

**SUTTON PARENTS FORUM
EDUCATION, HEALTH AND CARE PLANS
THURSDAY 25 SEPTEMBER 2014**

Michael Mayes (MM) Senior Educational Psychologist and Ceris Edwards, Sutton's Principal Educational Psychologist came to explain their role and how the new system will be implemented in Sutton

MM gave a brief history of his background. He is based at The Grove in Sutton within a small team of 11 people, however, this equates to 5.8 full time. The team covers thousands of school aged children. He has worked in Sutton for over ten years and was previously based at Lewisham as an Educational Psychologist. Prior to that he was a teacher.

MM explained about major changes to the legislation which came into effect from 1 September 2014 to Statutory Assessments and Statements for children to Education and Healthcare Plans (EHC plans) and that a new Code of Practice came out on 1 July 2014.

MM asked what people were hoping to get from this session today. His understanding was that there were many changes going through in legislation and that he would be interested to hear view of parents and how this would impact on their children and the processes involved.

MM explained that one of the major changes is the age range of the young person and an EHC plan would be from 0-25 if evidence suggests they needed higher levels of support in school and further education. The change is that under the old system if a young person leaves school at 16 they would usually lose their Statement. If they went to a sixth form school, their Statement would continue. What is now different is that EHC plans will continue through until 25 providing the assessments prove they need additional support to access education.

Q. You talk about further education, does this include higher education?

A. This does not usually include higher education.

MM asked people present who had children with Statements and whether anyone was going through the Statement process at the moment.

The majority of the people had children with Statements already and a few people were going currently through the Statement process. For people currently going through the Statement process, it was likely that they would transfer to EHC plans.

MM also asked how many people whose children had Statements felt fully included during the Statement process by the Local Authority. Some parents felt somewhat included but none felt totally excluded.

MM explained that parents could get impartial parental support from Parent Partnership to help them. Parent Partnership explained that they are now known as the Independent Advice and Support Service and, although employed by the Local Authority, give impartial advice to parents. Sutton Parent Forum have been awarded the Voluntary Sector Contract to provide independent support for parents. The legislation is shifting the balance so there is a more up front approach to parents but the emphasis is that Parent Partnership will continue its role in the same way.

MM explained that the process will be based on person centred planning in terms of the young person's aspirations and outcomes in the process for the EHC plan. There will be meetings with the Local Authority, Health, Social Care and parents to take into consideration how best to reach the aspirations and outcomes for the young people; these will be managed in partnership with schools by the Local Authority.

Q. Is it a legal requirement for Local Authority to attend meetings?

A. There are a number of parts in the EHC plan where "meetings" appear. If that is the case, Local Authorities must attend (refer to Code of Practice 2014).

MM explained that the importance for Educational Psychologists is the focus on outcomes. In the past these were objectives like developing a skill which was rather vague and not describing the process in reaching an outcome. The EHC plan would focus on how to develop a skill and the resources that schools have to do this. The outcome set would be quantifiable as long-term aims and largely over the next six months what would be done to enable this outcome. The accountability of all involved will see from school if these outcomes have been achieved.

MM explained that if outcomes were not achieved, questions would be raised on what could be done differently to achieve these by all parties.

MM talked about the "Local Offer" and asked if people were clear on what this was and whether they had looked it up on the website. One parent said that Barrow Hedges Primary School was not listed on the schools involved. MM said that there were probably a lot of omissions at the moment, as this was a very large document. MM also said that if there was any other feedback there is a link on The Local Offer Website and all comments will be processed.

The Local Offer is linked to Sutton Council's webpage and MM stressed that it was important that people know that the Local Offer exists and the legislation is making people aware of what is available to you to meet Special Educational Needs in terms of advice to school and to parents. The website will be constantly evolving.

Q. Is there anything there which feels different from the process before?

- A. School Action and School Action Plus will no longer be used as terminology as a part of the EHC plan. The terminology will be replaced by SEN support. Schools will not abandon this process and needs will still be identifiable. This has not changed in terms of identifying needs and the ASD service will still be available in schools. The website address for the Local Offer is local.offer@sutton.gov.uk.

MM talked about the guidance on joint planning and commissioning of services.

- Q. One parent talked about having two children with Special Needs. One went to a school which damaged the child and the other child went to a different school. She said that the Local Authority would not support the decision for the second child to go to a named school but insisted that this child went to a school which was the closest, insisting that this was the right school, despite the parent feeling that the closer school would damage the child. How would the joint planning and commissioning of services deal with this scenario in the future?

- A. MM explained that in terms of commissioning of services, there would be a different emphasis. MM's understanding is around supporting better access through other means.

CE said that there is only a certain amount of money available we need to look at a better way of doing things. When the Local Authority commissioned education, they did not have to commission the best school but what will fit the needs of the child in the nearest location to home. CE said that the Local Authority will look at meeting the needs of a child as economically and as locally as possible, however the EHC plans should reduce this happening and the nearest place will be offered that can meet all the needs of the child with a successful transition to adulthood, which would not necessarily be the closest to the child's home.

- Q. What does this encompass as it seems very woolly?

- A. The legislation suggests that if you have an EHC plan, this needs to focus on areas around Health, Education and Social Care, where there would be services which we hope would continue through transition to adulthood based on what the EHC issues are from 18 up to the age of 25. This is the responsibility of the Local Authority. The EHC plan can continue while you are in education but would not be available when you go to work, although there will be a small number of people who do still have an EHC plan when they go to work if it is felt that support is still needed.

MM explained the process of an EHC plan which starts with the first request for a Statutory Assessment of needs being received and acknowledged in the legislative timeframe of 1-3 weeks from when the letter is received (The timeline starts from the

day the Local Authority is notified of the request of the assessment). During this time a member of the SEN team, Head Teacher, Educational Psychologist, SENCO, someone from Health and someone from Social Care will submit evidence which will be taken to an assessment panel.

During weeks 4-10, if the assessment has been agreed, then the process will begin and the parent and professionals will be advised with a copy given to the school. A date will be set for the Planning Meeting and the family will complete the "All about Me" page on the child. A decision will be made on whether the needs can be met with additional Element 3 funding outside an EHC plan and a meeting at school will be arranged to sort out the provision required.

Q At what point will people transfer from a Statement to an EHC plan?

A. People who have a Statement which has been agreed before 1 September 2014 should continue with this under the Education Act 1996. If you started the process under the old Act, you will be asked if you would like to transfer to the EHC plan instead. Letters will be going out from Colin Pates explaining this.

During weeks 14-16 the aim is to produce a draft EHC plan. The draft plan must be issued to parents of the young person and they must have 15 days to make representations about the content. LA Officers must be available for a meeting with the parents/young person during that period. By week 20 the Final EHC plan must be sent to the family naming the placement. The process has been reduced from 26 to 20 weeks reducing the administration time involved.

CE explained that the decision in issuing an EHC Plan sits with the Resources Panel who have the money.

Q. How do the Educational Psychology Service fit into the EHC plan?

A. In terms of practice, they have always worked in practice along the lines of the new legislation. The first involvement is where a referral comes from school or parent. MM would start with a consultation with the parent and school right from the start of the first referral. Dialogue is essential with consultants involved over time with graduated support also over time. The Educational Psychologist would get involved and schools would have to demonstrate that, despite support, the child has not made progress. This involves understanding what the parents', schools' and child's perspectives are and sharing an understanding of the concerns.

A referral may come because a child is not mixing with other children in the class, preferring to stay outside the social circle and who struggles with group work. The Educational Psychologist (EP) would then do an observation and think about ways to support the child in mixing with their peers. The

Educational Psychologist would work with information from parents and the school directly and focus on outcomes. In terms of work, the EP would then think about where the child is now, based on all evidence and a realistic outcome in a term of half term based on the strategies used by the SENCO and parents. The emphasis is now more highlighted on outcomes, although a similar process is used to achieve these.

An outcome needs to be predicted at the next stage, based on evidence of where the child would like to go and a bit of guesswork, looking for a secure direction and travel but also about thinking about access to a course or vocation they want to do and the route used to achieve this. Predictions need to be three monthly or yearly.

MM said that 1000 Statements need to be transferred to EHC plans in the next 3½ years. The role of the Educational Psychologist will be to bring up-to-date evidence from meeting with parents and schools to make a transition to an EHC plan to reflect the child's needs.

CE mentioned in the last count in the London Borough of Sutton that there were 1,076 people who have Statements from 2-19 years and they have 3½ years to transfer these Statements to EHC plans. The Educational Psychology service have to do this over 3 years and have been an extra six months in case the targets are not met. The process for transferring from a Statement to an EHC plan will take 14 weeks instead of 20 weeks.

The Local Authority will be looking for evidence to support carrying out a full assessment for an EHC plan. The first part of the process will be to get together with interested parties and other professionals and look at evidence, checking that this is all up-to-date and what else needs to be done. A description of the need of the child is then presented and the Statement is re-written from objectives to outcomes which should be the same. In some cases this is ok but other cases can be more complex. In terms of Educational Psychologists, extra time can be given to schools to make sure they have enough time to do this properly.

Q. Do we do this from the Statement and/or the EHC plan?

A. The cover print for the EHC plan was issued on 28 August 2014. All young people who are in transition this year will move over to an EHC plan. Years 11 or 6 will be given priority where they are in mainstream schools and where they are transferring from primary to secondary education. The EHC plan for children in Year 6 must be finalised by 15 February 2015 and for Year 11 this must be finalised by 31 May 2015. The Educational Psychologist will ask for children in Year 9 to be moved to EHC plans so that they can start the transition to adulthood.

CE stated that young people in Year 2 will also be given priority for an EHC plan as they will be moving to the next Key Stage in their education. At the moment there are 358 children with Statements in Years 6, 9 and 11. The plan is to get 358 transitions to EHC plans this year. For children starting the assessment process there are 78 and 142 new children needing Statements. However, the figures may be lower than that but they are somewhere in the region of 100.

Q. Is there a remit to do an EHC plan if the Panel thinks it is necessary?

A. CE stated that this is a possible part of the process. If there is a child in Year 11 who is not going into education or training, they may have additional needs and the EHC plan will be a person centred plan. If the child has had an EHC plan in place from Primary to Secondary school, then nothing will be taken away.

From April funding was changed so the first £6,000 per annum for any child will be targeted through school. All schools must pay the first £6,000 per annum towards SEN and the Local Authority tops this up if necessary. Some older Statements have support in place with £3,000 per annum for the child, but children in this category would not get a Statement or EHC plan, so these people might be at risk. The Government has said that each child that has a Statement will receive an EHC plan.

Q. Would the plan stick with a child if they came out of borough?

A. Yes, this would transfer like the current Statement does until the new borough complete the assessment process.

Q. The Statement is usually adopted into the borough. Would the Local Authority adopt a Statement out of borough?

A. Yes, it probably would.

Q. What about children needing a Statement in Year 14? Would this transfer to an EHC plan?

A. Yes, where necessary.

Q. At what point should a process be instigated towards an EHC plan for young people in Year 14?

A. CE has a meeting with Colin Pates at the Local Authority about this next week and will raise this then to get an answer. Colin Pates will be sending a letter to CE in due course.

- Q. What about students where their Statement has lapsed and where do they stand in the transition process to an EHC plan?
- A. These students will need to be assessed for an EHC Plan by September 2016 and any changes will need to be added, however it will not be done this year. They will also need to have a Learning Disability Assessment. Therefore, anyone who needs additional support will need to reapply if their Statement has elapsed.
- Q. What about children in Year 2? Can an EHC plan be done sooner?
- A. CE is not sure of the answer and would need to ask the Local Authority about this.
- Q. Do the SEN team have enough people employed to do this?
- A. CE said that additional staff have been employed but does not know if they have enough people. CE will ask for something to be put on the website to say how they will tackle large numbers, what to expect and what help will be available.
- Q. If you have a child in the transition years, will this be part of the Annual Review?
- A. Ideally, yes. If there is an Annual Review in the next two months, probably not. You will receive a letter from the SEN team to say that you will be transferring to the EHC plan process.
- Q. Do you have to have a transfer meeting?
- A. No, but CE would recommend you have a meeting, especially as this is about outcomes.
- Q. Is the Educational Psychologist always involved in all transitions to EHC plans?
- A. CE stated that there are extra staff but this will depend on how long they have been involved. The Local Authority must be consulted by the EP. Where parents request this, an EP should be involved and also where the Statement is out of date. The EP will check what advice has been given, however if the parent wants the EP involved, they will be.
- Q. When is the Statement too old?
- A. In the majority of cases the EP would want to see this changed and older children's aspirations mentioned. CE suggested that the Statement was too

old if it was four years' old or more. Some children will need full re-assessment and some will not.

Q. Will social needs be included if the child's academic needs are ok and will these needs transfer to an EHC plan?

A. Yes, there will be support, especially when they go to college.

Q. If a child is at a specialist school where there is an EP already there, would they submit a report directly or would the Local Authority want the EP service here to meet with them to get a rounded report on the child?

A. CE said that this would depend on the contents and issues. The Local Authority will look to the school's EPs to submit advice and joint working would be preferable.

Q. What about the people who do the assessments? Who are they?

A. They are the SEN workers from the Local Authority.

Q. A parent has a son in Year 9 and an assessment was last done in Year 4. Where do they stand?

A. CE assured the parent that her son will get an assessment but this would have to be formalised.

There are discussions taking place and there will be joint working across the boroughs which apply if you are in Merton, Kingston or Croydon.

Q. A parent has an amendment that they want incorporated in the old Statement but the Local Authority will not put this in. The Tribunal date will take place before the EHC plan comes into effect. Can he get an assessment before the EHC plan starts?

A. CE said that you can pay for this yourself and go privately or ask the Local Authority to bring forward the transfer from a Statement to an EHC plan.

Q. A parent is starting the Statement process and asked how often the EP carries out Annual Reviews.

A. CE answered that Annual Reviews may be carried out as often as necessary and may be termly. However, the Local Authority have to carry out a formal Annual Review yearly.

Q. A child in Year 6 has a Statement due in November 2014 and the parent has heard nothing from the SEN Team. Does this mean she will be transferred to an EHC plan?

A. CE stated that an Annual Review should take place beforehand. The SEN team should be contacting you and that she would take this back to the Local Authority.

Q. A referral form has been received. Does the 20 week process start from then?

A. There are two separate processes going on. Some young people need to be assessed by an EP which will feed into the EHC plan, but a separate assessment will also need to take place whereby the EP will be looking at the school's advice and through their notes.

The 20 week time frame starts from the date the SEN Team receive the request.

Q. There are no forms on the Sutton Council website to complete but a parent has seen them on another Council website. Can this be put on the Sutton website?

A. MM confirmed that it was about communication and security. There is a duplication of work issue which needs to be combined but this will need to be done. There needs to be someone to answer questions and acknowledge these.

Q. A parent stated that she found it difficult to trust people as communication was not very clear. How can we overcome this?

A. CE stressed that you have to trust people and the best way forward would be to request an Annual Review by writing to the SEN department requesting this, as a member of the SEN team should be in attendance.

The Parents Forum Steering Group said that they can raise this matter at the Partnership Board and ask someone to address this with the SEN team.

Q. In the transition from Statements to EHC plans, will this go back a year and be looking at the new Years 6, 9 and 11?

A. CE confirmed that that is what has been recommended; to change in the transition years.

Q. In view of all the changes from Statements to EHC plans, is there any scope for the SEN lines to be open for longer?

- A. The Parents Forum have raised this before and will raise it again. Parent partnership also advised that if you emailed your Case Worker you should get a quicker response.
- Q. What do you do if no-one gets back to you?
- A. CE advised an email be sent to the Case Worker but copying in colin.pates@sutton.gov.uk as well. She also advised giving a time limit for when a response was needed.
- Q. Will Short Breaks be included in the finance of EHC plans?
- A. CE stated that there had been a lot of discussion about this and Short Breaks should be part of an EHC plan, but you may need to contact The Children with Disabilities Team via Accesspoint on 0208 770 4690. The timing will be the issue. If the timing is disparate this will be an additional requirement.
- Q. Would you need to complete another CAF Form for this?
- A. CE said that it depends on what you are asking for.
- Q. What happens if the Statement needs amending before the transition starts?
- A. CE explained that if the needs are not being met then the Statement should be changed. If the needs are being met then you should be able to move straight over to an EHC plan. However, CE emphasised that she cannot change the SEN decision. An EP should be responsible for identifying needs. The process for an EHC plan should be less bureaucratic and more child and family focussed.
- Q. Does the Government give schools £6,000 for SEN a year?
- A. CE explained that, on average an LSA costs £6,000 a year for 11 hours a week, term time only.