



Transfers from Statements of Special Educational Needs to Education, Health and Care Plans

SUMMARY

- 1.1 The Special Educational Needs and Disabilities (SEND) Reforms implemented on 1 September 2014 required that all Local Authorities (LA) transfer children and young people with Statements of Special Educational Needs (SEN) over to Education, Health and Care (EHC) Plans by 31 March 2018.
- 1.2 As part of the SEND Reforms all LAs in England were required to conduct a Transfer Review to consider existing assessment information within the Statement of SEN, and decide if any further assessment information was required to ensure that EHC Plans are person-centred and focused on outcomes.
- 1.3 The Council's Vulnerable Learners' Service (VLS) successfully completed the transfer of 1,375 Statements of SEN by 31 March 2018. This was acknowledged by Nadhim Zahawi, MP, Parliamentary Under-Secretary of State for Children (10 May 2018) thanking Derby City Council for the hard work in meeting the statutory deadline of 31 March 2018. (See Appendix 2)
- 1.4 In addition to successfully meeting the conversion deadline, the VLS Team also significantly improved on its performance in relation children with EHC transferring to Infant, Junior and Secondary Schools for the September 2018 intake. This has improved from the previous 53% to 93% in terms of plans being processed and places offered by the statutory deadline of 15 February 2018 for primary places, and 31 March 2018 for secondary places. Further improvements will continue to be made to ensure 100% of transfers meet the statutory deadlines for the September 2019 intake.
- 1.5 In relation to conversions, to date no specific complaints have been received regarding the quality of the EHC Plans and, of the 1,375 transfers, only 14 appeals to the First Tier Tribunal have been lodged by parents to the SEND Tribunal Service. The Council is following the required tribunal process in relation to these 14 appeals.
- 1.6 Of the 1,375 EHC Plan transfers, only 26 cases were directly identified by the VLS Team, whereby an interim review of the EHC Plans may be required to update professional advice and, where appropriate, EHC Plans amended to reflect the revised information. The updates for these 26 cases are progressing as quickly as possible.
- 1.7 In order to further strengthen the Council's implementation and successful delivery of the SEND reforms, including future proofing for the demands on the service, the VLS Service is currently being significantly re-structured, including significant additional capacity. This includes further strengthening team management and also combining

the previous Pre 16 and Post 16 Teams to create a single and more efficient team. The new arrangements will be implemented by the deadline of 1 September 2018.

- 1.8 In relation to the SEND reforms, the Council is further strengthening performance management and therefore a range of Performance Indicators have now been developed to inform and monitor performance within the Council's VLS Service, (see Appendix 3). This will help with transparency and provide more confidence to schools, children and young people, parents, carers and their families. It is recognised that a transition period will be needed to fully embed procedures alongside embedding a new and re-structured VLS Service.

RECOMMENDATIONS

- 2.1 To recognise the Council's success in transferring 1,375 Statements of SEN EHC Plans for the statutory deadline of 31 March 2018.
- 2.2 To note the positive correspondence from Nadhim Zahawi, MP, Parliamentary Under-Secretary of State for Children.
- 2.3 To note the proposed service performance measures, and when monitoring for all these measures will start.

REASONS FOR RECOMMENDATIONS

- 3.1 To provide the Executive Scrutiny Board a full report of the transfer from Statements of SEN to EHC Plans.
- 3.2 To set the context for future performance information on service performance.

SUPPORTING INFORMATION

- 4.1 Every effort was made to ensure as far as possible that all transfers were completed within the 20 week timeline. Despite best efforts, a number of transfers were completed beyond this, largely due to historic issues and complex assessments. To minimise any additional delay and reduce levels of anxiety for young people and their families, the VLS Team worked closely with parents, schools and professionals involved, to secure high quality professional assessments and person-centred EHC Plans.
- 4.2 Of all the 1,375 EHC Plans, the information below details how the VLS will schedule the EHC Plan annual review programme:
- April to July 2018 – the 26 cases referred to in paragraph 1.6 identified as part of the transfer process, where it was agreed to hold an interim review and/or amend the EHC Plan.
 - Sept to Dec 2018 – Annual reviews scheduled to be held for the primary and secondary phase transfer year groups, to secure a school for September 2019: Nursery (4), Year 2 (79), Year 6 (108), Year 11 (124).

- Jan to March 2019 – Preparing for adulthood annual reviews scheduled to be held for Year 9 children (159), to ensure pathway to employment options are discussed, and school leavers (120) progress to an employment pathway, where appropriate.
- 4.3 No specific complaints have been received by the Council with regard to the quality of the transferred EHC Plans, largely due to significantly improved communication between the VLS, parents and schools. For the focused 26 cases, parents and young people were contacted to provide reassurance that any concerns in relation to the quality of the EHC Plan would be addressed swiftly and effectively at an early review meeting.
- 4.4 All 26 reviews have been scheduled to take place by 31 July 2018 to ensure that any amendments can be incorporated to accurately reflect the child or young person's Special Educational Needs.
- 4.5 Of the 1,375 transferred EHC Plans, 14 tribunal cases have been lodged, 9 of which were in relation to the quality of the content and/or placement, whilst the remaining 5 were regarding the placement named in the EHC Plan. At the time of drafting this report, 10 cases have been closed out and 4 are currently progressing, following the required procedures as outlined in the SEND Reforms Code of Practice.
- 4.6 In relation to good news, it is very welcome that the Council is beginning to receive positive feedback in relation to the improvements and changes being made to the VLS Team, and the transformation changes that have already been implemented. For example, named designated officers and named support staff are now working directly within locality areas to significantly improve and streamline communication channels for parents, schools and partners working with young people. (See [0-25 VLS Locality Document](#)) This has been well received by schools and parents. Whilst this is very welcome, the Council fully recognises that further development and improvement work needs to continue to fully strengthen the Council's VLS Service.
- 4.7 In order to secure further improvement, a restructure to merge current 0-25 VLS with the 16-25 VLS to create a single SEND Team is underway and will be implemented by the deadline of 1 September 2018. This will ensure the service is 'future-proofed' to deliver a consistent high quality comprehensive service to children and young people, parents, carers and schools.
- 4.8 The aim is also to progress to a more rigorous performance management system in relation to SEND. A range of Performance Indicators have now been developed to inform, monitor and report on performance within the proposed new SEND Team. (See Appendix 3). It is recognised that time will need to be allowed to fully embed these performance indicators, alongside the workforce training and development process in establishing a newly re-structured SEND Team. It is proposed that one SEND measure will continue to be reported to Cabinet / Executive Scrutiny as part of the Council Scorecard of priority measures – the percentage of EHCPs issued in 20 weeks (SEND6).

OTHER OPTIONS CONSIDERED

- 5.1 The completion of transfers from Statements of SEN to EHC Plans was a statutory direction from DfE.

This report has been approved by the following officers:

Legal officer Financial officer Human Resources officer Estates/Property officer Service Director(s) Other(s)	Anna Pollard, Principal Lawyer Alison Parkin, Head of Finance (Children and Young People) N/A N/A Gurmail Nizzer, Director of Commissioning (Acting), Suanne Lim, Director, Children's Integrated Services Diane Whitehead, Head of School Organisation and Provision (Acting)
For more information contact: Background papers: List of appendices:	Alex Lawson-Chamberlain, 16-25 Vulnerable Learners' Service Manager, 01332 642721. E-mail: alex.lawson-chamberlain@derby.gov.uk None Appendix 1 - Implications Appendix 2 - MP Letter Appendix 3 - Performance Indicators

IMPLICATIONS

Financial and Value for Money

- 1.1 The Council has prioritised additional funding to further increase capacity in the proposed new SEND Team.

Legal

- 2.1 An Education Health Care (EHC) Plan details the education, health and social care support that is to be provided to a child or young person who has Special Educational Needs or a disability. It is drawn up by the LA after an EHC Needs Assessment of the child or young person has determined that an EHC plan is necessary and after consultation with relevant partner agencies.
- The Special Educational Needs and Disability (SEND) provisions under the Children and Families Act 2014 were introduced on 1 September 2014. By 1 April 2018, all local authorities were required to have transferred all children and young people with statements of SEN who meet the criteria for an EHC plan and issue an EHC plan. Alternatively local authorities must have made a decision that it was not necessary, to issue an EHC Plan.

Personnel

- 3.1 In relation to re-structuring the VLS Team, the Council's Achieve and Change process is underway, including consultation with members of staff and unions.

IT

- 4.1 None directly in relation to this report.

Equalities Impact

- 5.1 None directly in relation to this report.

Health and Safety

- 6.1 None directly in relation to this report.

Environmental Sustainability

- 7.1 None directly in relation to this report.

Property and Asset Management

8.1 None directly in relation to this report.

Risk Management and Safeguarding

9.1 None directly in relation to this report.

Corporate objectives and priorities for change

10.1 This report supports the Council priority outcomes of Enabling individuals and communities, and Raising achievement and skills.

MP Letter



Nadhim Zahawi MP
 Parliamentary Under-Secretary of State for Children and Families
 Sanctuary Buildings 20 Great Smith Street Westminster London SW1P 3BT
 tel: 0370 000 2288 www.education.gov.uk/help/contactus

Mr Andy Smith
 Strategic Director of People Services
 Derby City Council

10 May 2018

Dear Andy,

**SPECIAL EDUCATIONAL NEEDS AND DISABILITY (SEND): COMPLETING
 THE TRANSFER OF STATEMENTS OF SEN TO EHC PLANS**

As you know, the Children and Families Act 2014 introduced the biggest changes to special educational needs and disability (SEND) support in a generation, putting children and young people with SEND at the heart of the process and ensuring that they are supported all the way through from 0-25 if needed.

Completing the transfer of Statements of SEN to quality Education Health and Care (EHC) plans is an important milestone and I am pleased that your April data return to the Department shows you have successfully completed all your transfer reviews by the statutory deadline.

I want to thank you, your colleagues and partners for the commitment and hard work you have shown to completing the transfers on schedule, and to the families who have worked with you on this journey. Moving across to EHC plans should have enabled those children, young people and their families to feel the benefit of the reforms and to receive a more joined-up approach to meeting their needs and improving their outcomes.

The end of the transition period marks the beginning of a new phase for the SEND reforms, focussed on continuing to improve the quality of EHC plans through annual reviews, the quality of provision, and the joining up of services. I look forward to working with you further so that together we achieve our shared vision of improved outcomes for children and young people with SEN and disability.

I am copying this letter to the leader of the council and to the MP for Derby City.

Yours sincerely,

A handwritten signature in grey ink, appearing to read 'N. Zahawi', with a stylized, flowing script.

Nadhim Zahawi MP
Parliamentary Under-Secretary of State for Children and Families

Derby City Council – Draft SEND Priority Performance Measures / Indicators for 2018/19

Performance measure details			
Ref	Description	Additional definition details	Reporting frequency
SEND1	Total number of children and young that Derby City Council maintains an Education, Health and Care Plan (EHC) Plans	Count of all open plans – Snapshot at a point in time	Quarterly
SEND2	Total number of EHC Plans ceased within last quarter	Count of all plans ceased – cumulative over the year	Quarterly
SEND3	Total number of new requests for EHC Needs Assessment within last quarter	Count of all new plan requests	Quarterly
SEND4	Number of children in the city with an EHC PLANS, at key transition points a) Nursery b) Year 2 c) Year 11 d) Year 9 – Preparing for Adulthood	Snapshot at the start of the academic year (September)	Annual
SEND5	Percentage of EHC Plans with a review scheduled within the next 3 months	Number of reviews planned for the next three months / total number of plans open for 12 months or more	Quarterly
SEND6	Percentage of EHC Plans issued within 20 weeks	Number of new plans issued in 20 weeks / total number of new plans – cumulative over the year	Quarterly
SEND7	Total number of complaints received	Count of all complaints – cumulative over the year	Quarterly
SEND8	Average time to respond to a complaint	Average working days to respond to all complaints – cumulative over the year	Quarterly
SEND9	Percentage of annual reviews in timescale (in the last quarter)	Percentage of reviews from the previous quarter that took place as planned, within timescale – snapshot	Quarterly

Performance measure details			
Ref	Description	Additional definition details	Reporting frequency
SEND10	Percentage of EHC Plans that have not been subject to an annual review in the last 12 months	Total number of plans with a review older than 12 months ago / total number of plans open for 12 months or more - snapshot	Quarterly
SEND11	Total number of mediation sessions attended	Total cumulative position	Quarterly
SEND12	Total number of mediation certificates issued	Total cumulative position	Quarterly
SEND13	Total number of cases considered at tribunal	Total cumulative position	Quarterly
SEND14	Total number of cases upheld at tribunal	Total cumulative position	Quarterly