

SEND System Developments on-line Q&A session with Dan Careless, Strategic Lead for Schools and Learning, Children's Services, Derbyshire County Council

25 October 2023

Responses to questions submitted by parent and carers in advance of the session and those asked on the day

Q.1. Why are so many families being failed by DCC and why are so many EHCPs allowed to get to the Tribunal stage despite only a 3% success rate for the LA?

DCC has been working hard to reduce the number of cases that go to tribunal, the team culture and development is key in how the service move forwards. DCC has set up a Tribunal Mediation Panel and recruited two SEND specialist lawyers to provide training and advice to staff to help lower the number of tribunals. As a result, the number of EHCP tribunals has halved from 160 to 80 over the last 12 months. Some of the issues are not with the SEND team but Dan acknowledged that there is still an issue at the tribunal stage and in his view some of the Tribunal losses were because DCC haven't had the legal support that they needed in the past. He is hopeful that moving forward this will be rectified.

Q.2 Does DCC accept/welcome private/independent needs assessments? Does having a private dyslexia assessment essential now for my son or is this covered anyway regards SEND? Also, if it is a specialised SENCO school such as Chapel and my child has ADHD and dyslexia covered with his SEND plan does it make a difference i.e., will it help him get a place?

Dan confirmed that DCC does accept independent assessments but noted that when these assessments come in, they are to be assessed by DCC but due to capacity this is time consuming and difficult. Independent assessment can be fantastic, but they can be to one sided without a balanced understanding of the LA's responsibility to the public purse and suitable education.

Q.3 Can you explain what action parents can take to ensure their child's EHCP is issued. I have two out of the 20-week time frame no communication for months and I've put in formal complaints which have been upheld but still no resolution. You can't even contact anyone to give you an idea as to progress. I have an 11-year-old struggle with the transition to secondary and in desperate need for additional support.

Dan acknowledged that EHCPs should be issued within the statutory timeframe but stated that currently no LA's are meeting this nationally and the national average is

46%. He recognised that current processes take a lot of time and are not sufficiently open or transparent.

DCC are looking to see how they can improve communication with parents by implementing a new system called IDOX. 27 local authorities use this system nationally and it is designed to make the assessment process more transparent by providing full visibility of each stage of the assessment process for parents. With IDOX, parents would be able to see who the plan is currently with, which information still needs to be added etc and it will improve all partners communication.

Q.4 Please explain the rationale behind the removal of the named person as part of the process. Please explain the benefit to parents of the generic email addresses particularly when they are unable to respond directly to whoever might eventually have responded to the email.

Dan explained that when e-mails come into the generic email boxes, they are directed to officers, and this helps to manage the current workload and monitor workflow as it goes out to staff.

If one officer has over 120 emails in a day, DCC can assess how many of them are being responded to. SEND officers are different from social workers, they complete an administrative process, and they draft EHCP plans and send these out for review.

The continued support for the child and parents should come from the SENDCO at your child's school. SEND officers carry caseloads of 200-250 cases and they come and go so with a central e-mail address the risks of things being missed if an officer leaves DCC are minimised.

Q.5 Is anything being done to improve specialist school placements and if so, at what point should parents expect to see change?

The building of more special schools is not a government priority so DCC will not be getting funding for any new special schools in Derbyshire.

What we are doing at DCC is holding schools to account, if a school is struggling, we are looking at how we can offer alternative provision for a child via an inclusion panel. We have found inclusion panels to be extremely beneficial.

DCC have also established a new Education Sufficiency and Provisions Panel which holds a pot of capital funding that schools can bid for to improve facilities for SEND children.

Q.6 If a child has an EHCP but a mainstream school has insufficient funding to meet the provision in section F then will the local authority provide the additional funding?

DCC are doing a huge amount of work regarding what is funded within schools. Some schools are not underfunded whereas others need additional funding. This is something that needs to be looked at.

Q.7 What are you doing to ensure that schools are regularly reviewing and updating children's SEN plans and how are you ensuring that all subject teachers follow them?

DCC's job is to notify schools when a pupil's annual review is due. DCC has offered a lot of development training for SENDCOs and the take up on those training sessions has increased. DCC would like to hear if a child hasn't had an annual review as they would follow that up with the school.

Q.8 Please explain in what realm is it acceptable for Head of SEND to have an Out of Office response stating emails will be deleted unread if out of office and is now seemingly updated as to him rarely accessing emails or having limited email access bearing in mind parents are generally contacting him as they have no means to contact anyone directly involved as either they are unaware of who is dealing with their child's case or they have had no response to emails sent often for many weeks. Please explain when parents should see improvements in the service provided following the £1million extra spending?

Dan responded by saying that corporate response times are being met by his team. The generic email boxes are managed by the admin team and emails are forwarded to the relevant officers to respond. Dan acknowledged that when e-mails are being sent back and forth, his team are responding to them as quickly as they can with the resources that they have.

Q.9 Why are the SEN assessment team currently offering a meeting with a SEN officer in the letter sent to inform parents that a completed EHCP needs assessment has been rejected, when it is then impossible to get a response to a request for such a meeting?

Dan responded that he was unaware of this and that he could confirm that the meetings are happening. He didn't feel that this was happening very often and there could only be one/two specific cases of this. He said he would be happy to pick this up afterwards with the parent

Q.10 Can you tell us how you are planning on improving the offer for autistic and neurodivergent children in Glossop specifically?

We are picking this up via the Commissioning and Education panel. I can't comment on an area specifically.

Q.11 What is the current lead time from assessment to receiving and draft EHCP?

30% of draft EHCP are received with in the timescale with non-taking longer than 32 weeks. Dan was confident that this would increase to 50% by December 2023. **It has now moved to 60% during November since the meeting which is positive news.**

Q.12 Why is it so hard to get someone/anyone to speak to? Questions that are e-mailed are left unanswered and we are unable to e-mail specific people.

Covered in response to other questions above

Q.13 How will time scales be met?

Covered in response to other questions above

Q.14 Would an EHCP support young people in employment?

There was not time to ask this question, but the the answer is definitely yes – you can have an EHCP up to age 25 and if offers legal protection to support some ongoing learning and work experience e.g., at college.

Q.15 Where and how are school staff trained in how to understand autistic needs? Will schools take on a more trauma informed approach?

The LA are supporting all schools with a trauma informed approach via a range of network meetings and the work across inclusion support services and virtual school.

Responses to questions asked by parent and carers at the live event

Q.16 Given the clearly awful state everything has been in, and you outline lots of work going on - why was a comms decision made early year made to 'hide' all SEND team behind one generic email address furthering delays and disenchantment of parents?

Dan reported that the back log has gone but staff cannot spend their time speaking to SENDCOs and families re their plans as DCC don't have the staff to do that. Our SEND officers carry caseloads of 200-250. Emails will be answered, by the relevant officers as soon as they can.

Q.17 Response from parent regarding above - Regarding the central email address, you said there's nothing that can be done. What would you say to a

parent like me who doesn't understand that, and the case has gone to the officer, the draft plan has been made and they still have questions, they email the central address, and they get no response.

Dan's response – If you're a parent with a draft plan you're not happy with, and we make minor or major changes, and you are still not happy we go to tribunal. Some drafts go back or forth 8 or 9 times, which doesn't help in the immediate term. Going forward we are trying to improve the quality of draft plans so that we only have 1 or 2 changes to a draft. Right here and now, I'd need to recruit up to 50 officers to address this – we're trying to be open and do as much as we can but going back and forth on 6 or 7 drafts – we just can't do it. We do have new people coming into the SEND team, so there should be stabilisation.

Q.18 I take your point about trying to bring about change, but for the children at the end of process right now, it's not helping them, and its heart wrenching to hear nothing can be done. Parents are fighting and hitting a brick wall – for the children in that position, what happens in 2 years' time doesn't help them. It's the culture with the people in your team right now that is the problem – you noted this yourself; there are people in your team who are unwilling to change.

As parents you will have seen some changes in terms of personnel – that culture will change, though it's difficult because the authority is huge. I acknowledge that some people don't want to change, but it will change, and I am pleased to highlight some of the talent now beginning to develop.

I've no issue with people commenting on the working culture within the team – I understand that and see the comments coming through. I'm fully aware of which staff need further development. I would also echo as with all organisations it is important to note the work of a high percentage of staff who are doing a fantastic job under difficult circumstances and as highlighted the SEND team only administer the information given.

Q.19 It took 4 years to settle his child and the support we get as a family is dire. I run an autism support group for parents and similar feedback is coming from there. The transport staff are not trained – cites example of autistic children running off. I had to quit my job to take my boy to and from school. Reimbursement for time/fuel isn't sufficient. I feel he is being massively let down by the SEND team. He also went on to say that the speech and language therapist had discharged his child even though he is nonverbal.

Dan felt that as this question is about an individual case involving a range of agencies not just DCC it requires a combined response with further evidence/information from partners. As such it is too complicated and detailed to respond to in an open forum or in this Q&A response.

DPCV recognises that SEND school transport system is a major issue for many families. We are committed to working strategically with DCC to ensure that the views of parents/carers are heard and considered in the co-production of the redesign of the service through the SEND Transport Working Group.