



## **PARENT CARER ENGAGEMENT EVENING**

**15<sup>TH</sup> February 2024**

1. There seems to be instability within the leadership team - Isobel and Sandra Bruce leaving for example and Stephen being interim, now Michael is leaving. How will you ensure that services aren't impacted and that you can provide continuity for families?

We understand and acknowledge that for families change in leadership may feel unsettling as it is more change for parents and carers to have to experience. We are confident that the changes that have been happening over the last 2 plus years have been embedded so that that culture and system change will remain in place. We have developed collaboratively, a strong SEND Development plan to ensure that the work we have been doing will continue to happen. We have also developed strong middle management to support our improvement journey.

2. Please can you explain the reasons as to why senior managers feel the SEND code of practice is optional and open to interpretation?

We want to stress our absolute commitment to the SEND Code of practice that it is not seen as optional. All our new systems, policies and quality assurance process are based on the SEND Code of practice.

We have weekly data meetings to track our compliance in terms of timescales etc. We have been successful in applying for and getting additional staff for our Annual Review Team by using the code of practice in our bid for funding, highlighting the need for extra capacity to enable us to meet our duties.

3. What are parents to do if their emails are ignored. What is the escalation route?

This is something we are aware of as being an issue and we are working really hard to build a team/ service that is responsive and does respond. We know due to the volume of work that we do struggle with this. We have taken this very seriously to the point that we are tracking performance on this both in terms of improving but also in evidencing the need for support to cover the phones and the emails.

When emails don't get responded to then the process is the refer it to the team manager and then up to myself and then goes through the complaints process. I know that at times I don't respond swiftly but it is a real tension when your away from your laptop all day in meetings then trying to respond to the volume of emails at the end of the day. I do want to share a really humbling experience when it was pointed out that what I had been doing in trying to be helpful was in fact not as helpful as I had intended. This was as a result of recently listening to parents who asked that we do not email late at night because of the knock on affect, which I had not considered for parents, if emails are sent late at night, then they can be sat waiting not knowing if a message will come or not and that impact on well-being as they are not able to switch off. So parents were right to say don't send messages after 6.00pm and to use the delay button so that they go in the morning if I want to do catch work in the evening. I took this learning and we have put it as a team standard. This approach is something we have shared with other professionals as well, so we have taken that learning and acted on it.



**4. When parental preference school is refused why isn't there a meeting to discuss so parents are fully clear on the decision process and next steps?**

Absolutely, if we are working in partnership, we should do this. It is our ambition that by developing the service the caseworker can have the real time to have those meaningful conversations. I do understand that the team is not always communicating with parents as fully as we want.

I think there is a lot we can do about not just these conversations but have the information to send out to follow up those conversations.

Likewise, we need to be better at explaining the processes / steps that caseworker have to make in securing agreement for a placement. Likewise explaining what it means if a school is not on the Section 41 list when it comes to naming them.

Decision about placement is rather like a ladder. Panel will make a decision about if a EHC Plan is to be issued or not.

Then it looks at type of provision so Mainstream, Resources Provision or Special.

Panel will not agree to special unless it has shown that mainstream with support or Resource Provision would not be able to meet need.

If panel say the child need Special then it requires the case worker to consult with Bury Special schools and only if they say that they can't meet need, can the case worker then ask for an independent special school. If there is agreement for that then the case work has to consult via something called the northwest frame – this is an electronic system that puts a search out to all independent school within the GM area. The case worker will include in that search parental preference – once the outcome of those searches/ consultation come back panel makes a view as to which. at this point they also look at transport. how a child will get there and is the school a Section 41 school.

We are just working on how we can do letters from that Resource Panel to go out to parents explaining the decision and setting out the next steps and option. This will be support by a conversation by the case worker. So long answer really ... when I am really saying this is a really important question and we are already updating our system to build that conversation in plus a letter from panel.



5. I understand there are issues with staffing in the transport team which has resulted in significant delays for initial assessment of applications going well beyond 15 days. Please advise how this is going to be rectified and the back log dealt with? And also what parents who may be struggling to get their children to school can do in the meantime?

Couple of things here... We understand that there has been delays, the transport team has just completed a recruitment programme to grow its capacity and fill empty posts so this should reduce the issue going forward. Where there are delays, we are asking that parents talk with their case workers as there may be interim solutions that can be agreed. The second and related thing is that we are currently reviewing with parents both the Transport Policy as well as how we implement that policy so looking at the processes and systems.

We have already looked at the ways of the current system, having 3 teams working independently is not the most logical approach. So, while the consultation has not finished it is already becoming clear that it would be more logical if we built in the transport assessment into the initial EHC assessment so that information is not repeated, so that parents early on know about the transport option when making decision.

Alongside this, the group are looking at how we can increase the number of escort and drivers – so what are the options in terms of recruitment / advertising campaigns we can use. What are the creative solutions around pick-ups in the morning. We are having loads of brilliant conversations and finding some logical and sustainable solutions eg If a parent needs to get to work and the bus is arriving later is there a way we can link up with other parents. These discussions have also raised the need for us to think about how we support after school clubs etc.

So, I guess in summary I am saying talk with your case worker and contribute your ideas to the transport review. Oh, and if you know anyone who wants to be an escort, or a driver let us know.

6. Why are EHCP consultation letters already filled in with negative responses before schools have even looked at the EHCP?

The letters have been in existence now for many years – Following a recent complaint we have reviewed the letter updated them to ensure that they are fully neutral. The issue was linked to guidance that was on the form that had been requested by schools.

We are updating all our standard letters to ensure that they are easier to read and only hold relevant information.

7. What is happening with the role of Mediations Officer in the EHC team as there is no-one doing this role now which is worrying considering the time of year when parents need more support if they are not given preferred school choice.

We are currently in the process of recruitment for this post.

We have in the interim got agreement that we can use an agency worker to cover this work but we would prefer to undertake any mediation work ourselves as we believe it is better that we maintain that direct relationship wherever possible

It is worth sharing with you all that our 3 Senior Caseworkers job description includes both mediation and tribunal work. So, while we have a lead officer it is not supported just by one officer.



8. What independent auditing does the LA undertake of schools to check that funds are being spent on the children with EHCPs to ensure that their needs are being met as specified in the EHCP? Does, or could the LA make unannounced visits to see what is really happening in schools?

We have a range of checks that we do. These vary dependant on the type of schools and the purpose of the visit.

When as school is seeking additional funding or is making an application for a EHC Plan the school have to provide something call a costed provision map – this is a document that set out how the school has spent their funding for a child.

Within the Annual Review process, we look at the spend and if school are seeking more they again have to provide a cost provision map

Where we have a child out of area, we do additional checks and a contract compliance check.

We have 2 school improvement officer that undertake both announce and unannounced visits to schools and look at their performance including overview of spend. In addition we have 2 primary and 1 secondary SEND Inclusion leads who work directly with school on the SEND offer

Finally, we have finance meetings with school to look at the budget allocation and spend. These meetings include the SEND Lead, Finance Officer , Head Teacher and SENCO

9. Please can you ask Michael if all parents from Craig Ormerod have now been contacted and are the children all placed in education the parents and children are happy with?

In looking at this question I would like to answer this in 2 halves

For those children placed at Craig Ormerod school they were sent letters and we are working with those families with short term offers while we can find long term solutions. Some of the young people have already got their long term offer agreed and started.

For those who were at Craig Ormerod AP then the school that placed them should have sent a letter / email. Again, for all of these young people, work has been underway to get a bespoke solution.

I do understand that for some this is taking a long time but some we have needed to be very creative. We also need to be clear that we can legally only use 1 unregistered AP (so max 17 hours) per child, so this does make this more difficult. We also needed to have done additional safeguarding check on all the Alternative Provision we are using.

There have been a couple of families where we know that the letter that have been sent by email have gone into their junk email boxes.

We were grateful for a parent setting up a parent drop in to meet with myself to talk about the Craig Ormerod situation as well. I hope that parent reads this as it was brilliant of her to taking the time to organise the meeting.



**10. What are the plans for children who haven't got spaces at Millwood and have had mainstream settings named?**

Currently we are working through each child who did not get a placement at Millwood. This we know will take time as it like a jigsaw in that as we match a child in a placement it sometimes unlocks another placement for another. Plus, we will have some children who for a variety of reasons may leave Millwood between now and summer or parents decide not to take up the offer e.g. they may move etc.

We also work on, are there ways to increase the numbers overall etc

I know this does not help now but it is important to know that the extension of Millwood is still on schedule from September 2025 but as we know with building work that may move slightly.

Lastly, just need to say that it may seem odd that we name mainstream even when a parent is seeking a placement at Millwood and the child did go to panel for consideration. The reason is because of the government set timescales means we do have to name a school in February. Given that we always want to protect the parent's right of appeal through the tribunals process, we do name the mainstream, so it protects that right. This may seem odd as we really do want to find solutions together by talking and looking at options. While our approach is to have those shared conversations, we also know if we don't name, it removes that parental right so we do name to be as helpful as we can be, not because we want to have a "battle" via a tribunal. So I hope you can see that we do this to be respect and fair.

**11. Why has refusal to assess for EHCPs and cease to maintain EHCP numbers increased, particularly for post 16?**

This is a complex question, in Bury we are still around the 15 highest in the country in terms of the number of EHC Plans we issue. So, we do assess more and do agree more than most LA. What is important is that the right child gets an EHC Plan at the right time.

We also know that, not enough children are being supported at SEND Support because the number that are recorded as having a SEND Support plans are low and we need to work on that, which is why there is so much training happening now across schools and settings on the graduated approach. Really getting schools and settings to identify and support early.

We continue to see an increase in requests, the issue for the EHCP panel is the quality to the applications are very poor which lead to the number of refusals to assess.

We are currently updating the request form to try and make it easier to fill in but also for it to help schools and settings really consider the evidence that they are submitting.

The issue of the cease to maintain our numbers went up last year because we had not been ceasing them on time previously, so the data last year was unusually high. This year the number has dropped down. I take the view that it is very disrespectful to leave a young person with an EHCP when they have left school and are in employment just because we have not done what we ought to have done. This year we are really focusing on the preparing for adulthood agenda so support young people into employment etc.

What is great news is the number of new requests we have had for our post 16 which is new post 16, a really positive place to be at.



**12. Why are private reports not always included in EHCPs?**

We will include private reports and we should do – but we do have to triangulate them with statutory assessment. Plus, we must be able to validate that the author has the correct and valid qualification for the report. We must be clear what is factual and what is reported opinion.

**13. Why does the council fail their legal duties to respond to statutory requests from the ICO when there have been infringements on a SEND child's GDPR & other breaches despite many chasing correspondence?**

The Local Authority do take very seriously our legal duties across all areas including those around reporting of GDPR and other breaches. We have a centralised team that tracks, monitor and address all incident where there been an GDPR breaches to ensure that appropriate action is taken as well as compliance with requests from the ICO etc.

The process of releasing information following Subject Access Requests is a very complex and time consuming one given all the steps that are required. We have had difficulties in recent past around or capacity to undertake this work but this is now being addressed through pulling in support across services.

**14. Can a child be home educated and keep there EHCP?**

Absolutely they can keep their EHC Plan. What is important, is for a child to be Electively Home Educated with an EHC Plan. It is for the parent to ensure that they meet the provision as set out in the EHC Plan – so the responsibility sits with the parent. This is different to those children with an EOTAS package.

**15. Do parents have the opportunity **before** panel, to explain why they prefer a certain placement, so that panel are clear and, if this cannot happen, can make a more informed decision around an alternative? I hear a lot of parents upset because it is only after panel that discussions take place - it seems that a lot of distress could be avoided.**

The process around the allocation of provision whether that be funding allocation or agreement for a specialist placement is via the weekly Wednesday Resource Panel.

Where a child's needs can't be met in mainstream then the caseworker has to present the case to the resource panel to seek agreement around next step whether that is for resource provision or specialist. The caseworker can and will include in the panel paperwork, the views of the parent including their preferences. Resource Panel expects that the caseworker has prior to panel to have had those conversations and include it in the information presented.

Where information is provided by the parents that is included in the paperwork being considered.

What we need to share it that a caseworker can't independently consult with resource provision or any special schools they need to have sought agreement at resource panel first. Once agreement has been given, they will then undertake the various consultations including any school that the parent has proposed. Once those consults come back the matter goes back to resource panel for the final agreement to be made. Panel does consider whether the school can meet all the needs as set out in the EHCP, check is the school is registered on the Section 41 list as well as looks that the issue of transport to seek clarity if we do place are we confident that we can get the child to school etc



An example of poor communication was not sharing the criteria for the new Brookhaven school. This has actually become a great news story because of how Shaw Education Trust have dealt with parents. The council shrouded this school in secrecy - why? This could have been a way to rebuilt trust but instead has done the opposite. Such a shame the opportunity wasn't taken

This is an interesting point and one we accept and agree with, but we have been in a really difficult position as we did not want to raise expectations and then for those not to be realised. The only reason we have been a quiet about the opening of Brookhaven is because we had learnt early on about issues around the actual opening date. This date changed many times, and it was only at the end of January were we confident that the school would be opening the doors to children at the end of February. We have not been in the position to confirm start dates as we have been dependant on school to offer that confirmation.

School have needed to balance out the complexities of recruitment of staff alongside the changing dates around the actual building work including all the IT work as well as fire regulation to more recently issue around the fencing of the school site.

It has always been our intention to have a soft launch of the school and then a more formal opening later in the year.

16. I welcome any suggestions about how we can improve communication; we have worked with the team to build skills in relation to the need to ensure timely communication, and relationships, in terms of capacity that is much more challenging we are wrestling with addressing our 18.5 million DSG deficit which impedes our ability to release funding to cover additional roles.

I really welcome this offer of creative thinking together.

Through the consultation work that we often find those opportunities to do thing differently – problem solve - What we also need to do is have times when we can just try out things and if they don't work agree it's not the right solution and move forward.

17. Thank you for the response regarding the transport delays and the attempt to improve the process is appreciated however to give you an idea of the delays experienced we are at 4 months as opposed to 15 days

Thank you for the clarity. This is not good at all and not where I want to be. But is right at the start of the EHCP we get cracking on both elements we should resolve this.

The biggest problem we face is the lack of actual taxis etc So we do have to think is their hidden capacity e.g could we have like a taxi co-operative, or are there grandparents we could have creative employment contract with ..... more ideas the better...



18. I've been asked this question a number of times, as to how communication could be improved. It's very difficult to comment from outside of the organisation. It's clear that the need to respond to parents' emails, having someone available to take phonecalls from parents is clearly critical. We are constantly hearing parents unable to reach caseworkers or get responses to emails. The capacity of the team to respond to emails would be increased if escalations could be reduced - we appreciate it's a Catch 22, but it's impossible for parents to suggest change/improvement from the outside.

I fully understand this ... We are doing things now like (so excited) having some PA support for the support re my emails from March .... There are things like we have to as a council better train staff / partners that they don't CC into every email everyone all the time as that clogs up the system and things get lost. I am not saying I am more important than others but I recognised a % of my email traffic really is not for me.

By me having a specific email account just for parents is something I am keen to trial as it means I can at a glance know what is what ... This may all sound very simple and why has it not been done but tackling this is very much unpicking it bit by bit and making changes that stick.

Going back to my parent only email I am nervous to do this not because I don't believe in it but if I raise expectations and it does not work that could be really negative thing and parents could feel even more let down .... So it's how we together get to the point to say OK lets try it, review it every 3 months, if it is helpful / works ok, if not then agree it was a great idea but didn't work and move on.

Just to also say 2 more staff arrive this month as the LA is committed to increasing capacity in the EHCP team so that caseloads come down so that communication can improve.

19. I understand that a setting has been named so an appeal can go ahead, but what happens to those children with mainstream settings named for September that they cannot possibly attend

For these children we have a weekly meeting, and they should be discussed there and tracked – depending on the reason why they can't attend, results in different solutions as well as the age.

20. Michael are you saying between now and September you will have more places available at Millwood?

The situation around placements at Millwood is that while we have allocated children to current places, we know from previous years that there is always some additional movement of children in and out of Bury between now and September which may bring with it opportunities of other children.

We are currently working on school placement for all children and that work will continue at pace to seek resolutions for all.

We are always very aware having Millwood panel in the Spring term brings with it some real tension, but we have to do panel in January because of the government setting the phased transfer date on the XXXX

We have got the extension for Millwood agreed and progressing but that will not be completed until September 2025, but we are currently working other possible option for September 2024. As soon as we have something real to share with parents/carers we will.





21. Most parents are understanding about capacity issues, recruitment problems, budgetary constraints. We all know that humans make mistakes, we know that it's a challenging space. However, it's very hard for parents to continue to be forgiving and understanding when they (and more importantly their children) are at the mercy of the mistakes and difficulty.

It is important to share in response to this point that we are aware that while the SEND offer is improving, we have a long way still to go.

We know that now we have gone from 27% compliance 2 years ago to 82% compliance of the 20 week timescale is great we are still wanting to be at or above 95%

This September we saw the arrival of the new Annual Review team and while we now have case officers attending annual review, we are updating plans to get all 2700 updated. It takes time and we have to get to the point first, that all plans get updated at least every 2 years.

We know that for some families they are having a better experience but that is not all . For most parents your experience will have been of the old teams and old processes so how it felt will not change.

While we know that some health waiting times are coming down, the waits are still too long – Likewise, we only got our EHCP Social Worker in September so only new parents have had the benefit of that.

So, while we have as they call it “green shoots” happening of change it wont yet feel embedded and secure.

What we have been training all our council leaders on SEND with a commitment to making SEND everyone’s business, so we have put in place the structure that will mean that the progress is not lost.

Saying all of this, I do just want to say that I am aware that we are still making mistakes and we still have a service that is new and learning but we are committed to reinforcing quality practice and to do that we have to ongoing training including training via Ipsea.

22. If a child is out of education due to a school not being suitable, would that child EHCP still be available once a school setting is available or would bury council cease to maintain the EHCP

The plan remains in place unless its jointly agreed to cease it. le post 16 or if there in no longer a need. So, if I have understood the question rightly the plan would not cease.

23. At the resource panel can you please explain the decision making process where you have multiple schools declining places as they cannot meet need at what point will the panel agree that they are consulting with the wrong type of provision? Directing parents to tribunal rather than reassessing the type of provision being consulted with does not feel like a good use of both parents and the local authority's time and resource.

I am sorry I am not quite sure I fully understand this only because it sort of does not make sense with my understanding of what the process is /should be

My answer is different if you are talking about a LA special school or an Independent.

If we consult with a number of school and we can't find a school that will offer a placement We should take a step back and just review the reason being given to offer a placement –

Is it about lack of clarity of information?

Does the EHCP celebrate the young person strengths?

Should we as an LA instruct?

There can be occasion where we are not able to instruct a school but a parent is very committed to that school being the only one they will consider then I would expect the case officer to explain



why we can't instruct but also share with the parent their right to use the tribunal pathway to seek a resolution as the tribunal may make an order where we are not able to instruct

Sorry bit of an odd response as without the full context not sure how best to comment.

We have had recently a very specialist independent school saying they can't meet need and it has become quite stuck as we can't do anything as they are not a section 41 school so the only option is tribunal.

24. Please could you just double check all children who accessed Craig Ormerod provision have been offered alternative placements

Just to confirm .. I/we have got a full excel spread sheet of all children that logs both the short term and long term plan and that is reviewed weekly now

25. Please could I also know who to contact for children who are out of school with no EHCP

If your child is not in school without an EHCP then you can contact the attendance team.