updated.
- More support needed for children, particularly in the older age group with somewhere to go (10+). Could Play and Stay be expanded to go beyond 10 years? Lack of services in borough for SEN children. Extra curricula activities and respite needed for weekends and holidays. Disability activities need to be more local.
- Greater range of short breaks required.

- Young people want to interact with peers with the same experience which is good for their own mental health. Peer support groups needed post diagnosis so that the child can mix with children with similar needs so that they can support each other and become more tolerant of people with other needs.
- Drive towards mainstream services means young people are not encouraged to meet peer groups supported in specialist services similar to them which needs to happen.
- Parents views put in EHCPs.as well as the “All About Me” page and EHCPs to be person centred.
- EHCPs should be needs led and not provision led.
- Referral process to be clearer as a lot of time can be wasted if referred into wrong service.
- Services should be offered rather than asked for as people do not know what is out there for SEN children.
- SIASS not impartial as they are part of Cognus and they should not be in the same building as Cognus. SIASS being part of Cognus is a conflict of interest. SIASS staff do not know where to go and fob off parents.
- Cognus and the Local Authority have recruited friends from other boroughs. Right people should be in the right job.
- Downs Syndrome children to have case workers who are familiar with downs syndrome children in terms of placements as there are a lot of documents that give information on what works for these children. When new case worker is appointed, they try and do different things. Parents of downs syndrome children have fought for specialist SALT therapists as these children have an impairment.
- Communication to improve between Cognus and Schools and child Educational Psychologists are not available. Services being gate kept and there is a perception that things can or cannot happen. Clear expectations needed of what parents should expect to have.
- Needs to be someone who is accountable to parents and somewhere to go when no-one gets back to you.
- Deadlines and timelines need to be met. Tribunal seems to be the only way to get things done. Conduct of Sutton needs to be addressed and “Next Steps

Meeting” used as a delaying tactics. Policies not in place and more transparency needed. Role of Panel needs to be clearer.

- EHCP should be audited as there is no credibility. Independent review should take place at Stage 1 and Stage 2. Person who quality assures EHCPs needs to be an Expert.
- When seeking professional advice, remember that the parent is also the professional as they know the child inside out. Parents’ views need to be more respected.
- Young carers need individual support as Tribunal process impacts heavily on their studies and their own lives. Young carers views not heard in any part of the process.
- Agencies need to work together which is not happening at the moment and clear information needed what is education and what is health.
- Commissioning need to provide post diagnosis services for young people, peer support groups and an appropriate guide booklet, including a pathway.
- Don’t hide behind the law. Families need respect, honesty, the opportunity for conversations and apologies for when things go wrong.
- Communication needs to be improved and realistic expectations explained.
- More transparency is needed to explain who is accountable to whom.
- Statutory complaint procedures needs to be independently inspected for accountability.
- Tribunal should be the very last resort.
- Better joint working and co-production.
- Training to be given to staff on what a good provision looks like and for them to understand the disability.
- SPF needs to be promoted more by the Local Authority and Cognus as it provides a lot of information and events. Parents said that they had not been sign posted to the support available to SPF.