

REPORT TITLE: Education Health and Care Plan (EHCP) Overview

Meeting:	Children’s Scrutiny Panel
Date:	4 th February 2025
Cabinet Member (if applicable)	Cllr Amanda Pinnock & Cllr Viv Kendrick
Key Decision Eligible for Call In	No N/A
Purpose of Report To provide insight into national and local challenges relating to Education Health and Care Plans, progress made and next steps. This is key to supporting and making a difference for and with our children, young people and families in Kirklees.	
Recommendations <ul style="list-style-type: none"> • The report is noted. • Scrutiny support is requested moving forward to help increase system awareness, understanding and ownership. Reasons for Recommendations The ‘Big Plan’ our SEND Transformation programme is complex, extensive and has a range of projects at various stages of maturity to be delivered by 2030. Quality and compliance is a key project within that work and has EHCPs as a critical focus working with partners across the system to make a difference for our children and families. Scrutiny support moving forward would provide added value.	
Resource Implications: Capacity of officers / partners.	
Date signed off by <u>Executive Director</u> & name	Jo-Anne Sanders on behalf of Tom Brailsford 23/01/25
Is it also signed off by the Service Director for Finance?	Shared for info
Is it also signed off by the Service Director for Legal and Commissioning (Monitoring Officer)?	Shared for info

Electoral wards affected: All

Ward councillors consulted: Portfolio Holders and Cabinet

Public or private: Public

Has GDPR been considered? Yes

1. Executive Summary

Kirklees is passionate about making a difference for and with our children, young people and their families with additional needs and has an inclusive ambition which is set out in our 'Big Plan'. There are lots of challenges across the system and gripped with partners, we do recognise and understand the difficulties families are facing.

In September 2023 we invested in an improvement partner and working alongside the Head of Service and partners a transparent forensic review of the system was undertaken. Actions were implemented and although this has moved a long way, we know there is much more to do.

The numerous national and local challenges have confirmed that a whole system change is needed to create and implement solutions; recognising this is not just about the Special Educational Needs and Disabilities Assessment and Commissioning Team (SENDACT) and requires a wider system approach. This approach is captured within the 'Big Plan' which is our SEND strategy, and was coproduced with children, young people and our partners including PCAN (Parents of children with additional needs), health and education providers.

Within the 'Big Plan' Quality and Compliance is an essential area of work as we know we are in a challenging position with increased requests for Education, Health, and Care Plans (EHCPs) and compliance has suffered. This is not where we want to be and recognise there is still lots to do to support our children and young people to have the right support to achieve their aspirations.

A key aspect of Quality and Compliance is an Education, Health, and Care Plan (EHCP). This is a legal document that outlines the extra support a child or young person with special educational needs or disabilities (SEND) requires to thrive in education.

In Kirklees it is not the starting point. Kirklees is ambitious for local children and families and has recently changed its way of working with partners to understand individual needs and respond to them as quickly as possible without the need for an EHCP. Cluster working and Early Years / Reception transition funding are key examples of this approach and are fundamental to our 'Big Plan' [SEND - The Big Plan! | How we plan for SEND | Kirklees SEND Local Offer \(kirkleeslocaloffer.org.uk\)](#)

EHCPs are a key provision of the Children and Families Act 2014, which reformed support for children and young people with SEND. They are guided by the SEND Code of Practice, which sets out the legal framework for assessing, planning, and delivering support to ensure that children and young people (aged 0-25) receive the necessary education, health, and social care to meet their individual needs.

Where an EHCP is required, it helps education and health providers, and local councils to work together to provide this support.

Support for children and young people with SEND is a national issue for every Local Authority with demand, complexity and increasing costs providing major challenges. Many Authorities, including Kirklees, have historically, and continue to experience significant annual overspends on their High Needs Block, which is part of the Dedicated Schools Grant.

National reports have confirmed 'the system is broken', but this has not stopped Kirklees from undertaking a variety of actions to improve outcomes and make a difference for and with our communities.

It should be noted that to achieve the changes required, high profile and a whole system approach is required and relies on each partner playing their part. To support this, we have strong system governance in place which includes quarterly monitoring to the Councils Executive Team and monthly monitoring to the Children's Quality Assurance Panel and SEND Programme Board. This is supported by operational projects, task and finish groups along with engagement from our Department for Education advisers through a variety of mechanisms on an ongoing basis.

Co-production with our Parent and Carer Network (PCAN), Health via Locala and the Designated Clinical Officer (DCO), children's social care with the Designated Social Care Officer (DSCO) and adult social care, has been fundamental to the approach to strategy creation and delivery which has been based on feedback from children, families and education providers.

A forensic review has been undertaken of the operations and significant investment has been made which included additional resource in to SENDACT and Educational Psychology which is now having a positive impact on the EHCP process.

2. Information required to take a decision

What is an EHCP

An Education, Health, and Care Plan (EHCP) is a document that outlines the extra support a child or young person with special educational needs or disabilities (SEND) requires to thrive in education.

Although it's a legal document, in Kirklees it is not the starting point. Kirklees is ambitious for local children and families and has recently changed its way of working with partners to understand individual needs and respond to them as quickly as possible without the need for an EHCP. Cluster working (where schools come together with other schools, Education Psychologists, Specialist Outreach, SENDACT and Early Support) and Early Years / Reception transition funding are key examples of this approach and are fundamental to our 'Big Plan' [SEND - The Big Plan! | How we plan for SEND | Kirklees SEND Local Offer \(kirkleeslocaloffer.org.uk\)](http://kirkleeslocaloffer.org.uk)

Where an EHCP is required, it helps education providers, health providers, and local councils work together to provide this support. It is designed for those up to age 25 if they have complex needs that impact their learning.

An EHCP covers three main areas:-

- a. Identifies Needs: Details what challenges the child faces in education, health, and development.
- b. Sets Goals: Specifies what outcomes or progress is expected, like improving communication or accessing mainstream education.
- c. Describes Support: Lists the specific help the child will get, such as extra teaching support, therapies (e.g., speech and language), or special equipment.

What is the national picture

Support for children and young people with SEND is a national issue for every Local Authority with demand, complexity and increasing costs providing major challenges.

A recent national audit report confirmed ‘the system is broken’. The new government have confirmed they are looking into it and have now confirmed an initial £1b investment for next year as a recognition of immediate need.

Nationally, the number of children and young people with EHCPs has risen by 11% annually, with over 500,000 plans now in place as of 2024 and a record-high number of applications for EHC needs assessments. Nationally there has also been an 80% rise in tribunals.

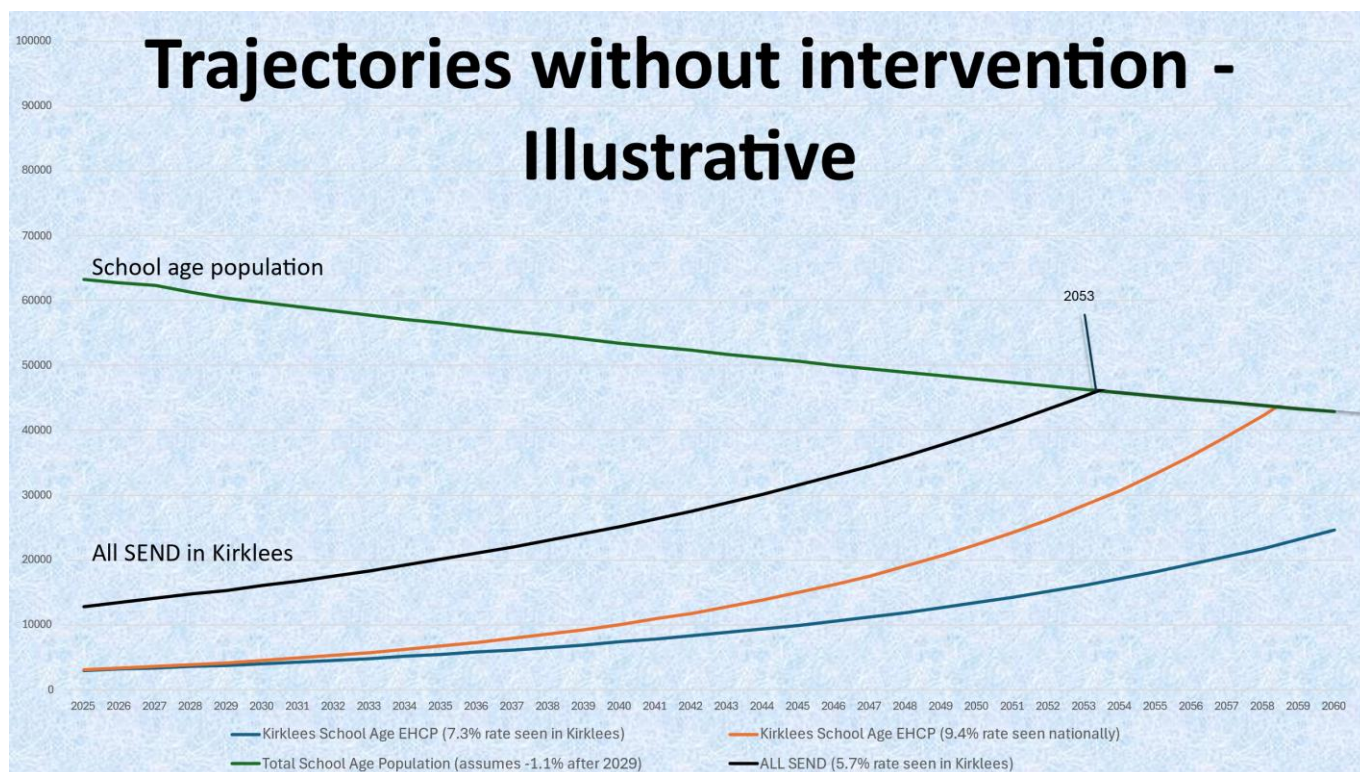
Demand is being driven by a combination of factors including:-

- Increased identification of SEND, partly due to improved diagnostic tools.
- Rising awareness among parents of the subject and their rights to request assessments.
- Continued impact of the COVID-19 pandemic on mental health and developmental delays.

The system requires contribution and support from partners; Health services such as speech and language; education providers; as well as Social Care; and Education Psychology, all of which experience significant challenges with volumes.

What does it mean for Kirklees – people

The following illustrative graph confirms the projected size of challenge in Kirklees and nationally should the instances of SEND continue to increase on its current trajectory.



What does it mean for Kirklees – the finances

Like many other Local Authorities, Kirklees has major challenges relating to demand, complexity and increasing costs. This has meant a significant annual overspend in 23/24 of £14.8m on the

High Needs Block and this continues to rise. The projected in year deficit for 24/25 currently stands at £20.5m. The cumulative deficit in 23/24 was £43.7m.

It is noted that the deficit is not only as a result of rising EHCP numbers but other factors such as complexity of need and cost of living increases.

Quality and compliance features as part of Kirklees Safety Valve agreement with the Department for Education, updated in 2023, which can be seen in full at Appendix 1 and includes :-

- 'Continue to review assessment and decision-making processes to ensure decisions are made transparently, in a timely manner and in partnership with children, young people and families. This will include recruiting additional educational psychologists and the implementation of a range of holistic assessments tools engaging professionals and families and consolidating improvements and timeliness in our EHCP assessments and reviews. Kirklees as a local area, will increase and improve the timeliness and quality of responses to needs of children and young people with SEND'.

Work undertaken in Kirklees

System / Partnership working

There is an absolute recognition that a whole system approach is required to address the significant challenges faced. The SEND transformation programme's strategy to achieve this is set out in 'The Big Plan' and Quality and Compliance (Q&C) is a key project and relies on each partner playing their part to ensure 'we are getting it right'.

To support this, a focussed Quality & Compliance project board with key cross system partners was established in October 2023 and is supported by operational projects and task / finish groups. Co-production with our Parent Carer Forum (Parents of Children with an Additional Need - PCAN) and Health has been fundamental to the approach to strategy creation and delivery which has been based on feedback from children, families, schools and Health.

The Quality & Compliance Board has driven improvements through task and finish groups which has included quality assurance of plans, implementing the transfer to a better IT system, new decision-making panels and system models of working. All of this has contributed to a coordinated approach to improving compliance.

A core principle has been to not purely focus on volumes, but to ensure quality that meets the needs of children and their families.

In addition, a new structure was implemented in the SENDACT in September 2024 following significant investment into the team. This is now realising some improvements. This included recruiting Team Managers, with the process supported by PCAN, to lead on focused areas of work i.e. placements and tribunals, as well as enabling the team to be able to work in place-based arrangements.

The next phase will be to focus on annual reviews, which is a requirement of the SEND Code of practice where every child that has an EHCP must receive a review as a minimum every 12 months.

Kirklees has also engaged with a technical expert and Department of Education advisers through a variety of meetings and working sessions on an ongoing basis to learn from best

practice and inform action. This challenge and support has enabled sustainable practise improvement.

Volumes and impact

At December 2024, there are 4812 children and young people with an EHCP in Kirklees. We have inclusive schools meaning the many of our learners (28%) are accessing and having their needs are met in a mainstream school.

Our performance in quarter 3 2024/25 in respect of finalising Education, Health and Care Plans within the 20-week timescale shows a decline, however, the number of plans that have been issued in this period has increased. This is because there has been significant effort undertaken to finalise plans that have been outside the 20-week timeline alongside working with new assessments. Therefore, a substantial number of plans have been finalised and cleared the backlog. Moving forwards, we anticipate this will stabilise and support overall improvement in statutory compliance. The transition to a new case management system has taken place in Q3 2024/25 and is already supporting the service to operate more effectively. More work is ongoing to embed the new system and take advantage of all of its functions which we anticipate will take a further 3-6 months to realise.

From a position of over 600 EHCP assessments in the system, these have been reduced to a working profile of 224 as at the end of November 2024. It is anticipated that this volume will lead to increased pressures throughout the system as both new and outstanding requests are addressed. A parallel approach to historic and new requests for the development of EHCPs has taken place to support timely responses.

As at the end of October 24, we issued 128 plans which was the highest number in a single month in 2024, and numbers of assessments over 30 weeks have been reduced to 33 from over 100 with those over 52 weeks continuing to fall from the July peak of 184 to less than 5. This has been a substantial improvement, and cumulative 20 week compliance for 2024 is now up to 23% from 8% in 2023. It should be noted that the significant work this year on plans that have been outside the 20 weeks will positively impact when the new calendar year compliance reporting commences from January 2025.

Supporting work

To enable the positive progress outlined above, a range of activity has taken place, including, but not limited to :-

- a. Strategic change of functions to create dedicated teams around key areas to provide a targeted response e.g. placements and tribunals.
- b. Processes overhauled / streamlined e.g. multi-disciplinary decision-making panels created to strengthen informed decision making and improve joint understanding / ownership.
- c. Restructure of staff – provided significant investment of additional resources, plus overhauled and streamlined processes.
- d. Quality Assurance Framework drafted based on best practice to provide additional rigour.
- e. Weekly performance clinic implemented to drive improvements.
- f. Previous IT system did not provide casework functionality and didn't facilitate information sharing with partners and parents. New IT system purchased and

implemented to provide partner transparency for partners / parents and increased grip through improved management oversight of cases.

- g. A learning development pathway for staff has been initiated to ensure staff, including new team members, are supported appropriately.

3. Implications for the Council

3.1 Council Plan

The work described fully supports, and is featured in, the Council plan.

3.2 Financial Implications

Please see above.

Kirklees has recognised the pressures involved in EHCPs and invested additional resources into the team, as well as supporting additional locum capacity in educational psychology team and for a new case management system.

In 2023/24 Kirklees Council's High Need in year deficit was £14.8m with a cumulative deficit position of £43.7m. The projected in year deficit for 2024/25 is £20.5m and illustrates that the pressures in this area continue to be significant. Kirklees is not on its own in being in this position, nationally there is a deficit of approximately £4bn across all Local Authorities and this is projected to continue to increase. £1bn will be injected into the system from 2025/26 by the Government alongside a suggestion of additional financial support and reforms to the system in future years.

In 2021/22 Kirklees entered into a Safety Valve agreement with the Department for Education (DfE). As part of this, £33.5m of funding would be paid over a 5 year period to help remove our cumulative deficit. We also had access to Capital Funding and received £8.2m from this process. In 2023/24 the Safety Valve agreement was extended from 2026/27 to 2029/30 due to the challenges being faced to reduce the cumulative deficit. Monitoring of our performance against the plan takes place on a quarterly basis with the DfE.

3.3 Legal Implications

The work supports our legislative requirements, including timeliness of response.

3.8 Other (e.g. Risk, Integrated Impact Assessment or Human Resources)

Key risks include :-

- a. Sufficiency of SEND provision. Failure to meet the needs of the SEND and pre-SEND community, due to increases in demand and complexity of need, insufficient capacity within services / partnership and a lack of existing local provision leading to missing statutory deadlines and associated financial and reputational consequences.
- b. Safety valve commitments not delivered leading to negative impact on Service users, non-receipt of significant finances and reputational damage.
- c. System ownership and engagement within Services / partners is not achieved. Partners do not prioritise the project which means work not undertaken and outputs / outcomes not achieved.

Addressing inequalities is at the very heart of the programme and is a core ethic. Integrated Impact Assessments have been undertaken on specific elements of the programme to ensure opportunities are in view and there are no accidental adverse implications.

4. Consultation / Engagement

The SEND programme has co-production and engagement as a core value and approach. Young people, Parent and Carer Forum (PCAN), Health and Schools have been integral to creating and implementing strategic approaches. For example, young people / partners including PCAN have coproduced our 'Big Plan' of which Quality and compliance – 'are we getting it right' is a key component.

Strategy and plans have been created in response to feedback received. For example, people in Kirklees have told us a timely, appropriate response is key. To further address this, other elements of the SEND programme focus on identifying need and providing support at the earliest opportunity without the need for an EHCP.

5. Options

5.1 Options considered

The SEND programme constantly scans the national picture for innovation and opportunities. It is involved in a range of groups, including but not limited to Local Government Association (LGA) Local Authorities Safety Valve group which involves Directors and Section 151 officers; Children's Services Directors group; A Safety Valve group of circa 20 Local Authorities instigated by Kirklees that reaches wider than the region.

This intelligence is further supported by the DfE via the recently completed Written Statement of Action quarterly meetings and additional direct engagement.

It is noted the intelligence from the above sources, and the DfE via the Safety Valve agreement, has confirmed there are currently no areas of innovation that Kirklees has not considered or is not already implementing. However, Kirklees will still continue to search for innovation opportunities to make a difference for the people of Kirklees.

It would have been possible to increase compliance / further speed up response times but this would have been at the cost of reducing the quality of plans. This approach was both unpalatable and self-defeating as children and families would not be receiving the appropriate support and their longer-term needs would be likely to increase.

Leadership and connectivity from a political, strategic and operational viewpoint across the system is critical to the success of the programme. Scrutiny is a vital part of this, particularly as we move forward.

5.2 Reasons for recommended option

The SEND programme, and in particular the quality and compliance work, is complex, extensive and has a range of projects at various stages of maturity.

The recommendation in the report is noted and Scrutiny support is requested moving forward to help increase system awareness, understanding and ownership.

6. Next steps and timelines

Scrutiny feedback received and incorporated into planning.

Challenges moving forward / further next steps

The seismic challenge faced means it will take time to embed the new approaches and the system changes needed. We will continue to seek out emerging innovation and best practice from across the country and beyond.

Dealing with the significant volume of requests in the system has been positive. There is an interim impact for partners as their advice is required before decisions / plans can be finalised. This means it will still take some time to achieve a 'steady state'.

EHCPs require an annual review and there are significant resource implications to dealing with the volume currently in the system. A review of the approach to reviews is imminent and has been timed to commence after the initial focus on requests / assessments.

Quality of plans continues to be of key importance and to support this, a new IT package has been purchased and will be implemented to enable further quality assurance.

7. Contact officer

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8. Background Papers and History of Decisions

[SEND - The Big Plan! | How we plan for SEND | Kirklees SEND Local Offer \(kirkleeslocaloffer.org.uk\)](#)

9. Appendices

Appendix 1 – Safety Valve Agreement
Appendix 2 – SEND programme governance

10. Service Director responsible

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Appendix 1 – Updated Safety Valve agreement



Department
for Education

Dedicated Schools Grant ‘Safety Valve’ Agreement: Kirklees

1. This agreement is between the Department for Education and Kirklees Council and covers the financial years from 2021-22 to 2029-30.
2. The authority undertakes to reach a positive in-year balance on its Dedicated Schools Grant (DSG) account by the end of 2026-27 and in each subsequent year. The authority undertakes to control and reduce the cumulative deficit as follows, not including any contribution made by the department through this agreement:

Year	Forecast DSG Deficit Profile at year end¹ £m
2021-22	£35.8m
2022-23	£46.4m
2023-24	£56.1m
2024-25	£63.3m
2025-26	£63.6m
2026-27	£52.1m
2027-28	£48.0m
2028-29	£40.1m
2029-30	£33.0m

¹ This profile includes contributions that the council will make from its own resources to reduce the DSG deficit.

3. The authority agrees to implement the DSG management plan that it has set out. This includes action to:
- 3.1. Ensure inclusive co-production and engagement is and will be central in approach to understand children's, young people's and family needs and how these are best met by a range of settings, services, local schools and at home;
 - 3.2. Implement joint commissioning and sufficiency strategies, re-balancing the range of placements, services and provision locally. These will include rebuilding and creating additional SEMH and Complex ASD special school places and increasing additionally resourced provision, to ensure a sufficient mix of flexible services and local placements for children and young people. Kirklees will have sufficient local education places that meet the needs of their population. This includes re-building 2 schools that will create an additional 100+ places.
 - 3.3. Ensure that children, young people and families have the right help and support, at the earliest possible opportunity, at a time that is right for them. This includes supporting children with SEND in mainstream schools by continuing to develop and implement the graduated approach, outreach support model and inclusion strategies, Kirklees will work with their schools in clusters that will further develop the skills, expertise and capacity of the workforce;
 - 3.4. Ensure that children and young people are being prepared for adulthood throughout their life course, promoting a focus on independence and transition as early as possible in a child's and family's journey;
 - 3.5. Continue to review assessment and decision-making processes to ensure decisions are made transparently, in a timely manner and in partnership with children young people and families. This will include recruiting additional educational psychologists and the implementation of a range of holistic assessments tools engaging professionals and families and consolidating improvements and timeliness in our EHCP assessments and reviews. Kirklees as a local area, will increase and improve the timeliness and quality of responses to needs of children and young people with SEND.
 - 3.6. Develop and implement inclusion strategies as part of our approach to secure and develop Alternative Provision for children across all key stages and the creation of a new AP free school.

4. The authority also agrees to ongoing monitoring of its performance in fulfilling this agreement. The authority will:
- 4.1. Report tri-annually (as a minimum) in writing to the Department (Funding Policy Unit) on its progress towards implementing the plan as per the conditions set out in paragraphs 2 and 3;
 - 4.2. The monitoring reports should include progress against the conditions of grant and a financial dashboard detailing various metrics relating to demand and cost. DfE will provide a template for this;
 - 4.3. Inform the Department (Funding Policy Unit) of any unforeseen difficulties or impacts of carrying out the agreement, or any significant risks to reaching the agreed financial position as soon as they arise;
 - 4.4. Meet with the Department at any time when the Department deems it necessary to discuss progress towards the agreement.
5. The Department agrees to pay to the authority an additional **£13.5 million** of DSG before the end of the financial year 2021-22. In subsequent financial years, subject to compliance with the conditions set out in paragraph 3, the Department will pay DSG sums as follows. This funding will be provided in instalments and subject to continued satisfactory progress. Subject to full compliance, Kirklees should therefore eliminate their cumulative deficit no later than 2029-30.

Year	The Department agrees to pay to the authority an additional £m of DSG by year end
2021-22	£13.5m
2022-23	£4.0m
2023-24	£2.2m
2024-25	£2.3m
2025-26	£2.3m
2026-27	£2.3m
2027-28	£2.3m

2028-29	£2.3m
2029-30	£2.3m

6. This agreement is subject to review at any time, for example as a result of the following events:

6.1 Higher or lower DSG formula funding levels for the authority in future financial years than those the authority has assumed;

6.2 Significant changes to national SEND policy, for example as a result of the government SEND Review, which impact on elements of the plan;

6.3 Insufficient progress being made towards the authority reaching and sustaining an in-year balance on its DSG account as set out in the plan.

The review process will include an assessment of the impact of the change in circumstances.

SEND Programme Governance

