

REPORT TITLE: Education Health and Care Plans - Compliance, Mediation, Tribunals and Complaints and Compliments

Meeting:	Childrens Scrutiny Panel
Date:	11 th December 2025
Cabinet Member (if applicable)	Cllr J Rylah Cllr V Kendrick
Key Decision Eligible for Call In	No N/A
<p>Purpose of Report To update Children’s Scrutiny Panel members on Education Health and Care Plans; Compliance, Mediation, Tribunals and Complaints and Compliments.</p> <p>To set out the position across Kirklees and compare this with nationally available data. This report is focused on new Education Health and Care Plans (EHCPs) and shows current local challenges are reflective of the national picture,</p>	
<p>Recommendations That Scrutiny members note current performance, areas of challenge, and planned improvements.</p> <p>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 SEND system to make a difference for our children and families. Some aspects of council performance are within our control whilst others are not.</p> <p>Scrutiny support moving forward would provide added value.</p>	
<p>Resource Implications: Capacity of officers & partners</p>	
Date signed off by <u>Executive Director</u> & name	Tom Brailsford 28/11/25
Is it also signed off by the Service Director for Finance?	Shared for info Kevin Mulvaney
Is it also signed off by the Service Director for Legal Governance and Commissioning (Monitoring Officer)?	Shared for info Samantha Lawton

Electoral wards affected:

All Wards

Ward councillors consulted:

N/A

Public or private:

Public

Has GDPR been considered?

Yes – all data referenced is anonymised and compliant with GDPR

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 a set of inclusive ambition which are set out in the SEND 'Big Plan'.

The 'Big Plan 3' was published by the Kirklees Local Area SEND Partnership in October 2025 outlining the work taking place to develop SEND services and highlights what will be happening next following the Local area SEND inspection in June 2025.

[SEND – The Big Plan Part 3 SEND inspection – what we're doing next | How we plan for SEND | Kirklees SEND Local Offer](#)

This report will set out the position across Kirklees and compare this with nationally available data. Our local challenges are reflective of the national picture, and, as has been recognised reform is required to support children and young people with SEND to get the help they need.

Research produced by Isos Partnership, commissioned by the Local Government Association (LGA) and County Councils Network (CCN), *Towards an effective and sustainable approach to SEND in England* (July 2024) has recently been revisited to understand the picture of the SEND system one year further on and includes commentary on what the latest trends means for national and local policy and the implications for public services, businesses and communities. *How we got to crisis point, and why we need reform of the system* (November 2025).

[Publications — Isos Partnership](#)

For this report the data benchmarking will be referenced from the SEN2 data (2024). This is the UK Department for Education's annual data collection on children and young people (age 0-25) who have an EHCP as of January each year. All Local Authorities are required to submit SEN2 returns and include the following Key Measures:

- Number of new EHC plans issued
- Number of existing plans maintained
- Placements (where children with EHC plans are educated)
- Timeliness of assessments
- Demographics such as age, gender and ethnicity.

The latest release was published 26 June 2025 and headline facts and figures show that nationally the number of EHC plans at the end of the calendar year 2024 (638,745) was 10.8% higher than 2023 (576,474), with the number of requests for an EHC needs assessment 11.8%

higher than in 2023. The percentage of new plans issued in 2024 nationally within 20 weeks statutory time scales was 46.4% which was a decrease from 50.3% in 2023.

In Kirklees, the headline facts and figures show that the number of EHC plans at the end of the calendar year 2024 (4,475) and 8% higher than 2023 (4,125), with the number of requests for an EHC needs assessment in 2024 (771) 29.47% lower than in 2023 (1037). Percentage of new plans issued locally within cumulative 20 weeks statutory time scales was 22.9% (2024) which shows an 9.9% increase from 13% in 2023. However, whilst 13% was submitted for 2023 local quality assurance checking highlighted that the figure was lower.

Whilst we are not at the end of the calendar year, the year-to-date position monitored monthly shows that cumulative compliance currently is at 57.4% (as at October 2025). This is higher than the national average reported in SEN2 at 45.9%, with a total of 5032 plans maintained by the Local Authority.

Measure	Kirklees 2023	Kirklees 2024	National 2023	National 2024
Total Number of EHC Plans	4125	4475	576,474	638,745
Total number of EHCP assessment requests	1037	771	138,242	154,489
Total number of plans issued	592	785	80,945	90,392
Total number of plans issued within 20 weeks (including exceptions)	180	77	39,784	41,448
% of EHCP plans issues within 20 weeks (including exceptions)	13%	22.9%	49.1%	45.9%

Source: Explore Education Statistics – Education Health and Care Plans – DfE.

Note: Return year refers to position at the end of the calendar year (e.g. 2023 refers to 1st January 2023 to 31st December 2023)

[Education, health and care plans, Reporting year 2025 - Explore education statistics - GOV.UK](#)

In September 2024 the EHCP (Education Health and Care Plan) Team transitioned to a new staffing model, implementing new and additional roles that supported improved ways of working. This included two dedicated place based area teams (North and South), a Complaints and Compliance, and Tribunals and Placements teams.

Like many other Local Authorities Kirklees has faced challenges in recruiting and maintaining staff within the EHCP Team. However, the team has begun to be an established team, with a comprehensive induction for new starters, supportive supervisions, My conversations and a dedicated Learning and Development pathway in place.

The new ways of working and with the investment and transition to a new casework system Liquid Logic (in November 2024) has supported the partnership to improve timeliness of EHCPs from request to a Final Plan, delivering improved support for children and families and significantly supported increased statutory compliance. The function of the EHCP Team is to coordinate the statutory duty of the Local Authority for ensuring children and young people with SEND receive the support they are legally entitled to, from identification through to provision and review.

The improvements have been a shared approach with partners across the system and with their commitment to the Quality and Compliance Governance Group, chaired by the Head of Service, has driven improvements through task and finish groups. These have included quality assurance, transfer to a better IT system, new decision-making panels and system models of working.

We do recognise there is still lots to do to, but we believe we have created the right conditions to continue to improve performance in line what has been set out in Big Plan 3.

2. Information required to take a decision

2.1 SEND Code of Practice

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 is the statutory guidance for all partners that work with and support children and young people with SEND, including and not exhaustive to Local Authorities, governing bodies of schools, further education and sixth form colleges, early years providers, Health Services and the First-tier Tribunal. It sets out the legal framework for assessing, planning, and delivering support to ensure that children and young people with (aged 0-25 years) receive where appropriate, the necessary education, health, and social care to meet their individual special educational needs.

The guidance is a comprehensive document which includes chapters on working together across education, health and care for joint outcomes with specific sections for the Local Offer, Early years providers, Schools, Further education and preparing for adulthood. Where appropriate, references are made in the Code of Practice to other relevant legislation and related guidance for organisations to consider, for example 'Working Together to Safeguard Children'.

Principles underpinning the legislation and guidance are set out in the Code of Practice for the Local Authority, Education providers and Health Services to ensure that children, their parents and young people are involved in discussions about their individual support and about local provision. Parents and children's views are important during the process of carrying out an EHC needs assessments and drawing up an EHC plan. Local Authorities and Education providers should enable parents to share their knowledge about their child and give them confidence that their views and contributions are valued and acted upon.

Chapter 9 of the Code of Practice covers all the stages in the statutory assessment and planning and preparing the EHC plan, and guidance on related topics. This includes but is not exhaustive to when a local authority must carry out an EHC needs assessment and prepare an EHC plan including timescales, how to write a plan, requesting a particular education provider, and finalising and maintaining an EHC plan. The statutory time frames from the point an assessment is requested until the final EHC plan is issued, must take no more than 20 weeks unless there are exceptional circumstances where it may be reasonable to consider specific exemptions stated in the Code of Practice (page 154: SEND Code of Practice).

The purpose of the EHC plan is to make special educational provision to meet the special educational needs of the child or young person, to secure the best possible outcomes across education, health and social care and, as they get older, prepare them for adulthood.

The Special Educational Needs and Disability Code of Practice states '*It is helpful for local authorities to set up moderating groups to support transparency in decision making. Such groups can improve the consistency of decision making about whether to carry out an EHC needs assessment and whether to issue an EHC plan*' (9.60, SEND Code of Practice). In Kirklees we have 2 types of SEN panels:

- EHC Needs Assessment Panel
- EHC Decision to issue and Type Panel

Both panels meet weekly, and members include a Senior EHCP Team Manager (Chair), representation from Educational Psychology, Social Care, Health, Commissioning and SEN Support Services, who all contribute using the legal test to inform the decision making. EHCP Caseworkers act as a keyworker for children, young people and their families and are in regular contact with the families. They take responsibility for ensuring that all appropriate contributions, representations, views, wishes and professional assessments and reports are available to Panel Members prior to presenting at the panel. Following the panel meeting, the EHCP Caseworker will confirm all decisions to the family within 2 working days. (Appendix 1: Terms of Reference for the EHCP Decision Making Panel).

The format of an EHC plan can be agreed locally, however as a statutory minimum, EHC plans must include the following sections as stated in The Special Educational Needs and Disability Code of Practice:

Section A: *The views, interests and aspirations of the child and his or her parents or the young person.*

Section B: *The child or young person's special educational needs.*

Section C: *The child or young person's health needs which are related to their SEN.*

Section D: *The child or young person's social care needs which are related to their SEN or to a disability.*

Section E: *The outcomes sought for the child or the young person. This should include outcomes for adult life. The EHC plan should also identify the arrangements for the setting of shorter term targets by the early year's provider, school, college or other education or training provider.*

Section F: *The special educational provision required by the child or the young person.*

Section G: *Any health provision reasonably required by the learning difficulties or disabilities which result in the child or young person having SEN. Where an Individual Health Care Plan is made for them, that plan should be included.*

Section H1: *Any social care provision which must be made for a child or young person under 18 resulting from section 2 of the Chronically Sick and Disabled Persons Act 1970.*

Section H2: *Any other social care provision reasonably required by the learning difficulties or disabilities which result in the child or young person having SEN. This will include any adult social care provision being provided to meet a young person's eligible needs (through a statutory care and support plan) under the Care Act 2014.*

Section I: *The name and type of the school, maintained nursery school, post-16 institution or other institution to be attended by the child or young person and the type of that institution (or, where the name of a school or other institution is not specified in the EHC plan, the type of school or other institution to be attended by the child or young person).*

Section J: *Where there is a Personal Budget, the details of how the Personal Budget will support particular outcomes, the provision it will be used for including any flexibility in its usage and the arrangements for any direct payments for education, health and social care. The special educational needs and outcomes that are to be met by any direct payment must be specified.*

Section K: *The advice and information gathered during the EHC needs assessment must be attached (in appendices). There should be a list of this advice and information*

In addition, where the child or young person is in or beyond Year 9, the EHC plan must include (in sections F, G, H1 or H2 as appropriate) the provision required by the child or young person to assist in preparation for adulthood and independent living, for example, support for finding employment, housing or for participation in society.

The format of the Kirklees Education Health and Care Plan can be found at Appendix 2.

Further details regarding EHCP statutory duty and processes can be found in the SEND Code of Practice:

[SEND code of practice: 0 to 25 years - GOV.UK](https://www.gov.uk/guidance/send-code-of-practice-0-to-25-years)

2.2 EHCP Compliance and Timescales – October 2025

As of the end of October 2025, there were 5032 children and young people with an EHCP in Kirklees, compared to 4709 in October 2024. Month on month 20 week compliance has risen from 10% in October 2024 to 60% in October 2025, with September being the highest month at 79.5% within the 12 month period.

The Calendar year cumulative of EHCPs issued within 20 weeks has increased from 23.3% in October 2024 to 57.4% in October 2025, which is above the national average published in the SEN2 data (June 25) of 46.4%.

	October 2024	October 2025	% Increase
Number of children with an EHC Plans	4709	5032	6.63%
Percentage of plans issued within 20 weeks (monthly)	10%	60%	50%
Calendar year cumulative EHCP issued within 20 weeks	23.3%	57.4%	34.10%

The Kirklees Local Area SEND Partnership is really proud of the improvements achieved in relation to EHCPs. This is not simply about improvements in timeliness but importantly the quality of the plans which has been supported by a range of developments across the wider SEND system.

The EHCP Team have restructured, with additional resource and a strategic change of functions to create dedicated teams around key areas to provide a more efficient response. A weekly performance clinic chaired by the Strategic Lead is embedded to provide support and challenge and drive performance and better outcomes for our children, young people and their families. A learning and development pathway for staff has now been introduced to ensure staff are supported and receive appropriate opportunities for training and learning.

Casework quality has improved, and with the investment of Invision 360, a comprehensive quality assurance digital tool, we now have a 'real-time' view of EHCP quality across all audited plans, giving instant quality oversight. Strategic Leaders across the Education, Health and Social Care partnership have attended training and are committed to auditing several EHCPs each month.

Audits are conducted on each section of the EHCP, based on an evaluation criteria linked to the Code of Practice, which allows identification for specific areas of good practice or where improvements are required and the opportunity to target learning and developing themes. The built in benchmarking functionality also compares Kirklees EHCP quality against other local authorities nationally and regionally.

EHCP processes have been overhauled and streamlined, including multi-disciplinary decision-making panels to strengthen informed decision making and improved joint understanding and ownership are now embedded.

The implementation of a new IT system, Liquid Logic has significantly supported the improvement to timescales as caseworkers and managers now have a much-improved grip and oversight of cases as they progress through the 20-week statutory timescales, which the previous system did not enable. This has been a huge investment in resources, time and energy, we do acknowledge there are further developments for the system and there are plans in place to make available additional functionality for partners and parents in line with the SEND Big Plan 3 timescales.

2.3 Resolutions (Compliments and Complaints)

As part of the EHCP Team new way of working there is now a specific 'Resolution Team' led by a Team Manager that has a targeted focus on complaint resolution. A new process was put in place to deal with the complaints and a shift to an individualised approach has supported the timeliness in responding, we do still recognise that there is work to do to improve the timeliness of responding fully to complaints.

As part of the improvement journey we recognise where people are dissatisfied, complaints are now being recorded comprehensively and monitored regularly, enabling analysis of the data, building on shared learning across the partnership with a learning and development pathway implemented for the EHCP Team and wider colleagues.

The Resolution Team at the end of October had 35 live complaints (not including Tribunals). This is less than 1% of the total active EHCPs (5032) and is showing a steady decrease from previous months.

The reasons for complaints have taken a shift since the improvements in statutory compliance. Previously many of the complaints related to the non- adherence to statutory compliance when performance was poor, now we are seeing this shift, with the analysis shown below of the most recent months data.

	September 2025	October 2025
Annual Review	1	3
Timeliness of Assessment	2	2
Tribunal Actions	0	0
Provision	5	3
Placement	3	6
Content of Plan	2	0
EOTAS	3	5
SEND General	10	15
Transport	1	1

Note: SEND General relates to where several reasons have been raised and includes requests for SARs (Subject Access Requests).

With the decrease in complaints, we are beginning to see some welcomed compliments received into the EHCP Team in recognition of their passion and commitment to making a difference for and with our children, young people and their families with additional needs

I would like to express our deepest gratitude to 'X' for the incredible work 'x' has done in writing and coordinating .X' EHCP. 'X' has shown exceptional dedication, patience, and professionalism throughout the entire process.

Her ability to understand 'X' needs, listen to our concerns, and translate everything into a clear, thoughtful, and supportive plan has meant so much to our family. 'X' went above and beyond to ensure that every detail was considered and that 'X' voice—and ours—was truly heard.

We are extremely grateful for her compassion, her expertise, and the time she invested to create an EHCP that genuinely reflects 'X' strengths and the support he needs to thrive.

Thank you, 'X' for making such a meaningful difference. Your hard work and commitment have had a real impact on our family, and we appreciate you more than words can say.

'A Parent: November 2025)

2.4 EHCP Mediations

EHCP Mediation is a formal, impartial process that aims to resolve disagreements between parents/young people and the Local Authority about aspects of the EHCP, without immediately going to the SEND Tribunal, bringing the two parties together to clarify the issues and reach a resolution.

We aim to resolve issues informally first and if not possible, mediations follows. If that fails parents have the right to take the matter to a tribunal.

Kirklees commissions Global Mediation as the independent third-party provider for the services.

Parents and young people who wish to make an appeal to the Tribunal may do so only after they have contacted an independent mediation adviser and discussed whether mediation might be a suitable way of resolving the disagreement.

The parent or young person's use of mediation is voluntary and at all stages of a mediation, the Local Authority should be actively working with families in an informed and transparent manner to attempt to resolve the dispute prior to a First-tier Tribunal or reduce the number of issues that may be subject to appeal following mediation.

National data on Education, Health and Care Plan (EHCP) mediation is published annually by the Department for Education (DfE) through the SEN2 data collection. It shows how many mediation cases are registered, how many agreements are reached, and how many proceed to tribunal. The latest official statistics (2025 release) confirm that mediation remains a growing part of the EHCP dispute resolution process, though tribunal appeals continue to rise.

Nationally there were 154,500 requests for EHC needs assessment received during 2024 and this resulted in:

- 10,500 mediations related to the decision not to conduct an EHC needs assessment, 6.8% of all requests.
- 4,700 tribunals related to the decision not to conduct an EHC needs assessment, 3.0% of all requests.
- Of the 10,500 mediations, 1,500 were subject to a tribunal following this mediation, 1.0% of all requests.

In the period from 1st August to 30th October 2025, 75 mediation requests were received for Kirklees and there are currently 11 live mediations.

DNTA (Decision not to assess)	DNTI (Decision not to issue)	Content	Cease/other
43	16	15	1

2.5 SEND Tribunals

A SEND Tribunal is an independent legal body that is responsible for handling appeals against local authority decisions regarding special educational needs, including a refusal to:

- assess a child or young person’s educational, health and care (EHC) needs
- reassess their EHC needs
- issue an EHC plan
- change what’s in a child or young person’s EHC plan
- maintain the EHC plan

Nationally in the academic year 2023/24 His Majesty’s Courts and Tribunals Service (HMCTS) Recorded 21,100 registered appeals in relation to SEND, an increase of 55% compared to the previous year.

In the same period, 17,000 SEN appeals were ‘disposed’ of by HMCTS for the Special Educational Needs and Disability Tribunal (SENDIST). Of the 21,100 registered SEN appeals in 2023/24. 27% were against ‘refusal to secure an EHC assessment’ whilst a total of 62% were in relation to the content of the EHC plan.

Locally, Kirklees have also experienced a rise in the number of appeals received and in 2023/24 had 91 appeals recorded with HMCTS which relates to 1.9% of the total EHCPs, and an increase of 0.7% from the previous year. When comparing this with the national data, this demonstrates locally we are not out of kilter with what is happening across the country. Learning is taken from Tribunals to improve practice across the SEND partnership.

Breakdown of types of Tribunals Appeals 2023/24				
	DNTA (Decision not to assess)	DNTI (Decision not to issue)	Content	Cease/other
Nationally	5699 (27%)	1688 (8%)	13086 (62%)	633 (3%)
Kirklees	17 (18%)	9 (10%)	64 (69%)	3 (3%)

When analysing the current year’s data so far, Kirklees have already received 166 Tribunal Appeals for 2024/25 and relate to decision not to assess (DNTA), decision not to issue (DNTI) and content been significantly higher. This is 3.29% of the total current EHCPs.

Breakdown of types of Tribunals Appeals 1st January to 31st October 2025				
	DNTA (Decision not to assess)	DNTI (Decision not to issue)	Content	Cease/other
Kirklees	56 (33%)	37 (22%)	69 (42%)	4 (3%)

Note: Comparative national data for this period won’t be available until January 2026

The SENDIST workload is growing and as such the length of time from logging an appeal through to hearing takes approximately 14 months. Therefore, during the time families are waiting in Tribunal Appeal circumstances may change and directly impacts the DNTA Appeals, as the Local Authority concedes a high number of these appeals during the timeframe. The

reasons for this mostly relates to new or additional evidence been provided or a change in circumstances.

In the quarter period ending September 2025 for Kirklees:

- There were 185 DNTA decisions made of which 28 (15%) of these resulted in a tribunal appeal. In the same timeframe, 9 of these were overturned (5%).
- There were 104 DNTI decisions made of which 16 (15%) of these have resulted in a tribunal appeal. In the same timeframe, 0 of these were overturned (0%).

It is recognised that the Tribunal process can be a difficult and lengthy process for all parties, especially parents. Kirklees continues to work with parents appropriately and transparently throughout. It should be noted that the tribunal's purpose is to apply SEND law.

3. Implications for the Council

3.1 Council Plan

In Kirklees, in line with the Council Plan, we are striving to improve performance in relation the EHCP process by getting the basics right with a view to ensure every child has the best start in life. EHCPs are one important part of the complex SEND system. There is still more to do, but clear plans are in place to continue to enable the right support at the right time is available for our families.

3.2 Financial Implications

There has and continues to be investment made by the Local Area, not only in relation to improved systems and additional staff to meet the volume of EHCPs we are working with, but also in provision to meet the needs of our children with additional needs, for example, the rebuilding of 2 of our Special Schools, investment in the creation of more Additionally Resourced Provisions, Special School Satellites and Alternative Provision.

3.3 Legal Implications

The Council must comply with the Children and Families Act 2014 and SEND Code of Practice.

3.4 Climate Change and Air Quality

No implications

3.4.1 Risk, Integrated Impact Assessment (IIA) or Human Resources

4. Consultation

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; Regional and National Association of Directors of Children's Services (ADCS) group; A Safety Valve group of circa 20 Local Authorities instigated by Kirklees that reaches wider than the region.

This intelligence is further continued to be supported by the DfE and NHS England via regular meetings and additional direct engagement.

Leadership and connectivity from a political, strategic and operational viewpoint across the Local Area Partnership is critical to the success of our work. Scrutiny is a vital part of this, particularly as we move forward.

5. Engagement

The SEND programme has co-production and engagement as a core value and approach. Young people, Our Parent and Carer Forum (PCAN), Health partners, Schools and education settings are 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.

6. Options

6.1 Options considered

N/A this report sets out performance information.

6.2 Reasons for recommended option

7. Next steps and timelines

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.

Scrutiny support is requested moving forward to help increase system awareness, understanding and ownership.

8. Contact officer

Michelle Lister - Head of Service, Early Support and EHCP Team

9. Background Papers and History of Decisions

[SEND – The Big Plan Part 3 SEND inspection – what we're doing next | How we plan for SEND | Kirklees SEND Local Offer](#)

[SEND code of practice: 0 to 25 years - GOV.UK](#)

[Education, health and care plans, Reporting year 2025 - Explore education statistics - GOV.UK](#)

10. Appendices

Appendix 1 - Terms of Reference for the EHCP Decision Making Panel

Appendix 2 - Kirklees Education Health and Care Plan template

11. Service Director responsible

Jo-Anne Sanders, Service Director – Learning and Early Support