

# Education, Health & Care Needs Assessment

## The Challenges & Opportunities

Kingston Parent Carer Consortium  
15 December 2020



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for children**

# Introduction

- Education, Health & Care Needs Assessments (EHCNAs) are a complex, time-consuming and expensive multi-agency activity
- In previous 12 months (from November), AfC (Kingston & Richmond) has received 500+ EHCNA requests
  - 80 % were agreed
  - 20 % were declined (AfC currently declines lower % than other London LAs / national)



# EHCNA Process - The Code of Practice

Weeks 1-6

EHCNA received in AfC

AfC critically analyses the request

AfC determines if it will carry out an EHCNA

Weeks 7-12

Professionals assess

Professionals provide advice

Weeks 13-16

AfC critically analyses the advice

AfC must determine, by no later than the end of week 16 if the child's SEND and the provision to meet them is *additional to and different from* that which is ordinarily available and therefore publish an EHCP, if one is to be made

Weeks 17-18

Parent / young person has 15 calendar days to comment and request a personal budget

AfC prepares a personal budget if requested (via KCIL)

Weeks 19-20

AfC consults requested and other suitable education settings

Education settings have 15 calendar days to reply

AfC names an education setting and issues a final EHCP

# EHCNA Process - The Ambition

Weeks 1-4

EHCNA received in AfC

AfC critically analyses the request

AfC determines if it will carry out an EHCNA

Weeks 5-10

Professionals assess

Professionals provide advice

Weeks 11-14

AfC critically analyses the advice

AfC must determine, by no later than the end of week 14 if the child's SEND and the provision to meet them is *additional to and different from* that which is ordinarily available and therefore requires an EHCP

Weeks 15-16

AfC publishes a draft EHCP

Parent / young person has 15 calendar days to comment and request a personal budget

AfC prepares a personal budget if requested (via KCIL)

Weeks 17-20

AfC consults requested and other suitable education settings

Education settings have 15 calendar days to reply

AfC names an education setting and issues a final EHCP

# What a good EHCNA request looks like...

- Requesting an EHCNA is an acknowledgement that, despite the school, involved professionals' and families' best efforts **over time**, we don't yet understand what barriers the child is experiencing to successfully make progress in their education and, so, cannot yet provide the right support to enable that
- An EHCNA is, therefore, an opportunity to **build on** what is already known through a deeper investigation
- An EHCNA does not, in of itself, guarantee an EHCP

# What sometimes goes wrong?

- EHCNA requested ***at the wrong time***, e.g. too early / too late relative to the child's developing SEND or their stage of education (Year 6 requests are especially problematic and often driven by unfounded concerns for the child's ability to 'cope' in secondary school, or that secondary schools won't deliver to their duties to appropriately support the child)
- EHCNA requested ***for the wrong reason***, e.g. parent may be unconvinced at the school's ability to adequately meet their child's need at ***SEN Support***, even though the school has a substantial ***notional SEN budget*** and wrap-around, statutory services are widely available

# What sometimes goes wrong?

- **Poorly evidenced** EHCNA request, requiring the LA to ‘fill the evidence gaps’ and use the whole of the first 6 weeks to decide whether to conduct the EHCNA
- Lack of genuinely **co-produced outcomes**, resulting in multiple and unfocused advice (and impacting the quality and focus of any EHCP, if made)
- (When conducting the EHCNA)...Missing, late and/or uncoordinated advice, causing delays to already very compressed timeline and, later, challenges in writing an EHCP (***an EHCP will only ever be as good as the quality of advice, and how that has been gathered***)



# What sometimes goes wrong?

- ***Poorly timed*** EHCNAs from a systematic viewpoint...
  - requests made from the individual SENCO's point of view of convenience / necessity (e.g. the 'rush' of EHCNA requests in March / April add significant pressures onto the SEND Service and advice-giving professionals to conclude the process by academic year-end

# What a good EHCNA request looks like...

- Evidence of the family's engagement and professionals' delivery of ***Assess, Plan, Do, Review ... over time***
- A high quality ***SEN Support Plan*** (that goes beyond 1:1 Support from a TA); evidence of the school using ***best endeavours*** and its notional SEN budget creatively and impactfully; evidence of increasing involvement of 'outside professionals' (the ***graduated approach***)
- A collectively shared view that ***now*** is the right time to request EHCNA
- ***The family's aspiration(s) & a one-page profile***, generated in a person-centred discussion
- ***3 - 6 SMART, co-produced outcomes*** (building on those already in place at ***SEN Support***)

# What we're doing to improve the process...

- ***Supporting & challenging schools*** to be clearer about what they must, should and could do at ***SEN Support***
  - Developing a ***Quality First Teaching*** charter and clarifying what ***Ordinarily Available Provision*** every mainstream school can already deliver
  - Providing Training (e.g. SENCO accreditation and supporting / delivering SEND INSET)
  - Working with Council for Disabled Children and others to train schools on ***person-centred approaches; how to co-produce SMART outcomes***)
  - Promoting evidence-based ***SEN Support*** provision to schools, inline with Education Endowment Foundation meta-research and proven best

# What we're doing to improve the process...

- ***Mapping the SEND Service and others' activity in EHCNAs and...***
  - Configuring our ***SEND Service structure*** and staff to be more available, earlier and at key points in the EHCNA process to 'check in' with families
  - Reviewing our ***EHCNA request & advice, and EHCP templates*** to help improve the focus and timeliness of advice, to...
  - Write higher quality, more succinct EHCPs focused on ***outcomes - the intrinsic skills we want children & young people to develop, and the benefits or differences they, families and professionals will notice on the child's journey towards independence and adulthood***

# Annual Reviews

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# Annual Reviews: SEND Code of Practice

- *9.172 The local authority should provide a list of children and young people who will require a review of their EHC plan that term to all headteachers and principals of schools, colleges and other institutions attended by children or young people with EHC plans, at least two weeks before the start of each term. The local authority should also provide a list of all children and young people with EHC plan reviews in the forthcoming term to the CCG (or, where relevant, NHS England) and local authority officers responsible for social care for children and young people with SEN or disabilities. This will enable professionals to plan attendance at review meetings and/or provide advice or information about the child or young person where necessary. These lists should also indicate which reviews must be focused on transition and preparation for adulthood.*

# What happened in the Autumn term?

- Inadequate Management Information and increasing, competing priorities meant that AfC was unable to notify partners and stakeholders
  - Covid-19
  - Increasing EHCNAs
  - Increasing EHCPs maintained
- A number of ***Annual Reviews*** have not yet been concluded by AfC, due to unprecedented increases in EHCNAs and EHCPs, loading pressures onto the SEND Service (this is not unique to AfC. The DfE knows this is a concern in most other LAs)

# What happened in the Autumn term?

- AfC has created an ***Annual Review Backlog Team***
- All unconcluded ***Annual Reviews*** are being triaged and casework prioritised
- ~40% of backlog has been cleared
- AfC has worked with SERVELEC to create an ***Annual Review workflow*** within SYNERGY, to enable the SEND Service to better forecast Annual Reviews.



# Annual Review Process

-8 Weeks

Education Setting  
Notifies Family &  
Involved  
Professionals of  
Annual Review  
Date

Education Setting  
Invites Updates  
from Family &  
Involved  
Professionals for  
the Annual Review  
Meeting

Professionals  
Prepare & Submit  
Updates

-2 Weeks

Education Setting  
Circulates All  
Updates to Family  
& Professionals

0 Weeks

Education Setting  
Holds the Annual  
Review

Education Setting  
Prepares the  
Annual Review  
Report

Up-to +2  
Weeks

Education Setting  
Circulates the  
Annual Review  
Report To Family  
& AfC SEND  
Service

Up-to +4  
Weeks

AfC notifies family  
its intentions:

- Maintain
- Amend
- Cease

# Annual Review Process: If Amending

Up-to +12  
Weeks\*

Up-to +14  
Weeks

Up-to +16  
Weeks

Up-to +18  
Weeks

Up-to +20  
Weeks

AfC prepares a  
Draft Amended  
EHCP

AfC Issues a Draft  
Amended EHCP

Family Has 15  
Calendar Days To  
Comment On The  
Draft Amended  
EHCP &/Or  
Request / Make  
Representations  
(Education Setting  
&/Or Personal  
Budget)

AfC Considers  
Family Comments  
/ Requests /  
Representations  
(& Prepares  
Personal Budget  
If Requested)

AfC Prepares A  
Further Draft  
Amended EHCP If  
Needed

AfC Re-issues  
Draft Amended  
EHCP

Family Has 15  
Calendar Days

AfC Considers  
Family Comments  
  
AfC Consults With  
Education  
Settings

Education  
Settings 15  
Calendar Days To  
Respond

AfC Considers  
Responses &  
Applies Tests in  
9.79 Of The SEND  
Code of Practice

AfC Determines  
Education Setting  
It Will Name In  
The Final  
Amended EHCP

AfC Issues  
Amended Final  
EHCP

Next Annual  
Review Meeting  
Due **No Later  
Than\*\*** 12 Months  
From The Date Of  
The Previous  
Annual Review  
Meeting

# Amending EHCPs

- So it's possible to see from the preceding slides the intense activity involved in amending an EHCP - equivalent to a re-assessment
- EHCPs should only be amended if there are ***significant*** changes to need and provision
- More about outcomes in EHCPs later...

# AfC's Priority Attendance at Annual Reviews

- In a phase-transfer preparatory year
  - Years 1, 5, 10, 13+
- Children Looked After
  - incorporating the PEP wherever possible
- Early Annual Reviews\*
  - e.g. at risk of permanent exclusion / place change
- Failing to progress
  - Outcomes not being met due to **significant** new needs

# Enabling Capacity & Delivery

- *9.166: EHC plans ... must be reviewed by the local authority as a minimum every 12 months*
- Increasing, multiple and competing pressures on the SEND Service
  - 500+ EHCNAs per year
  - 3,000+ Annual Reviews per year
  - 1,000+ Phase Transfers per year
  - Mediations
  - Appeals

# Enabling Capacity & Delivery

- AfC is undertaking process and capacity mapping within the SEND Service, including consideration about the necessary timing of **Annual Reviews** to best serve:
  - priority casework
  - priority processes
- Improved MI will enable more detailed forecasting of **Annual Reviews** against competing priorities and better enable delivery of statutory processes, e.g. phase transfer