



## Warwickshire Parent Carer Webinar (SEND) 8<sup>th</sup> July 2021 Q&A's

### 1. How do you administer the Annual review process?

Where a child or young person has an EHC plan, it must be reviewed at least once a year by the local authority ('LA'). This is to ensure it stays up-to-date and continues to provide the support the child or young person needs. At the end of the review, there are three decisions the LA can make:

- To maintain the EHC plan in its current format (not make any changes);
- To amend the EHC plan;
- To cease the EHC plan if they think it is no longer necessary for it to be in place

Warwickshire County Council (WCC) has provided guidance to schools and settings on how to conduct person-centred annual review for children and young people.

Children and young people and their families must be notified within 4 weeks of the above decisions. There is no clear timeframe in the SEND Code of Practice once the above decision is made on when the amendments are required to be undertaken. However, WCC aims to have the amendments within a 6-week period timeframe.

WCC recognise that there are further developments required for the annual review process and this is included in the SEND and Inclusion Change Programme.

EHC plans must be reviewed as a minimum every 12 months and must be undertaken in partnership with the child and their parent/carer. Reviews are generally most effective when led by the education institution. If a review has not been undertaken, we would advise parents to discuss this with the school/education institution and request they call the annual review.

### 2. Why is incomplete paperwork accepted for Annual Reviews?

As mentioned above, the Annual Reviews process is an identified area for further development and is included in the SEND and Inclusion Change Programme

### 3. Why has panel process delayed funding requests from schools?

The Panel sits every two weeks and endeavours to make 'final' decisions on all requests. In a small number of requests, the evidence provided to the Panel is not clear in terms of specificity, cost and the outcomes. The Panel may defer decisions to collate this further evidence base. In most cases this is only for two weeks.

### 4. What is Standard Operating Procedure (SOP) for schools from submission of request to getting panel date?

WCC has a statutory timescale of 6 weeks to make a decision from a submission request.



**5. Specific interventions in section F, what can parents expect to the recording/sharing of progress of the interventions to assure that their children are moving forward in all areas of their SEN what should this look like? (secondary mainstream)**

Progress will be individual in each EHC plan to the outcomes stated in Section E. This will be looked at most closely at the annual review but should also be reviewed as part of the routine reporting of the school (e.g. Parents evenings). Any concerns should be raised with the SENCO in the first instance.

**6. What age do WCC expect most plans to come to an end?**

We do not set targets for ceasing plans. The Annual Review determines which outcomes have been achieved, what outcomes need to continue and if there are new Outcomes. The Plan therefore is ceased when the outcomes have been met or the Young Person reaches 25 years of age or enters Higher Education.

When deciding whether a young person aged 19 or over no longer needs the special educational provision specified in the EHC plan. The local authority must take account of whether the education or training outcomes specified in the EHC plan have been achieved. Local Authorities must not cease to maintain the EHC plan simply because the young person is aged 19 over. However, the circumstance where the LA is no longer responsible for the child or young person are as follows:

1. A young person aged 16 or over leaves education to take paid employment (including employment with training but excluding apprenticeships)
2. The young person enters higher education
3. A young person aged 18 or over leaves education and no longer wishes to engage in further learning.

Where the young person aged 18 or over is in receipt of adult services the LA will ensure that adult services are involved in and made aware of any decision to cease the young person EHC plan. Where the care part of the EHC plan is provided by adult services under the Care Act 2014 the person 18 or over, the Care plan will remain in place when other elements of the EHC plan ceases.

**7. How many years in college do WCC expect to offer YP with plans?**

Please see above in Q6.

**8. Is there a procedure for us to access the right person at possible colleges, particularly Warwickshire colleges?**

All settings should have information about how they support children and young people with SEND on their webpages. For example, see the following webpage for Warwickshire College Group: <https://wcg.ac.uk/page/59/local-offer>. Parents may also wish to speak to the SENCO or Head of Inclusion.



## 9. What do I need to successfully get a EHCP if I submit myself?

We would advise all Parents/Carers to speak with the SENCO at your Child's school first. Working with the school helps to gather the appropriate evidence for an EHC Needs Assessment request. If your child is electively home educated, we recommend that parents submit evidence that demonstrates a Special Educational Need, for assistance please refer to section 9.14 of the Code of Practice which is as follows:

To inform their decision the local authority will need to take into account a wide range of evidence, and should pay particular attention to:

- evidence of the child or young person's academic attainment (or developmental milestones in younger children) and rate of progress
- information about the nature, extent and context of the child or young person's SEN
- evidence of the action already being taken by the early year's provider, school post-16 institution to meet the child or young person's SEN
- evidence that where progress has been made, it has only been as the result of much additional intervention and support over and above that which is usually provided
- evidence of the child or young person's physical, emotional and social development and health needs, drawing on relevant evidence from clinicians and other health professionals and what has been done to meet these by other agencies, and
- where a young person is aged over 18, the local authority must consider whether the young person requires additional time, in comparison to the majority of others of the same age who do not have special educational needs, to complete their education or training. Remaining in formal education or training should help young people to achieve education and training outcomes, building on what they have learned before and preparing them for adult life.

## 10. Why is the application for a parental request for an EHCP such an uphill battle with unlawful refusals to assess being overturned? Which then delays much needed support for our children which should be the focal point. Not the fight.

The update regarding the Panels project / improvements should provide some reassurance to children, young people and their families. We recognise the difference between the Code of Practice, which has been the basis of our practice, and the Regulations. We are working to narrow that gap – making decisions based on the evidence provided. Our continued learning and development, including feedback from Ofsted who observed a Panel during the SEND Local Area inspection, will continue to improve the quality and consistency in decision making.

## 11. How to contact EHC plan coordinator if they don't respond to calls and emails.

We aim to work within our Customer Service standards as follows:

### Telephone contact

We aim to answer telephone calls within seven rings during office hours. If lines are busy or staff are unavailable, you may reach voicemail. This will state staff availability and an alternative contact if someone is out of the office. The Customer Service Centre can be contacted on 01926 410410, Monday to Friday.

### Written contact

We aim to:



- acknowledge emails within 1 working day
- respond fully to written contact within 5 working days
- tell you how your enquiry will be handled and how long it will take if the full answer is not possible within five working days

**12. What options do you have if there is a medical recommendation for an EHCP but the school is reluctant?**

Medical recommendations should recognise need and what provision is required to meet that need. Schools submit requests for an EHC needs assessment in line with the graduated approach and will take into consideration the advice of Medical Colleagues. The Children and Families Act 2014 places a duty on maintained schools and academies to make arrangements to support pupils with medical conditions. Individual healthcare plans will normally specify the type and level of support required to meet the medical needs of such pupils. Where a child or young person also has SEN, their provision should be planned and delivered in a co-ordinated way with the healthcare plan. Schools are required to have regard to statutory guidance “supporting pupils at school with medical conditions”. Panel will examine all the evidence provided and if the needs of the child or young person are significant and complex an EHC needs assessment may be agreed.

The EHC needs assessment does not necessarily mean a child or young person will have an EHC Plan issued.

**13. When the EHC statutory guidelines are not followed or adhered to what are the systems in place for redress if when raised with plan coordinator team nothing is done? Are there any systems for this that don't involve lengthy delays to any actions being taken? For context, I have many specific examples related to my child's situation since getting his EHC a year ago.**

WCC endeavour to ensure that all key stakeholders are kept informed throughout the process and if there are any delays that these are communicated in timely manner to parents. However, if any parent has any queries about the status of their child's assessment and is having difficulty accessing responses please do email [sendchange@warwickshire.gov.uk](mailto:sendchange@warwickshire.gov.uk) and this can be referred to the appropriate professional in line with the WCC protocols. If following this you are not satisfied please refer to <https://www.warwickshire.gov.uk/mediationappeals> which will provide you with the advice and guidance to address your issues through the route of redress.

**14. If a child is diagnosed with ASD when should an EHCP be applied for and by who? Should an ASD child get to ten years old without one? Is there a way to ensure one is obtained before the child goes to secondary school? Is the mainstream school failing that child? Is there someone I could write to for further clarification please?**

A diagnosis of ASD does not necessarily mean an EHC needs assessment or an EHC plan is required. The vast majority of children and young people have their needs through SEN Support via the Assess, Plan, Do and Review process. This process allows a high level of monitoring to ensure CYP needs are met with a need for the above.



**15. How do you ensure all the documents are included before you get to panel? Who checks the file is complete ahead of the meeting? so that the decision doesn't get deferred because more information is needed, that causes delay. What is your current definition of 'timely'?**

The paperwork submitted to Panels is quality assured by the Plan Co / Senior Plan Co and the Chair of the Panel. The number of requests that are deferred, due to paperwork missing, is reducing. The Panel though will give a No or Deferred outcome if the documents provided do not provide the required evidence for the Panel to make a decision.

With respect to timeliness in sharing outcomes: The Chair of the Panel approves the decisions within 24 hours of the Panel (Weekly for Statutory Panel and Fortnightly for High Needs Panel). The decision from the panel is shared with parents and education providers in writing through the panel administration process. Where the decision is related to a placement decision on an issued EHC plan this will normally be also confirmed through the plan coordinator. We then aim to share the decisions with parents/carers and education provisions within 3 working days. In the case of Statutory Panel if there is a No to assess one of the SENDAR officers will call the parent/carer and the education provision and explain why. We are finding that in most cases this is very effective and appreciated.

**16. Is there a written policy to state what evidence you will accept to make these decisions? I've been advised by SENDAR that reports that WCC commission supersede anything that I provide (private reports, etc) and I've asked for a policy to state this and what will be accepted but I haven't received a response.**

Section 9.49 (p156) of the Code of practice outlines psychological advice and information from an educational psychologist should normally be employed or commissioned by the local authority.

With the above in mind the Panels will consider private assessments but will always seek an opinion from our commissioned services. This does not mean that reports by commissioned services supersede private assessments, often they agree on the need / findings etc, only that we are acting within the guidance of the act.

**17. If a child has an EHCP and their assessments are out of date, who is responsible for getting new assessments?**

The class teacher/subject teacher should monitor all children's academic progress. If a child or young person is not making progress in a certain subject area e.g., literacy, then one would expect the school in the first instance to put in place interventions. This happens for all children and young people with or without a SEND. If the interventions for a child or young person with a SEND are not working, then the expectations would be that outside agencies are called in to offer additional advice and support.

The local authority must conduct a re-assessment of a child or young person's EHC plan if a request is made by the child's parent or the young person or the governing body, proprietor or principal of the educational institution attended by the child or young person or the CCG.

A local Authority may also decide to initiate a re-assessment without a request if it thinks one is necessary.

A local Authority can refuse a request for re-assessment (from the child's parent, young person or educational institution) if less than 6 months has passed since the last needs assessment was conducted.



**18. Who do we contact if we aren't happy with our EHCP coordinator and feel that they aren't following the process/SEN code of practice?**

The first point of contact with the Senior Plan coordinator, if you are unsure of the name of your SENCo please email [sendchange@warwickshire.gov.uk](mailto:sendchange@warwickshire.gov.uk). If they are unable to resolve the issue it will progress to the Head of SENDAR.

**19. Is an EHCP more likely to be accepted if submitted by the school or does a parent submitting have the same chance?**

Q9 provides part of the answer, but for reassurance the Statutory Panel considers all requests with the same fairness and approach we do not separate out Parental and provision requests.

**20. Even when provision is written in to a EHC plan, our experience is that even when provision isn't delivered and that is accepted no one seems to take ownership of these failings. If anything our experience has been that this lack of provision is being used at annual review to state provision can be reduced in the plan for the following year.**

Any immediate concerns about a lack of provision should be directed to the school in the first instance as they are best placed to resolve this quickly. The school complaints procedure should be used if the school is responsible for provision (as named in the plan) and this is not being delivered. Should this not resolve the issue, the local authority can challenge the school should it too consider that the school are not implementing the provision outlined in the EHC plan.

The annual review is the formal place to consider progress towards the individual child's outcomes stated in the EHC plan. The provision described in sections F, G and H1/H2 is in place to make progress towards achieving those outcomes. At this meeting it can be agreed whether provision should continue as stated in the plan or whether a change is recommended (either because outcomes have been achieved or because additions or changes to provision are required).

Parents can contact SENDIAS for independent information, advice and guidance: <https://www.kids.org.uk/warwickshire-sendiass-front-page>

**21. Going back to the comment made by Matt, if Sendco's are asking advice on what evidence they need for process of EHCP, it highlights how difficult it has been for parents.**

We recognise the need for continual training and development which is why we have encouraged all SENCO's to observe the Statutory Panel. The Panel project is also developing a Bank of Good Evidence and guidance for SENCO's so that applications for EHC needs assessment can be successful.

**22. There seems a world of difference between the rhetoric in this webinar and the realities of parents, especially around children who have dyslexia-SpLD-literacy difficulties. Was deeply concerned in the last webinar that Specific learning difficulty was not even identified as SEN and not recognizing need for additional support**



Thank you for your observation. If you would like to share specific examples or raise a question on this concern please do.

WCC recognises all SEN as outlined in the SEND Code of Practice and support and services are in place to meet those special educational needs. In relation to dyslexia-SpLD-literacy difficulties please see the answer to question 22 below which outlines the WCC approach.

**23. Parents say that if dyslexia is suspected in their child, they are told by the school that they will have to get a private assessment. Is this true? If so this is not in keeping with the Equality Act and is not affordable by all.**

Warwickshire is a needs-led authority and as such, is committed to meeting the needs of all young people with additional needs by promoting early identification, good quality assessment, and evidence-based intervention, whilst enabling fair access to the available resources.

As literacy difficulties, that can be associated with the identification of dyslexia are commonly occurring, Warwickshire CC have developed a county wide [Literacy Guidance](#) for all schools that aims to promote an inclusive approach to teaching reading, writing, and spelling for any young person with literacy difficulties (including young people with diagnoses). Warwickshire CC promotes an assessment for intervention approach to enable identification of needs, as early as possible. Focusing on effective and systematic teaching and learning methods for young people with literacy difficulties enables identification of specific skills to be targeted through intervention, and the support required for the young person to access the curriculum, as this is found in research to be the most effective way of improving literacy skills.

As part of the literacy guidance, skills-based assessments for reading and spelling/writing are readily available to all schools (at no cost). These can be administered at any stage and provide comprehensive information needed to develop intervention for any young person requiring support. To further support teaching staff, a series of Webinars have been developed as part of the core offer to schools, focusing on the reading science, administering and interpreting the reading skills-based assessments, and intervention and review. These are available through [link to Webinars](#). We are looking to develop further Webinars on spelling, language and vocabulary, and numeracy in due course.

Schools can also access specialist support services through Warwickshire's traded offer, for example, the Specialist Teaching Service and Educational Psychology Service, for additional advice and support if required.

In terms of exam arrangements, schools need to comply with The Joint Council for Qualifications regulations. When applying for access arrangements (e.g., extra time, a reader, a scribe), the school needs to demonstrate evidence of the 'learning difficulty' outlined in an assessment completed by a psychologist or specialist teacher. The focus of evidence is on test scores meeting the threshold for specialist arrangements rather than a diagnosis. Schools also need to demonstrate that there is a history of need, including evidence of the support provided and evidence of persistent difficulty over time.

**24. Can you speak to your EHCP send coordinator for clarification on provision because I tried this recently and the SEND coordinator referred me back to the school?**



The first point of contact should be the SENCO in school. If the SENCO is unable to provide the clarification on provision, which should be specified in the EHCP, then please discuss with your SENDAR Plan Coordinator.