

# SCRUTINY REPORT



**MEETING:** Children and Young People Scrutiny Committee

**DATE:** June 2022

**SUBJECT:** Update on Educational Health and Care Plan Performance

**REPORT FROM:** Councillor Lucy Smith, Cabinet member for Children and Education Services

**CONTACT OFFICER:** Isobel Booter, Director of Education and Skills  
Michael Kemp, Strategic Lead for Special Educational Needs and Disabilities

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## 1.0 BACKGROUND

- 1.1 Bury Council are committed to improving outcomes for families and help raise the achievement of children and young people with special educational needs and disabilities in Bury so they can reach their potential and lead fulfilling lives.
- 1.2 The Children's and Young People's Committee has previously received reports on Special Educational needs and Disabilities and on Project Safety Valve. The Council has entered into a formal agreement with the DfE on Project Safety Valve which is focused on:
1. improving SEND services and the experiences and outcomes for children, young people, and their families with identified Special Educational Needs and Disabilities
  2. an agreement to eradicate the High Needs Block Deficit by 2024/25. This agreement includes £20m additional revenue funding to be provided in instalments to 2024/25 plus £3.8m additional capital funding provided in 2021/22.
- 1.3 There are five conditions against which progress and performance are measured in quarterly reports to the DfE:

**Agreement Condition 1:**

Strengthen Special Education Needs assessment and placement process.

**Agreement Condition 2:**

Ensure robust planning for future provision, including reducing the use of independent school placements by increasing the availability and suitability of local provision within Bury. This should include developing a model for forecasting future needs.

### **Agreement Condition 3:**

Improve quality and timeliness of management information to enable evaluation of the impact of central services.

### **Agreement Condition 4:**

Support and drive schools in Bury to meet a higher level of need in a more cost-effective way within mainstream settings, while maintaining the quality of provision. Develop a culture in which demand is more effectively managed throughout the authority.

### **Agreement Condition 5:**

Remodel financial practice to ensure accurate contributions from appropriate funding sources.

- 1.4 This report will focus on the progress made in relation to Condition 1 which was to strengthen the Special Educational Needs (SEND) assessment and placement process and will also report on performance.

## **2.0 Context**

### **2.1 Special Educational Needs and Disabilities Population Demographics**

#### **Overall Picture**

2.2.1 Bury's school population is now experiencing falling rolls across the primary phase, although numbers remain strong across the secondary phase, these numbers will also begin to reduce by 2023. Despite this, the SEND population continues to grow.

2.2.2 Within the Bury school population, the January 2022 census showed that 17% of pupils have SEND (5,026 pupils). This was made up of 12.7% (3,713 pupils) who have their needs met at SEN Support level, and 4.5% of the school population who have an Education, Health and Care plan (EHCP) (1,313 pupils) compared to 4% nationally.

*Number of pupils with SEND in Bury schools (School Census)*

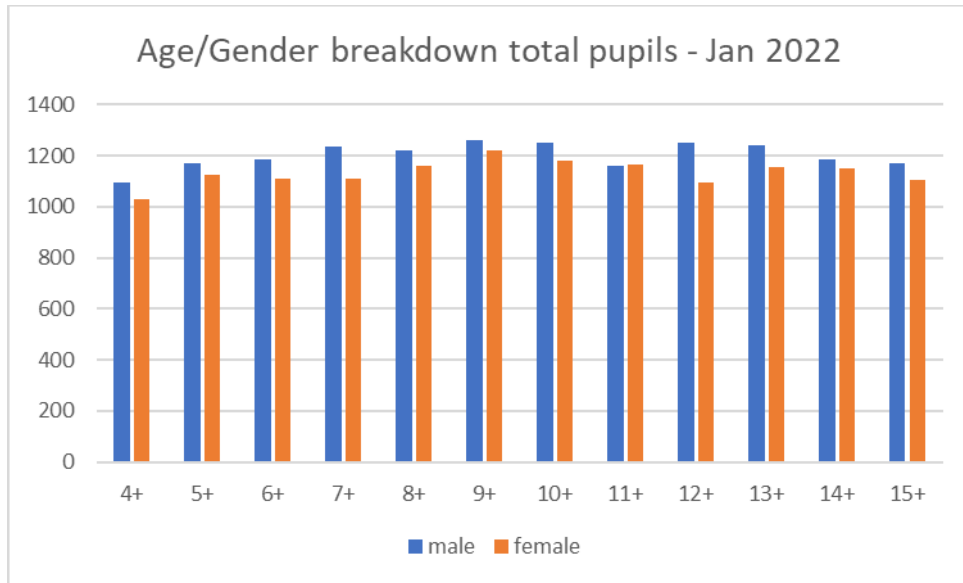
	<b>Jan 2015</b>	<b>Jan 2016</b>	<b>Jan 2017</b>	<b>Jan 2018</b>	<b>Jan 2019</b>	<b>Jan 2020</b>	<b>Jan 2021</b>	<b>Jan 2022</b>
EHCP	1165	1088	1029	1000	1050	1131	1222	1313
SEN Support	3577	3711	3830	3649	3910	3957	3757	3713
<b>All SEN</b>	<b>4742</b>	<b>4799</b>	<b>4859</b>	<b>4649</b>	<b>4960</b>	<b>5088</b>	<b>4979</b>	<b>5026</b>
<b>% ALL SEN</b>	<b>16.5%</b>	<b>16.4%</b>	<b>16.4%</b>	<b>15.6%</b>	<b>16.7%</b>	<b>17.1%</b>	<b>16.9%</b>	<b>17%</b>

*This table relates to pupils with SEND in Bury schools and does not include under 5's or post 16 or those children educated out of borough.*

2.2.3 Between the January 2021 and January 2022 Census there was an increase in the number of pupils on Education, Health and Care plans of 91 which equates to 0.4% in line with the increase seen nationally. However, there was a reduction in pupils on 'SEN Support' whereas nationally there was a 0.1% increase.

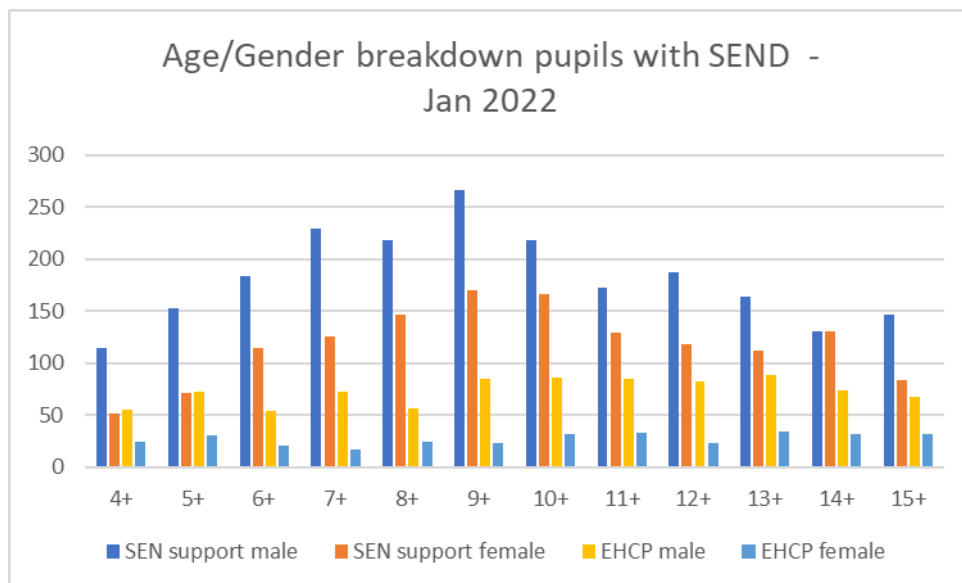
## Age/Gender Split

Figure 2a: Age and gender of ALL pupils in Bury schools January 2022 School Census



2.2.4 Across all ages there are slightly more boys than girls in the school population, however as the table below shows this becomes more pronounced in the identification of Special Educational Needs and Disabilities with a greater proportion of boys having identified additional needs than girls. This follows the national trend.

Figure 2b: Age and gender of SEND pupils in Bury schools January 2022 School Census



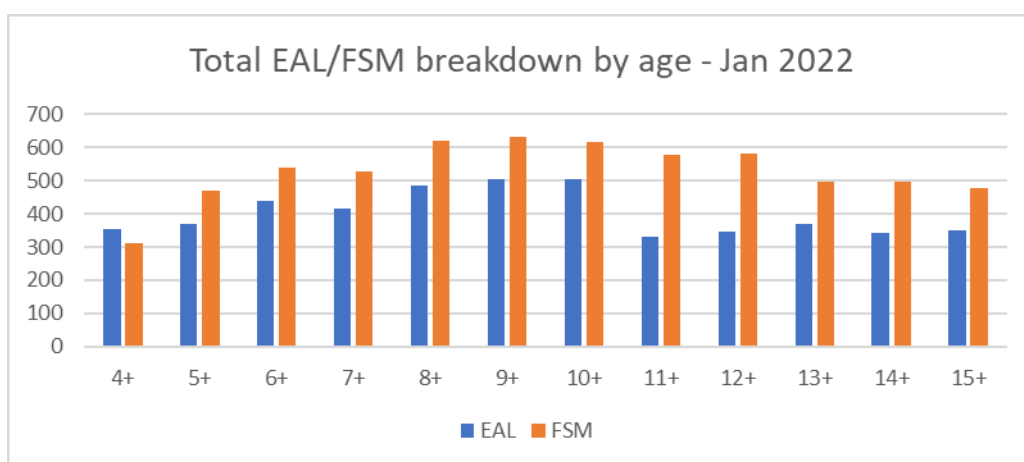
2.2.5 More boys than girls in Bury schools have SEND – 61% of the pupils at SEN Support level are boys and 74% at Education Health and Care Plan (EHCP) level are boys. There is a similar picture nationally with 64.2% at SEN support and 73% at EHCP level.

2.2.6 Across all ages there are more boys on SEN support than girls; the highest numbers being at ages 6+, 8+ and 9+. The number of girls on SEN support increases steadily from age 4+ to 10+. Across all ages there are more boys on EHCPs than girls.

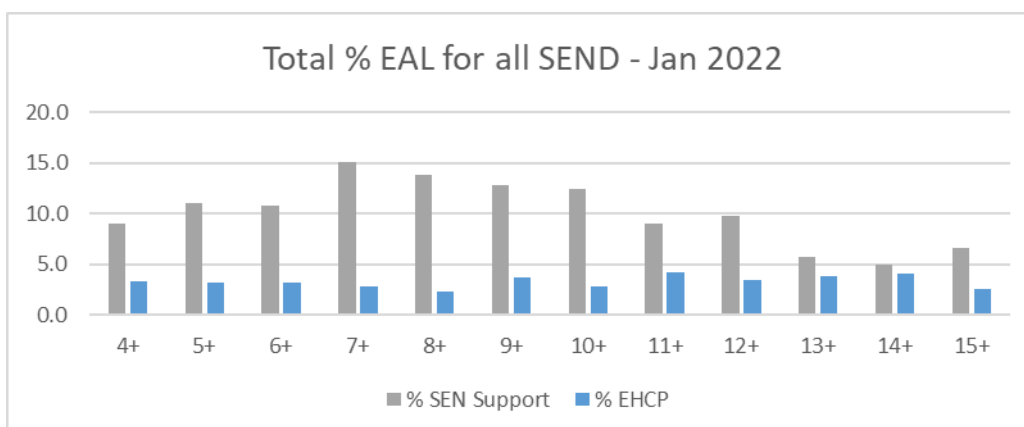
2.2.7 The age distribution of Bury pupils is also similar to the national picture, as higher cohorts of pupils are moving into upper primary and then progressing into secondary schools. All the figures in this section only show numbers in Bury schools, there are additional children and young people with identified SEND in Early Years settings, colleges and training provision and schools outside Bury.

### Specific Cohort Characteristics

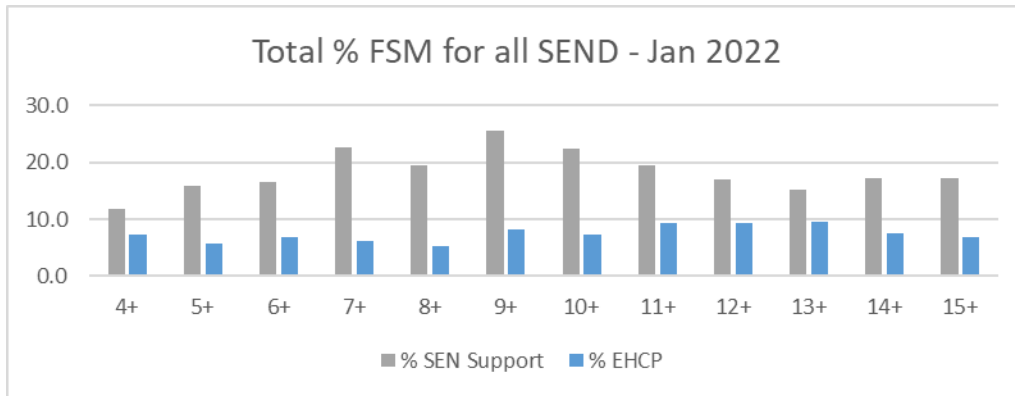
Figure 2c - English as an Additional Language and Free School Meals eligibility (Jan 22 census)



2.2.8 These tables show the percentages of pupils at SEN Support level and those with EHCPs who have English as an additional language (EAL) and who are eligible for Free School Meals (FSM).



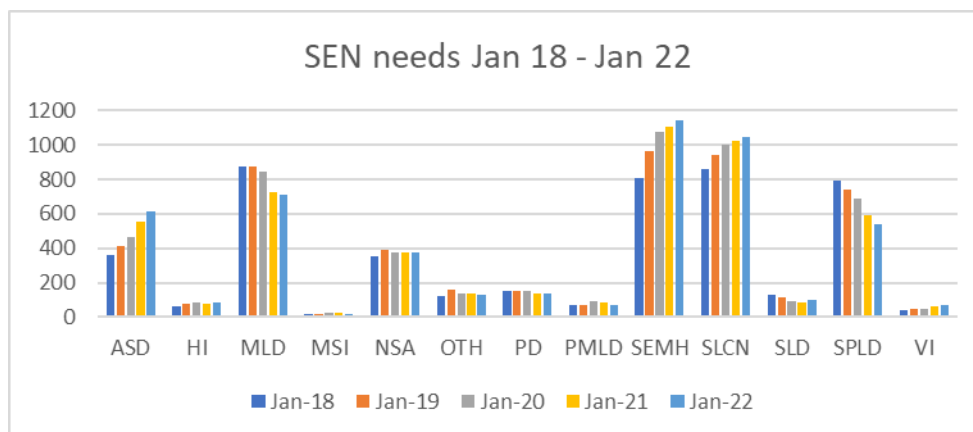
2.2.9 The majority of pupils with identified SEND have English as their first language. Bury pupils with SEND are less likely to have English as an additional language than those with no SEND. Nationally, pupils whose first language is English are also more likely to have SEND than those who have English as an additional language.



2.2.10 Bury pupils with SEND are more likely to be eligible for free school meals than those with no SEND. 32.2% of pupils at SEN Support and 39% at EHCP level are eligible for FSM, compared to 18% of pupils overall. Nationally 34.30% of pupils with SEN Support and 38.0% with EHCPs are eligible for Free School Meals compared with 20.8% of all pupils.

### SEND Primary Need

Figure 2d - Number of pupils in Bury schools by SEND Primary Need



ASD - Autistic Spectrum Disorder; SLCN - Speech Language and Communication Needs  
 SEMH - Social, Emotional and Mental Health; PMLD – Profound & Multiple Learning Difficulty  
 SLD – Severe Learning Difficulty; MLD – Moderate Learning Difficulty; SPLD – Specific Learning Disability  
 PD – Physical Disability; MSI- Multi-Sensory Impairment; HI–Hearing Impairment;  
 VI– Visual Impairment

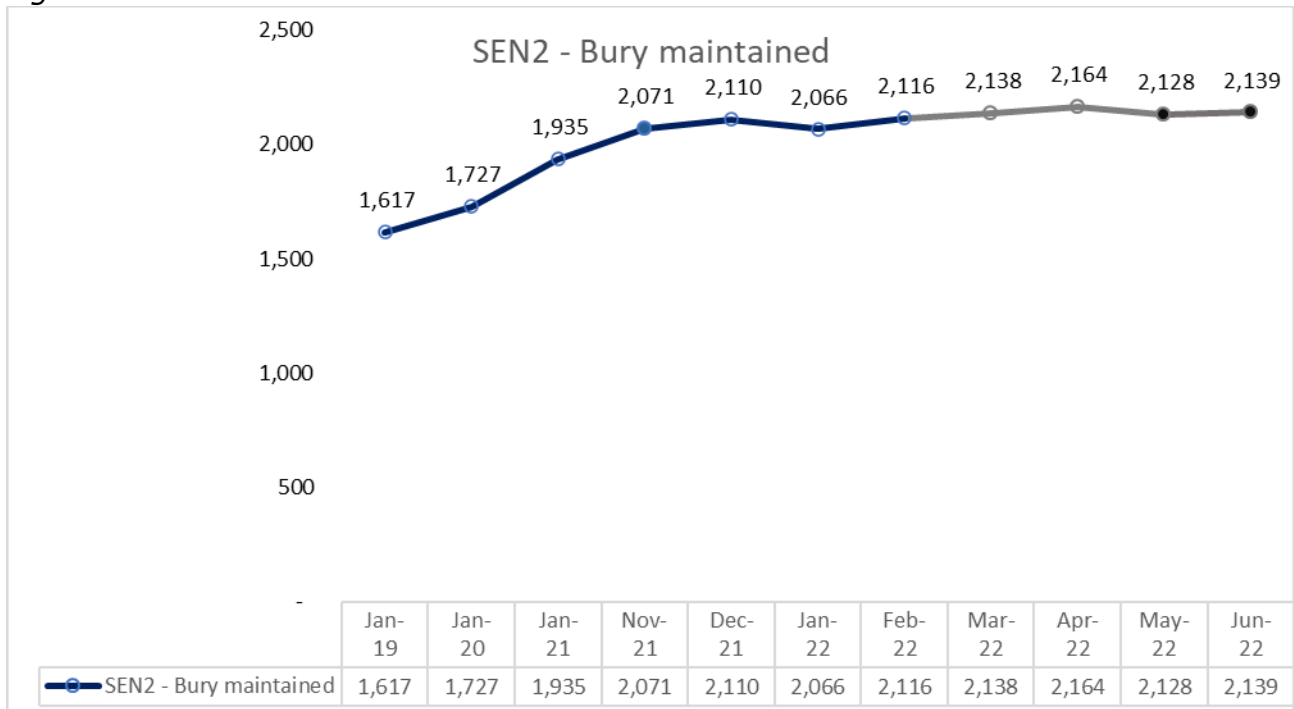
2.2.11 The types of primary need that are most common in Bury are social, emotional and mental health needs (SEMH) 23%; speech, language and communication needs (SLCN) 21%; moderate learning difficulties (MLD) 14.2%; specific learning difficulties (SPLD) 11% and autism (ASC) 12%. The increase in the number of EHCPs is mainly in the categories of ASC, SEMH and SLCN, which is in line with national trends. Nationally, the most common primary SEND need is ASC.

## 2.3 EHCP Demographics

### Overall EHCPs

2.3.1 There has been a consistently high number and percentage of children in Bury with an EHCP over time and at a level that is higher than national, regional and statistical neighbour benchmarks; and the gap is increasing. Children and Young people with EHCPs attend provision in and outside Bury, in mainstream, special and independent settings, schools, colleges and training. The tables detail the demography of Bury’s Children with EHCPs rather than the school population as in 2.2.19 to 2.2.21.

Figure 2e -

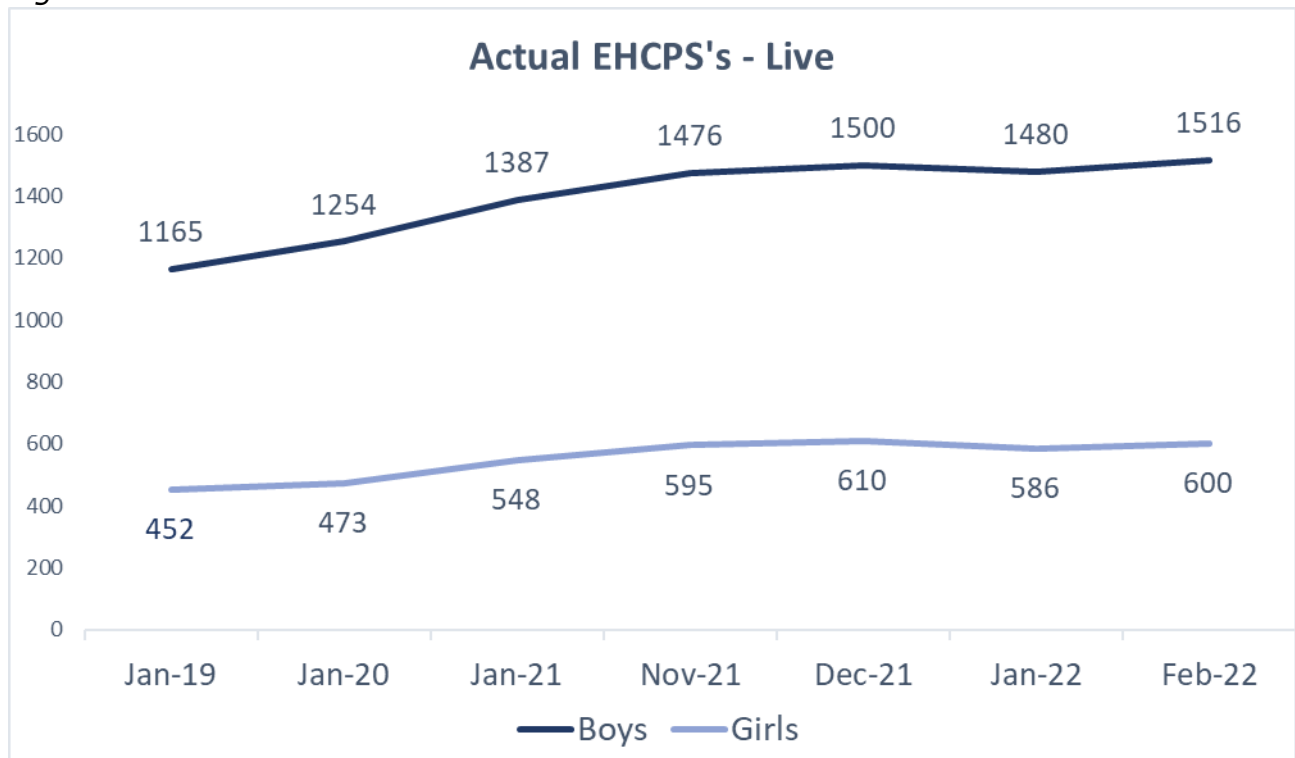


2.3.2 As at February 2022 Bury maintains 2116 EHCPs. This compares to 1617 EHCPs maintained in 2019. Though there has been 43% growth since 2017, for the period Jan 20 to Jan 21 the rate of increase was 12%.

### Gender split

2.3.3 Over the last few years there has been a consistent pattern in the split of boys and girls with EHCPs. As at February 2022 approximately 72 % of EHCPs in Bury are for boys (and 28% of EHCPs are for girls). This compares with a national figure for boys of 73.1%.

Figure 2f -



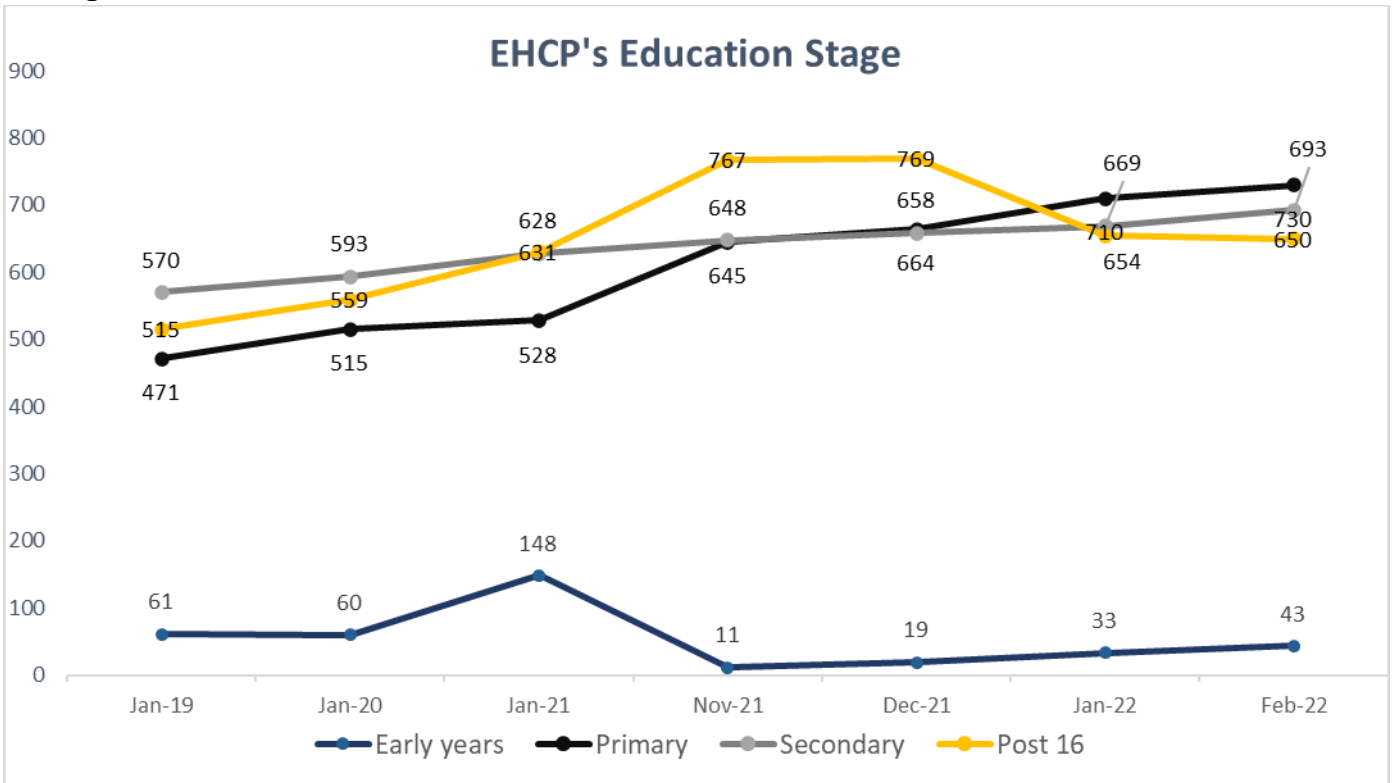
### Educational stages

2.3.4 All education stages are showing an increase in the number of EHCPs. The exception is the EHCPs in post 16 (February 22), which has seen a reduction due to the number of ceased plans in the 16-25 age range.

Figure 2g : Age of Bury children and young people with EHCPs.

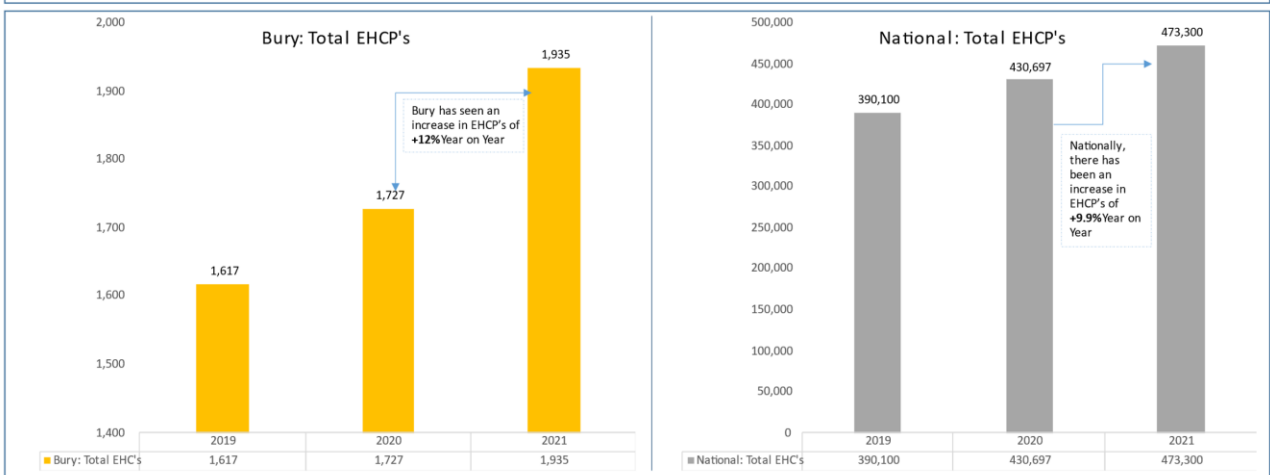
	Jan 19	Jan 20	Jan 21	Nov 21	Dec 21	Jan 22	Feb 22
Under Age 5	61	60	148	11	19	33	43
Aged 5 - 10	471	515	528	645	664	669	693
Aged 11-15	570	593	628	648	658	710	730
Aged 16 - 25	515	559	631	767	769	654	650
<b>Total</b>	<b>1617</b>	<b>1727</b>	<b>1935</b>	<b>2071</b>	<b>2110</b>	<b>2066</b>	<b>2116</b>

Figure 2h -



2.3.5 The numbers of young people with EHCPs aged 20-25 have been increasing steadily. The number of children in the early years being assessed is also increasing and there has been a significant increase in the number of EHCPs required for under 5s.

5. Actual EHCPs: Breakdown | Bury Compared to National Data Total EHCP's



- Bury has seen an increase in EHC plans year on year at 12% in 2021, an increase in EHC plans is also seen nationally of 9.9%, thus indicating that Bury has had a higher rate of increase compared to national figures.

[Education, health and care plans, Reporting Year 2021](https://www.gov.uk/government/statistics/education-health-and-care-plans-reporting-year-2021) [more education statistics@OV.UK \(exploreeducationstatistics.seive.gov.uk\)](https://www.gov.uk/government/statistics/education-health-and-care-plans-reporting-year-2021)



2.3.6 Bury has seen an increase in EHC plans year on year at 12% in 2021. This trend is consistent with a national increase of 9.9%, however Bury has had a higher rate of increase compared to national figures.

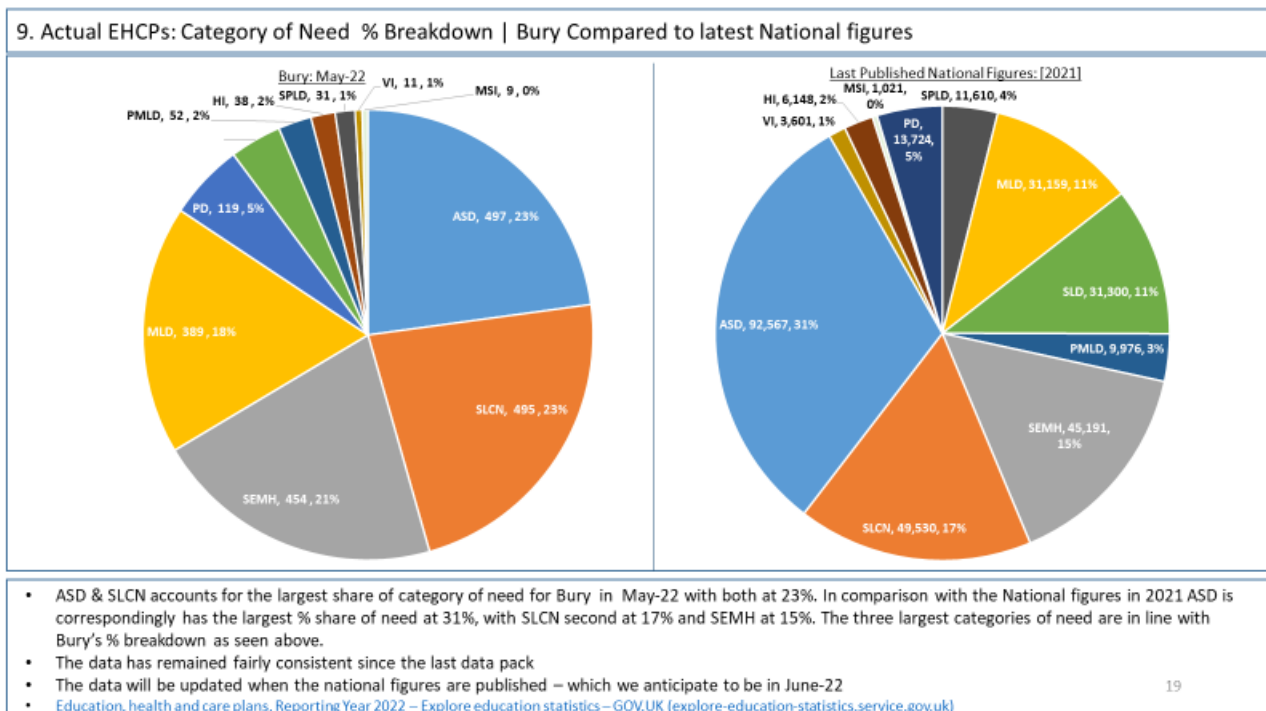
### Category of Need

2.3.7 The three largest categories of need for Bury children and young people with an EHCP (Jan 22) are:

- Autistic Spectrum Condition (ASC); Speech Language and Communication (SLCN); and Social, Emotional and Mental Health (SEMH).
- ASC, SEMH and SLCN have shown an increasing pattern year on year whilst most other primary needs cohorts are relatively stable or declining.

2.3.8 The breakdown of primary need is shown in the chart below.

- ASC & SLCN accounts for the largest share of category of need for Bury in 2021 with both at 22%. Nationally ASC is 31% and SLCN at 17%
- SEMH and MLD are the next largest with both at 20%. There is a different picture nationally with SEMH at 15% and MLD 11%.



## 3.0 Progress Summary On Education Health and Care Plan:

### 3.1 Improving timelines

#### 3.1.1 New EHCPs at 20 Weeks

Performance is improving, as evidenced by the progress which can be seen since Jan 2022 (see data pack slide 37). 72% of EHCPs were issued in time in April 2022. We expect this figure to go down while we train new staff. The cumulative figure remains at 54%.

### 33. New EHCP's & Timeliness at 20 Weeks



- Performance is improving, as evidenced by the positive uptick which can be seen in Jan-22 onwards at 36% to 72% of EHCP'S issued in time in April-22. There have been points in the last 12 months where demand has been higher, but our timeliness has also been better.
- In 2021, Bury achieved 34% in timeliness with regards to EHCP's being issued within 20 weeks, this is a slight improvement from 27% in 2020. However there are already improvements being shown in this area in the last 4 months – we expect to see a much higher figure in the 2022 calendar year. In comparison to the national figures, the national timeliness for EHCP's being issued within 20 weeks is 58% in 2021 and 65% in the North-West.

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3.1.2 Positively, in the last three months we have seen a significant decrease in the number of plans issued beyond the 20-week timeframe and we can see a marked improvement in the waiting times for those that are late.

3.1.3 A significant backlog was cleared by March 2022. There is a risk that it may build again in the short term as we induct and train new staff. We are sourcing extra temporary staff to work alongside the team, for example a data entry clerk, to ease pressure points in the workstream and seek to mitigate the risk.

## 3.2 Capacity

3.2.1 Since March, we have appointed 13 members of staff to the EHC team. Three are currently onboarding, including the new Team Manager, who is expected to take up post July 2022. Michael Kemp, Strategic Lead for Inclusion and SEND joined Bury from Rochdale on 16<sup>th</sup> May 2022. A real strength within our recruitment has been that we have been able to employ some staff who have lived experience.

3.2.2 A comprehensive induction programme has been devised and is available for future joiners. Further onboarding training is being set up in response to feedback from the team. There is an induction folder on the shared drive for reference, which is also undergoing development.

3.2.3 We are now conducting a learning and development analysis that will shape our professional and personal development programme. Phase one of the plan writing training, supported by the DfE, took place in June. It is important to note that this training was undertaken with parents with live experience.

## 3.3 Improvements to the EHCP service

3.3.1 In addition to the performance improvements set out in 3.1.1, we have seen an increase in the number of requests for assessment, with an associated impact on the number of plans in progress. (There was a 29% increase in requests from 2020

(370) to 2021 (477)) This has been identified as a risk to performance and will continue to be monitored.

- 3.3.2 Bury has a higher-than-average level of parental requests. The new role of the assistant caseworker will be key to ensuring that schools and families are well served, and the impact can already be seen with positive anecdotal feedback. However, it is not yet reflected in the data as it is too early to measure the improvement.
- 3.3.3 There is a slight improvement in the number of draft plans issued over timescales but there is a drop in the overall number of draft plans issued in April 2022. We expect to improve this position over the next three months as our staffing levels recover.
- 3.3.4 The onboarding of new caseworkers and assistant caseworkers over the previous month has involved a focus on a quality induction, to build a positive team ethos, and to establish high expectations. Team members understand the importance of building constructive relationships and furthermore they recognise the need for a swift and seamless process, including what a good plan looks like and how Parent and Carers Preference should inform every decision.
- 3.3.5 During the next quarter, we will be co-producing the panel process, with particular emphasis on streamlining the arrangements to make sure they benefit families. We will be clarifying roles and responsibilities of partners. A revised EHCP template will be agreed. We are also working on developing the Bury EHC Plan model and associated processes and procedures. This will involve a re-examination of the pathway from the graduated approach and request for a statutory assessment, right through to the cessation of plans. This will ensure consistency across EHC planning and writing and will underpin the high standards we expect of the service. We will check the language and descriptors we use to make sure the right messages are conveyed. For example, a draft plan will be known as a summary of assessment. The process of quality assurance will also be reviewed, and roles and responsibilities will be clearly defined, including the role of key partners outside the team.

### **3.4 Transition arrangements**

- 3.4.1 Almost all the transition reviews have been successfully completed on time. A few places are still to be arranged in partnership with parents/carers. There are approximately 20 outstanding post 16 transition plans. The outstanding plans are around the matching of provision with the young person and doing that in a person-centred way.
- 3.4.2 We are gathering feedback from families, schools, and settings to further improve this aspect of the service.

### **3.5 Children, young people, and families: experience and engagement**

- 3.5.1 The recently established parent/carer surgeries with senior leaders and officers have been welcomed by parent representatives from Bury2Gether and participants themselves. The surgeries provide opportunities to capture and act on issues at an early stage. Engagement with education providers is gaining traction through informal interaction. Formal meetings with SENCOs, Head Teacher networks, inclusion leads from regional colleges, school governors, key AP providers are planned to take place before the end of the summer term.

Lessons from these meetings will inform future adjustments to process and practice.

### **3.6 Review process**

The ECHP process has been reviewed under the direction of the new strategic lead. Roles and responsibilities are now clearer with greater specificity. One senior caseworker will be responsible for assessment and the other for review.

### **3.7 Quality Assurance**

Under the new arrangements, the EHC Manager post takes responsibility for overseeing QA. Quality Assurance is being built into the new process and overseen by the senior team.

The QA process is linked to tribunals and mediation, which will also be the responsibility of the EHC Manager.

### **3.8 Complaints and compliments**

- 3.8.1 Although still too high, the number of complaints is reducing, and the nature of the concerns has changed. We no longer receive complaints about the attitude, tone or behaviour of team members. Most current complaints are about decisions or process.
- 3.8.2 We are focusing on improving the quality and timeliness of communication in response from families, schools and partners. The team is now ensuring that the SEN email account is monitored and responded to within 24 hours and phone calls are returned likewise. As a result, we have seen a reduction in communication-related complaints.
- 3.8.3 We have started to record compliments to help monitor progress and enable learning from good practice. Increasingly, parents are passing on compliments to team members about their experiences. We are recording these to help with learning and build resilience.
- 3.8.4 Bury2Togther are providing a number of real-life case studies to be used to support training and service development. Our approach is that we seek to undertake all training jointly with people with lived experience to support that learning.

### **3.9 Graduated Approach**

- 3.9.1 Co-production activity for the content of the Graduated Approach document continues to be on track with the concluding section to be completed in the next half term. Web design is underway and a CPD package to support the autumn term launch is in the early stages of development. Early plans for launch are through an October Market Place event involving all partners along with further partner events across the academic year. Final drafting of the document is scheduled for August 2022.

This workstream links with developments to Future Provision in terms of its impact in reducing the demand on the need for local specialist placements. As the Graduated Approach and the supporting CPD programme are launched in

the autumn term, there will be a better co-ordinated and structured approach across all services to meet need earlier in mainstream schools, therefore reducing the demand on specialist services and specialist placements.

## **4.0 Priorities**

4.1 Over the next three-six months the following priorities will be addressed. These are reflected in the PSV tracker and risk log.

1. Review and map the EHCP process from SEN support expectations and the graduated response through to cessation of plans. Include:
  - a. The role and purpose of panels
  - b. Commissioning of services
  - c. Roles and responsibilities within the team and with key partners in Health, Social Care, schools and settings, agencies and service providers in voluntary and private sectors.
  - d. All modes of communication with children and young people and their families.
2. Develop the workforce to:
  - a. Improve recruitment and retention
  - b. Embed multidisciplinary approaches and collaborative working practices across Health and Social Care
  - c. Develop a joint professional development programme across Children's Services
3. Develop coproduction with families and professionals to:
  - a. Embed person centred planning
  - b. Work as equal partners to design, plan deliver and review support and services
  - c. Improve outcomes for children and young people

## **5.0 CONCLUSIONS**

- 5.1 Bury is committed to a programme of transformation and is determined to continue its work on co-production with parents to improve both outcomes and the experiences of children, young people with SEND and their families. This includes a commitment to improve both the Education Health and Care Plan Assessment Process and the Review Process and to ensure that services work in a person centred way.
- 5.2 Although recent progress has been made in regard to statutory compliance there is still much to do to improve the EHCP process starting with advice, though parental experience to the plan process and the review process.
- 5.3 Workforce priorities include continuing recruitment, up skilling and stabilisation of the EHCP team to reduce reliance on agency staff. We remain committed to workforce development in regard to SEND around the whole workforce within the LA and partners.

- 5.4 The newly appointed leadership team needs time to impact and establish a multi-disciplinary approach.
- 5.5 We are committed to developing a 0-25 SEND offer which supports children and young people to access provision within borough wherever possible and to do this in partnership with parents, carers and stakeholders.

## Glossary of terms

AP	Alternative Provision
ASD	Autistic Spectrum Condition
CCG	Clinical Commissioning Group
CYP	Children & Young People
DfE	Department for Education
EHCP	Education Health & Care Plan
FSM	Free School Meals
HI	Hearing Impairment
HYM	Healthy Young Minds
INMSS	Independent and Non Maintained Special School
MLD	Moderate Learning Difficulty
MSI	Multi-Sensory Impairment
OOB	Out of Borough places
PD	Physical Disability
PMLD	Profound & Multiple Learning Difficulty
PSV	Project Safety Valve
QA	Quality Assurance
SEMH	Social Emotional and Mental Health
SEN	Special Educational Needs
SEND	Special Educational Needs & Disabilities
SENCO	Special Educational Needs Coordinator
SLCN	Speech, Language & Communication Needs
SLD	Severe Learning Difficulty
SPLD	Specific Learning Disability
VI	Visual Impairment

### List of Background Papers:

September 2021: Bury Council Annual Report on Special Educational Needs and Disabilities. <https://councildecisions.bury.gov.uk/ieListDocuments.aspx?CId=328&MIId=2958&Ver=4>

School Forum Reports on Project Safety Valve.

Summary slide deck: [PowerPoint Presentation \(bury.gov.uk\)](#)

Report: [Item 6 - Project Safety Valve - Schools' Forum report - January 2022 \(bury.gov.uk\)](#)

March 2022: Update Report on Special Educational Needs and Disability –  
<https://councildecisions.bury.gov.uk/documents/s30541/Final%20Report%20on%20SEND%20March%202022%20V6.pdf>

Appendix 1:

<https://councildecisions.bury.gov.uk/documents/s30521/Appendix%20I.%20Project%20Safety%20Valve%20Update%20Report.%20March%202022.pdf>

Appendix 2:

<https://councildecisions.bury.gov.uk/documents/s30522/Appendix%20II%20.%20SEND%20Data%20February%202022.pdf>

Appendix 3:

<https://councildecisions.bury.gov.uk/documents/s30523/Appendix%20III.%20SEND%20Local%20Offer%20Newsletter%20March.pdf>

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JET Meeting Date: