

SCRUTINY RESPONSE



SUBJECT: Clarification around the writing of Education Health and Care Plans

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The matter was raised at the September Scrutiny Panel around the issue of parents writing their own Education Health and Care Plans

Background / Context

The SEND Code of Practice provides statutory guidance on duties, policies and procedures relating to Part 3 of the Children and Families Act 2014 and associated regulations and applies to England. It relates to children and young people with special educational needs (SEN) and disabled children and young people.

Central within the code of practice are the principles around participation and co-production. It states within the code of practice that the Local Authorities **must** ensure that children, their parents, and young people are involved in discussions and decisions about their individual support and about local provision. It also firmly embeds person centred planning and co-production/collaborative working.

Our Position

Here in Bury we are absolutely committed as part of our recovery pathway to embed the values as set out in the code of practice including those around collaborative working.

The process of writing an Education Health Care Plan (EHCP) should be a collaborative process and within the pathway, as set out in the code of practice, there are key points where the draft plan is to be given to the family to review and comment on and for their suggested amendments to be incorporated.

Bury Council's revised approach is where appropriate we will sit alongside parents and write the plan together in real time as that is seen as good practice. These joint meetings are call co-production meetings.

The first two sections of the EHCP itself focus on a description of the child / young person in terms of what they are good at , what their aspirations are as well as the area that they need help and support with. These section are rightly very much informed by parents , carers and those who know that child. Often parents are keen to set out what they would like to see in this section and this is welcomed and encouraged. It is of note that the Council for Disabled Children's training that they delivered here in Bury in September spent a lot of

time on ensuring that parents / carers / child / young person voice was captured within the EHCP itself sharing a range of tools and approaches to support this.

We are committed to embedding collaborative working within the EHCP team and therefore we have recently adopted, as one of the key questions within our case file audit is whether the parent/care/ young person felt included within the process and whether their views are represented. We also know that within the Local SEND area inspection process there will be a focus on the level of collaborative working with parents which happen when we develop the EHCP.

Where there is disagreement around the Education Health Care plan which cannot be resolved through active case work and the matter ends up at the tribunal stage. The LA is required to trigger what is call "The working Document". This is a copy of the Education Health Care Plan onto which we then record the areas of disagreement and then as each element is resolved, we are required to strike through and amend the plan using very specific agreed colours and fonts. The Work Document will then be passed between the parent and or the advocate and the Local Authority. The aim is that we are seeking to narrow down the issues not resolved prior to the Tribunal hearing itself.

We are clear that our aim is that EHCP plans are written in a person-centred way and that there should be a co-production meeting to support this.

There is no absolute rule as to the degree of the parents' contribution and it is right that we are flexible around this, so that where a parents requests that an advocate has a role in the writing of a plan, this should be accommodated. The code of practice does allow for a range of approaches although it is clear that the EHC Plan needs to relate to clear evidence of need and be supported by relevant documentation.

In Bury, there has been a loss of trust and confidence due the historical issues within the service it is important as we seek to rebuild that trust that the writing of the EHC Plan is done in co-production with parents.