

Comments on EHCPs from 2016 and 2017

Introduction

This paper summarises comments received from Natspec colleges regarding their overall impression of the EHCPs received for new intakes of students in 2016 and 2017, together with examples of both good and poor practice.

The paper contains key messages from a 2016 survey and a 2017 set of interviews, and it is notable that the messages from both years are very similar, with no significant improvement across the two years covered. Approximately half of Natspec members have commented.

Overall key messages and areas for improvement

1. Generally little improvement overall
2. Inconsistency in process and format between LAs
3. Variable quality
4. Outcomes still poorly written
5. Post-19 issues
6. Lack of joined up working
7. Timeliness
8. Providers being asked to complete transfers and plans
9. Reviews of plans not undertaken properly
10. Some examples of better practice

1. Generally little improvement with some exceptions

The majority of responses reflected a general sense that they had seen little or no improvement, with wide variations from one LA to another and comments ranging from "slowly improving" to "very poor". One college working with 16 different LAs felt that there was still a lot of confusion and that "none of them would appear to have their finger on the pulse of this."

Comments included:

- "plans are incoherent and of poor quality"
- "Local Authorities appear to be struggling with the whole process and volumes of EHCP reviews and transfers' (transfers from LDAs to EHCPs were originally due by Sept 2016 but due to the backlog and delays the deadline was extended first to December and then to March 2017).

One response indicated that EHCPs were improving, with over 80% of the EHCPs they had received now incorporating at least one well-written outcome.

Recommendations: further sharing of exemplar EHCPs, more joint sessions between LAs and providers to identify their view of the best examples. Use Natspec / AoC / NDTI regional networks to table anonymised EHCPs and discuss differences in quality.

2. Huge inconsistency in process and format between LAs

Natspec colleges work with an average of 20 LAs, with some dealing with EHCPs from over 40 LAs. Consistency remains a major issue and plans vary significantly in process and format from one local authority to another. Furthermore, in some instances plans within the same LA vary in quality depending on who has written them. One college described a "huge inconsistency in quality from county to county and from one Lead worker to another". Another identified some of the variations in "format in writing style, length & detail of entries, and provision of documentary evidence as validation".

One response noted "We see some plans of 10 pages and others closer to 100 pages (often because they have put all of the collated evidence in to the plan). The depth of information about the student and their needs therefore varies greatly."

There was a lot of variation regarding the extent to which the plan was person centred. One college felt that plans were more person centred where parents were fully involved and able to push this aspect, although another commented that plans were sometimes 'parent centred' at the expense of the young person's views. One college had seen two instances where section A was entirely missing from the plan, although the LA is now amending its documentation to include this; another reports plans from one LA which are not structured in accordance with the sections in the Code at all.

One college was concerned that the approach to eliciting learner views was inaccessible, comprising 'a written sheet of questions with complex wording, such as "how do your conditions impact on your day to day life?". This same college found that some LAs were not prepared to make use of alternative formats, such as videos of student views.

Another sent an example from the 'What I want to do in future' section which included the statement 'M sometimes needs to be reminded that her loud voice can disturb other pupils'; not only is this out of keeping with the purpose of the section, but it was not linked to any of the outcomes in the plan. In the same plan, the parents' hopes for the future were entirely reported activities enjoyed by the young woman and did not look forward at all.

<p>Recommendation: DfE have always resisted imposing an EHCP template on LAs. But clear guidance on the structure, length, depth and type of information is much needed and LAs should be given much clearer direction on this.</p>
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3. Variable quality of plans

One of the key reasons given for the variable quality of plans was the knowledge and experience of the person writing it. Sometimes colleges expressed concerns about the skills of the staff completing plans, or their limited contact with the young person - for example:

- "limited experience of SEN, particularly very complex students"
- "no education knowledge and no understanding of qualifications or realistic targets"
- "plans are sometimes written by LA staff who have not met the young person or been able to attend the transfer review"
- "plans are written by non-educationalists without consultation and therefore unrealistic or simply inappropriate"

Other colleges were concerned that important information was omitted from plans, so that some students did not initially get the correct level or type of support. One college reported that the "required levels of support and additional needs are not detailed sufficiently. When our own pre-entry assessment of the young person indicates a higher support level requirement or additional services we are often advised by LAs that this will not be funded

initially but we should call a review of the EHCP in the first term. This can have a detrimental impact upon the young person settling into the college and their achievement of outcomes in the first term.”

A lack of information can potentially have serious consequences, especially if it relates to safeguarding or behaviour. One college had experienced two serious assaults on staff before it came to light that the risk assessment from the school had not been included in the plan.

Recommendation: Education professionals, with experience of post-16 education, should be involved in writing the plan with proper engagement of the young person and their family/carers.

4. Outcomes are still poorly written

This remains a huge issue for young people and for colleges, particularly because the outcomes form the basis of the learning programme, and it is challenging to create an appropriate programme when the outcomes are inappropriate and/or poorly written:

- “if the EHCP is poorly constructed then it goes without saying the ILP targets are wrong”

When inspected, colleges can find themselves between a rock and a hard place – they need to meet the outcomes set by the LA but Ofsted will challenge the appropriateness of their target setting. Quality issues that need to be addressed are:

- **Consistency:** for example how plans define long, medium and short term goals/targets, or the number of outcomes that are identified, which range from 5 to 34.
- **Copy and paste / the need to update outcomes:** some plans have not been updated or have been copied from school. Many colleges felt that outcomes did not focus on preparing for adulthood, for example:
 - “plans reflect current provision in year 11”
 - “not linked to longer term aspirations but instead to what will be achieved within the school setting”
 - An example of a plan which stated ‘he has to stay to have school dinners’, which had clearly not been updated to the college context.
 - “outcomes are out of date or previously completed and haven’t been removed’.
 - “All outcomes look to have been taken from school educational targets and are relatively short term. They have not been updated from the review document and have already gone past their deadlines”
 - “all the outcomes were not stretching and had been met before she came to us, making it impossible to put together a meaningful learning programme.”
- **Outcomes too broad:** if outcomes are too broad and generic, it is difficult to identify what the actual goal might be, and therefore not measurable. Some examples include ‘will continue to improve in English and maths’; ‘will take part in healthy activities that promote exercise’; ‘will have developed her communication skills’ and ‘will be prepared for life after college’.
- **OR outcomes too specific:** At the other extreme are outcomes that are over-specific, for example ‘will act as an ambassador for the college at an external event’, or specifying a particular shop for work experience. Another student had seven

outcomes, all of which had to be achieved by the age of 21. In one potentially dangerous example, the plan identified a physical activity (rebound therapy – trampoline based) which is actually contraindicated because of the student’s spinal condition; only the expertise of the college in knowing this prevented a serious injury.

- **Well-written but for the wrong learner:** Many outcomes read well, but have been applied inappropriately for the learner. For example, when outcomes are linked to the achievement of qualifications, even when non-accredited learning would be better, or when the amount of progress that is expected is entirely unrealistic. One example was given where a non-verbal learner with complex autism and extremely challenging behaviour had a plan which included an outcome to achieve paid employment within 10 months. Another example has a student assessed at Entry level 1 in English and maths being expected to achieve Level 1 or even 2 in both areas by the time they leave - this links to LAs’ lack of understanding or experience of approaches to learning in the post-16 sector.
- **Outcomes not challenging or unambitious:** sometimes this includes outcomes that were in fact provision rather than outcomes, such as ‘will receive SLT input 1x30min per week’, but more often the concerns are around outcomes which are unambitious, not challenging and not linked to individual aspirations. In some instances, this is perceived to be because the LA is setting outcomes that point to day services rather than education. One college noted that “outcomes are written so that they are able to be achieved in day service provision. We have had this with 7 applications this year who have gone to day services and would have hugely benefited from college”. This issue is covered further in section 5.
- **Preparing for adulthood too narrow:** An increased focus on employment as the only legitimate outcome is becoming a more common issue each year. Not only does this potentially exclude a number of young people, but it also fails to recognise the importance of other outcomes around living more independently, community participation and health and wellbeing.

Recommendations: Post-16 outcomes should be stretching, aspirational, and updated to reflect the adult learning environment (avoiding copy and paste from school outcomes). Educational progress should be recognised through both accredited and non-accredited provision, as per Ofsted and DfE guidance.

All organisations should work towards a consensus of how many outcomes are appropriate (see consistency, above). The definition of “specific” in setting SMART outcomes is important; not too broad and not overly specific.

5. Post-19 issues

Colleges making provision for those with the most complex needs have many concerns about the impact of the planning process for young people 19+. Budget pressures have led to LAs trying to avoid educational provision for them, instead moving them into adult services and not recognising “how extra structured learning can positively impact on a student’s transition to adulthood”. This is reflected in the following quotes from colleges:

- There is a very real risk of young people with the most complex and severe learning difficulties being excluded from post 19 education, as we have had a number of applicants whose plans have not been continued post 19, with the main reason given being that they are unlikely to make further progress or that they will not gain employment.

- Young people with profound and multiple learning difficulties are also being excluded from (getting an) EHCP as it is deemed these young people are better suited to adult social care and won't make educational progress.
- Many Local Authorities are reluctant to continue EHCPs for young people over the age of 19. This can have a detrimental impact upon learner destinations, particularly as learners require an EHCP to access Supported Employment provision.
- This stance taken by a number of LAs continues to undermine the intentions of the Children and Families Act and deny some young people access to a meaningful education beyond school.

Linked to this are concerns about transport policies, described by one college as a 'looming crisis', and commenting that 'there won't be any good in having a plan if you can't get to your place of learning'.

Recommendation: All stakeholders should recognise that young people with an EHC plan typically learn more slowly than their peers, meaning that some will not be ready for an adult or post-school learning experience at 16. LAs should take account of Sections 9.199-9.210 of the Code of Practice and DfE guidance which clearly states an EHC plan should not be ceased simply because a young person is aged 19. A plan should not be ceased purely because a young person will always require support from social services or because they are not working towards employment.

6. Lack of joined up working

There is little evidence that health and social care professionals are fully engaged in the process, from the assessment stage right through to review. Comments about education, health and care working together included:

- "representatives from the LA & Adult Social Care do not always attend meetings or produce reports"
- "we will never get joint commissioning right if we cannot get them into the same room."
- "Most of the plan goes towards education - the pooling of resources between other areas is still not working, even when we can clearly see need in the profile. Most of our students have social care needs but we rarely see the social care team involved in the plan."
- "there is a lack of joined working with the team that write the EHC plans and the people who pay the fees" (a situation which can add to the administrative burden for colleges who are working to two different LA departments).
- "when the student needs both education and social care funding, it is us as the provider who has to join up the services, when surely it would be easier for the LA to talk internally?"
- "the family is being expected to chase two or three different departments of the same LA; going back several times when better internal co-ordination would have saved so much time"

7. Timeliness

Plans and placements not being confirmed is one of the most concerning issues for young people, causing unnecessary anxiety as students are having to wait until well into the

summer without knowing if they have a college place. GFE colleges are reporting having to risk or carry over up to £1m in placements with over 100 high needs students applying without EHCPs or funding being confirmed. Meanwhile specialist colleges reported in June 2017, plans were not finalised for 90% of the students who were expecting to join college in September (despite the legal requirement that they should be finalised by 31 March).

At the end of November 2016, one college was waiting for 10 plans, one had a further 17 plans (nearly 50%) still to be finalised.

Added to this, one college reported that "EHCPs are not always dated which makes it difficult to ascertain whether we have received the most up to date document and when the Review should take place."

Recommendation: longer-term planning, analysis of demographics, and regional co-ordination or pooling of budgets could potentially avoid long drawn out disputes, increased bureaucracy and anxiety for families. However, the key driver for delays is lack of resources and capacity on the part of both LAs and providers, and this urgently needs to be addressed.

8. Providers being asked to complete transfers and plans

It appears that capacity within LAs is under increasing pressure and are increasingly asking others to write or complete EHCPs. [Special Needs Jungle reported in April 2017](#) that one in three English LAs have outsourced the production of draft EHCPs to third-party firms. When colleges are asked to write plans, they do so without additional resources or payment.

A lot of colleges commented on the amount of work they had to undertake to complete plans. While this was time-consuming, it was sometimes felt to be a price worth paying to improve the quality of the plan. This college certainly felt it was worth doing, "We have also been asked to update or amend a number of EHCPs for learners as the information is out of date or does not reflect the learners needs or lacks detail (in some cases rewriting a large amount of the EHCP). However, I feel we are best placed to be doing this as we know the learner and have a good understanding of their needs."

Recommendation: if providers are asked to draft or complete plans, this should be recognised and the providers resourced to be able to do so.

Where the writing of plans is outsourced, there should be better quality assurance in place including some guarantee of the young person being involved in the process and the families being aware who is writing the plan.

9. Reviews of plans not undertaken properly

There is some concern about the way in which reviews are being conducted, and a lack of clarity about how they should be done. Often the college's own review is used, but LA representatives do not always attend. Furthermore, because LAs expect reviews to be undertaken at different times, it is difficult for the college to match its own schedule to that of different LAs. One issue related to LAs requiring reviews to be undertaken in the **first term** of the academic year, putting the college under considerable pressure.

Comments on reviews included:

- "Local Authorities seem to be abdicating responsibility to providers for the review of the EHCP, which I think is detrimental to outcomes for young people. Consequently, reviews are not proving to be multi-disciplinary with 'education' being the lead and disproportionately so"

- “some LAs are not as organised as they should be with reviewing the EHC Plans, sometimes wanting to bolt onto the annual review meeting, whereas much more value should be placed on the process.”

When reviews take place and revisions are agreed, amended plans do not always get sent back into colleges – one college is still waiting for revised plans following reviews held last May. Even more bizarrely, some colleges are being asked to be part of reviewing plans they have yet to see!

10. Some examples of better practice

Fortunately, there were some reports of improving practice and some useful initiatives. Comments are reported below:

- In the better boroughs, plan coordinators are in place and the plans are slightly better.
- Out of a total of 300 outcomes, 60% are reasonably written, in use and students are making good progress towards them.
- Our experiences with our local LAs have been positive. Where there have been issues the people involved have been accessible and have been supportive and patient where needed.
- One of the local LA employees has suggested leading an EHCP transitional review to demonstrate how they need the process to go and if our own reviews can fit in with it.
- When you get a good education representative, maybe a teacher in a past life, their understanding is excellent and they can help the process with parents and at reviews. They make clear judgements and their outcomes are reasonable and achievable.
- Our analysis of outcomes shows that 92% of students have a reasonable work skills or employment related outcome, 84% have the same in a skills for adult life area, 95% have an appropriate communication, literacy or numeracy outcome and 92% have a Social, Emotional and Wellbeing outcome that includes personal safety.
- More professionals have been consulted in the process of drafting the plan, which is generally well written compared to other authorities, with a real ‘person centred’ feel throughout the document.
- The local LA has started a steering group to work on the quality of EHC plans, to include the process and the quality of the content. I have had opportunity to be part of this and hope to be able to influence some changes.
- One plan contains two sub-sections that deal with the future:
 - i) L’s long term hopes, dreams and ambitions
 - ii) What L’s family and carers think

The first lists what L would like to be able to do and has tangible links to section E. For example, it states that L would like to develop her communication skills, which corresponds directly to two communication outcomes. These outcomes are also sub-classified e.g. Education outcomes are further broken down into: communication and interaction, cognition and learning, social/emotional and mental health, sensory and physical outcomes. Plenty for a provider to work with.

Conclusions and summary of recommendations

We would welcome all initiatives that support sharing of exemplar EHCPs and encourage discussion between LAs, providers and other stakeholders regarding quality. Our audits of providers in 2016 and 2017 have shown that the other key actions to be taken are:

- Encourage use of templates or exemplar plans to improve consistency between LAs
- Involve educational professionals, particularly those with experience of post-16 further education
- Ensure all young people, including those aged 19+, have access to relevant learning programmes, in keeping with the intentions of the legislation
- Ensure post-16 outcomes are stretching, realistic, aspirational and updated, with a focus on preparing for adulthood (all four outcomes not just employment), and including accredited and non-accredited provision where appropriate
- LAs should take account of the Code of Practice and DfE guidance for post-19 provision, and plans should not be ceased at 19 purely on the basis of age or because a young person will always require support from social services or because they are not working towards employment.
- Lack of capacity, resources and funds to manage the EHCP process should be addressed urgently to avoid delays, improve budget management and enable providers to prepare effectively for new intakes of students. Regional planning and co-ordination would support those with more complex needs more efficiently.