

Scrutiny Committee

Date: **Thursday 26 January 2023**
Time: **10 am**
Venue: **Council Chamber, County Hall, Martineau Lane,
Norwich NR1 2DH**

Membership:

Cllr Steve Morphew (Chair)	
Cllr Lana Hemsall (V Chair)	
Cllr Carl Annison	Cllr Brian Long
Cllr Lesley Bambridge	Cllr Ed Maxfield
Cllr Phillip Duigan	Cllr Jamie Osborn
Cllr Barry Duffin	Cllr Richard Price
Cllr Mark Kiddle-Morris	Cllr Brian Watkins
Cllr Keith Kiddie	

Parent Governor Representatives

Mr Giles Hankinson
Vacancy

Church Representatives

Ms H Bates
Mr Paul Dunning

Advice for members of the public:

This meeting will be held in public and in person.
It will be live streamed on YouTube and members of the public may watch remotely by clicking on the following link: [Norfolk County Council YouTube](#)

We also welcome attendance in person, but public seating is limited, so if you wish to attend please indicate in advance by emailing committees@norfolk.gov.uk

We have amended the previous guidance relating to respiratory infections to reflect current practice but we still ask everyone attending to maintain good hand and respiratory hygiene

and, at times of high prevalence and in busy areas, please consider wearing a face covering.

Please stay at home if you are unwell, have tested positive for COVID 19, have symptoms of a respiratory infection or if you are a close contact of a positive COVID 19 case. This will help make the event safe for attendees and limit the transmission of respiratory infections including COVID-19.

A g e n d a

1 To receive apologies and details of any substitute members attending

2. Minutes

(Page 5)

To confirm the minutes of the meeting held on 14 December 2022

3. Members to Declare any Interests

If you have a **Disclosable Pecuniary Interest** in a matter to be considered at the meeting and that interest is on your Register of Interests you must not speak or vote on the matter.

If you have a **Disclosable Pecuniary Interest** in a matter to be considered at the meeting and that interest is not on your Register of Interests you must declare that interest at the meeting and not speak or vote on the matter

In either case you may remain in the room where the meeting is taking place. If you consider that it would be inappropriate in the circumstances to remain in the room, you may leave the room while the matter is dealt with.

If you do not have a Disclosable Pecuniary Interest you may nevertheless have an **Other Interest** in a matter to be discussed if it affects, to a greater extent than others in your division

- Your wellbeing or financial position, or
- that of your family or close friends
- Any body -
 - Exercising functions of a public nature.
 - Directed to charitable purposes; or
 - One of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);

Of which you are in a position of general control or management.

If that is the case then you must declare such an interest but can speak and vote on the matter.

4 Public Question Time

Fifteen minutes for questions from members of the public of which due notice has been given. Please note that all questions must be received by the Committee Team (committees@norfolk.gov.uk) by **5pm on Friday 20 January 2023**. For guidance on submitting a public question, please visit <https://www.norfolk.gov.uk/what-we-do-and-how-we-work/councillors-meetings-decisions-and-elections/committees-agendas-and-recent-decisions/ask-a-question-to-a-committee>

5 Local Member Issues/Questions

Fifteen minutes for local member to raise issues of concern of which due notice has been given. Please note that all questions must be received by the Committee Team (committees@norfolk.gov.uk) by **5pm on Friday 20 January 2023**

6 To note that the deadline for calling-in matters, from the Cabinet meeting held on Wednesday 11 January 2023 was 4pm on Wednesday 18 January 2023

7 Education Health & Care Plans: Performance & Quality (Page 11)

Report by Executive Director of Children's Services

8 Performance Review Panels – Quarterly Update (To Follow)

9 Scrutiny Committee Forward Work Programme (Page 30)

Report by Director of Governance

Tom McCabe
Head of Paid Service
County Hall
Martineau Lane
Norwich
NR1 2DH

Date Agenda Published: 18 January 2023.



If you need this document in large print, audio, Braille, alternative format or in a different language please contact 0344 800 8020 or (textphone) 18001 0344 800 8020 and we will do our best to help.



Scrutiny Committee

Minutes of the Meeting Held on 14 December 2022
at 10 am at County Hall Norwich

Present:

Cllr Steve Morpew (Chair)

Cllr Lana Hemsall (Vice Chair)

Cllr Carl Annison

Cllr Lesley Bambridge

Cllr Phillip Duigan

Cllr Barry Duffin

Cllr Mark Kiddle-Morris

Cllr Keith Kiddie

Cllr Brian Long

Cllr Jamie Osborn

Cllr Brian Watkins

Also, present (who took a part in the meeting):

Simon Pepper

Neil Carter

Phil Courtier

Martin Starkie

John Bell

Cllr Eric Vardy

Nick Johnson

Matt Tracey

Steve Miller

Stephen Faulkner

Kat Hulatt

Peter Randall

Tim Shaw

Senior Project Manager, National Grid

Technical Lead, National Grid

Director of Growth at Broadland and South Norfolk Council

Member of the public

Member of the public

Cabinet Member for Environment & Waste

Head of Planning

Growth & Infrastructure Group Manager

Director of Culture and Heritage

Principal Planner

Head of Legal Services

Democratic Support and Scrutiny Manager

Committee Officer

1 Apologies for Absence

- 1.1 Apologies were received from Cllr Ed Maxfield, Cllr Richard Price, Ms Helen Bates (Church Representative), Giles Hankinson (Parent Governor) and Mr Paul Dunning (Church Representative).

2 Minutes

- 2.1 The minutes of the previous meetings held on 23 November 2022 were confirmed as an accurate record and signed by the Chair.

3. Declarations of Interest

3.1 There were no declarations of interest.

4. **Public Question Time**

4.1 There were no public questions.

5. **Local Member Issues/Questions**

5.1 There were no local member issues/questions.

6 **Call In**

6.1 The Committee noted that there were no call-in items.

7 **Nutrient Neutrality**

7.1 The annexed report (7) was received.

7.2 The Scrutiny Committee received a report that summarised the immediate implications and the possible actions required going forward about Nutrient Neutrality, in the light of Natural England advice on the status of the Norfolk Broads and the River Wensum.

7.3 During discussion of the report with Cllr Eric Vardy (Cabinet Member for Environment & Waste), Phil Courtier (the Director of Growth at Broadland and South Norfolk Council) and officers of the County Council the following key points were noted:

- The current complex position of Norfolk County Council and the District Councils in relation to the issue of nutrient neutrality was explained to the Committee.
- Since the publication of guidance regarding the implications of an EU decision on a Dutch Nitrogen case was issued to all relevant local planning authorities by Natural England in March 2022, no permissions for development that would give rise to additional nutrient (sewage) loading in the Norfolk Broads and the River Wensum areas of Norfolk had been granted.
- General planning needs, such as ordinary housing, were not precluded from the scope of the guidance.
- Developers were now legally obliged to provide nutrient compliant development schemes.
- In answer to questions, it was pointed out that plans were being made for a Joint Venture with Water Resources East and Anglian Water to deliver a Norfolk Environmental Credits Board, that would complement the Natural England mitigation scheme in delivery of mitigation for developments. This joint venture was expected to go live at the start of April 2023. This was the fastest and most strategic response on the issue anywhere in the country and would address approximately 40 per cent of the development growth needs of the area and be centred on small and medium size development.

- Local Authorities in the county were looking to set up a Joint Venture with Water Resources East and Anglian Water to deliver a Norfolk Environmental Credits Board which would complement the Natural England mitigation scheme in delivery of mitigation for developments.
- The cost of a credit was expected to be set at somewhere between £5,000 and £7,000.
- The aim was to be able to help small and medium size builders who were unable to find their own solutions to reducing nitrogen-based pollution.
- How to achieve nutrient neutral development, and the science behind it was a very complex issue which was having a large impact on sustainable economic development in the county and the potential for new developments to take place.
- The current position was likely to have a significant potential impact on current and future housing delivery.
- The Head of Planning said that Local Authorities should be able to show a 5-year land supply by this time next year, if not earlier.
- The risk implications associated with nutrient neutrality were set out in paragraph 9.1 of the report. This matter featured in the corporate risk register.
- There were some large infrastructure schemes that were being held up by nutrient neutrality issues. The largest of these schemes was the Long Stratton bypass.
- In short, unless a development could be proven to be nitrate neutral planning permission could not be granted.
- The Wensum and the Broads were the two main areas of special environmental interest that were being protected.
- Members spoke about not wanting to place any additional financial burden on developers and about wanting to help Norfolk farmers to tackle issues on nutrient neutrality that directly affected them outside of the planning process.
- The County Council had the staff with the necessary skills to do the assessments that were required.
- The County Council had agreements in place with the District Councils to provide them with non-statutory advice on environmental issues.
- The service provided by the County Council met its statutory requirements and could be expanded when/where needed to meet future demand.
- Given the existing levels of ecological expertise within the Council, the Council could also support planning authorities in the scrutiny and monitoring of offsetting schemes over their lifetime.

7.4 The Committee **RESOLVED**

To note the implications of Nutrient Neutrality for the County Council and look to return to this issue when they meet with representatives of Anglian Water and the Environment Agency to discuss sewage and stormwater overflow issues in the Spring.

8 **East Anglia Green – Proposed New Over-head Power Line between Norwich and Tilbury**

8.1 The annexed report (8) was received.

8.2 The Scrutiny Committee received a report that provided a brief overview and update of the project (i.e. the proposal for a new 400 kv over-head power line between Norwich and Tilbury (Essex)). The report sets out the County Council's position to date following a non-statutory consultation undertaken by National Grid between April – June this year (2022). The Committee also received a slide presentation from National Grid. The presentation given to the Committee has subsequently been circulated to Members.

8.3 During discussion of the report with officers from National Grid (who attended the meeting virtually via Microsoft Teams) and the officers from the County Council that were present for this item, the Committee considered the following:

- National Grid's representatives said that the existing network of power lines has insufficient capacity to handle the amount of additional electricity which would be generated by a series of offshore wind energy projects making landfall and grid connection in Norfolk.
- In reply to questions, the representatives of National Grid said offshore solutions were more expensive and that undergrounding of cables onshore was more expensive still. The project was about offering value for money for customers.
- National Grid's obligations were to provide the most economic and efficient solution to customers. Laying cables underground, and along the coast on the seabed, would involve more disruption and take the cost of the project to the range of 2-4 billion pounds, compared to 973 million for the pylon project.
- County Council officers pointed out that they continued to be fully engaged with National Grid on the technical and planning matters relating to the project.
- Picking up on comments which had been made to him by a member of the public who was present in the meeting, the Chair said that there was some concern about a lack of alternatives presented in the non-statutory consultation in Spring 2022 including the option of a strategic offshore grid.
- The representatives of National Grid said that they had met with stakeholders to understand their feedback and would continue to do so.
- Members said that the project was resorting to using outdated 1950's technology and that more overhead pylons would be a blot on the countryside.
- It was pointed out that there was an existing line of pylons running nearby the town of Diss which, if the project were to proceed, would surround the town with pylons.
- It was also pointed out that National Grid had already agreed to run part of the cabling underground through Dedham Vale Area of Outstanding Natural

Beauty (AONB) on the Essex/ Suffolk boarder and National Grid should therefore look to do the same in environmentally sensitive areas of Norfolk.

- Members said that the people in Norfolk who were affected most by the pylons would not receive any of the benefits.
- The representatives of National Grid said that it might be possible to use more of the electricity generated by the project to meet Norfolk's electricity needs. This matter was, however, outside the scope of the project..
- In their concluding remarks, the representatives of the National Grid said that they understood objectors concerns to overhead pylons and would try to reduce the impact of the pylons as much as possible. National Grid would respond to all feedback that had so far been received in a feedback report which would be published at the time of the next consultation. After receiving responses to the non-statutory consultation (2022), National Grid would consider making changes before launching a further round of formal consultation in Spring 2023. National Grid would be submitting its Development Consent Order (DCO) application to the planning Inspectorate in late 2024.
- The Chair then referred the Committee to the response to the non-statutory consultation addressed to the National Grid which was set out at pages 28-40 of the agenda.

8.4 **RESOLVED**

That the Committee

- 1. Note the current status of the East Anglia Green project and the future opportunities for stakeholder engagement on this project through the NSIP consultation process, as set out in the report.**
- 2. Endorse Norfolk County Council's response to National Grid's non-statutory consultation (2022) on the above High Voltage Cable Route proposal, including the letter from the Leader of Norfolk County Council to National Grid set out on pages 28-29 of the agenda.**

9 **Scrutiny Committee Forward Work Programme**

9.1 The annexed report (9) was received.

9.2 **RESOLVED**

That the Committee:

Note the current forward work programme as set out in the appendix to the report.

The meeting concluded at 1.15 pm

Chair

Scrutiny Committee

Item No: 7

Report Title: Education Health & Care Plans : Performance & Quality

Date of Meeting: 26 January 2023

Responsible Cabinet Member: Cllr John Fisher (Cabinet Member for Children's Services)

Responsible Director: Sara Tough, Executive Director Children's Services

Executive Summary

Education Health & Care Plans (EHCPs) describe the needs of individual children and young people and the support, provision and placement that they require to meet their education, health and care needs. The statutory basis for EHCPs is set out in the Children & Families Act 2014 and related SEND Code of Practice. EHCPs are provided for children and young people who require them from 0-25 and, whilst they set out support across education, health and care, they are primarily focussed on provision which enables access to learning.

Latest DfE published figures show that Norfolk has 8,671 EHCPs - 4.1% of the school 5-18 cohort, comparing to 4.0% nationally (noting that DfE use 5-18 not 0-25 cohort for national comparison data. Figures are taken from the school SEND census data return published each summer by the DfE). We are currently anticipating a similar figure for Norfolk when we produce the 2023 data return, and we will know the national comparison in June.

The Local Authority has direct responsibility for the assessment and reviews of EHCPs and to ensure that appropriate funding and provision is made, through a combination of delegated funding, direct funding and the commissioning of specialist placements and services. This is in addition to our over-arching responsibility as the champion of all children with special educational needs and disabilities, extending to associated duties for the 16,000+ cohort of children and young people who have their support arranged within 'SEN Support' directly by early years settings, schools and colleges.

For EHCP's the core performance indicator used nationally is the 20-week period for a child's first EHCP, i.e. the process following a request for an assessment for an EHCP and the subsequent gathering of professional advice and working with families to determine if an EHCP is necessary, through to the production of the final EHCP where this is agreed. The LA also has duties to carry out an annual review of all EHCPs in a timely way and to ensure that all EHCPs, new and ongoing, are of sufficient quality. It is this collection of indicators that has been subject to regular reporting to the People & Communities Select Committee over the past 2 years, following a requirement to do so by the Local Government and Social Care Ombudsman. County Councillors have also assessed EHCP performance through

the Children's Services Performance Review Panel and additionally through crossparty membership of the Written Statement of Action Executive Board.

The Written Statement of Action (WSOA) was in response to the 2020 Ofsted/CQC Area SEND Inspection and the identification of 3 serious weaknesses: Communication and Co-production, EHCPs and Services for 18-25. The WSoA Executive Board has overseen the programme of improvement work since September 2020 up to the Ofsted/CQC 're-visit' in late November 2022. The Ofsted/CQC report is expected within the public domain in mid/late January 2023 and will provide a judgement on whether we have made 'sufficient progress' across the improvement plan. For EHCP, a key performance indicator provided to inspectors was the increase in the percentage of initial EHCPs completed within 20 weeks, increasing from the published figure of 8% during the 2020 inspection and the published figure of 54% at the time of the revisit.

This report provides details regarding EHCP performance across initial assessments and reviews in terms of the timescales and quality of plans. We want Members to be able to consider the current performance and quality of EHCP assessments and reviews in the context of our improvement plan over the past 2 years and we look forward to setting this alongside the official judgement of Ofsted/CQC.

Action Required

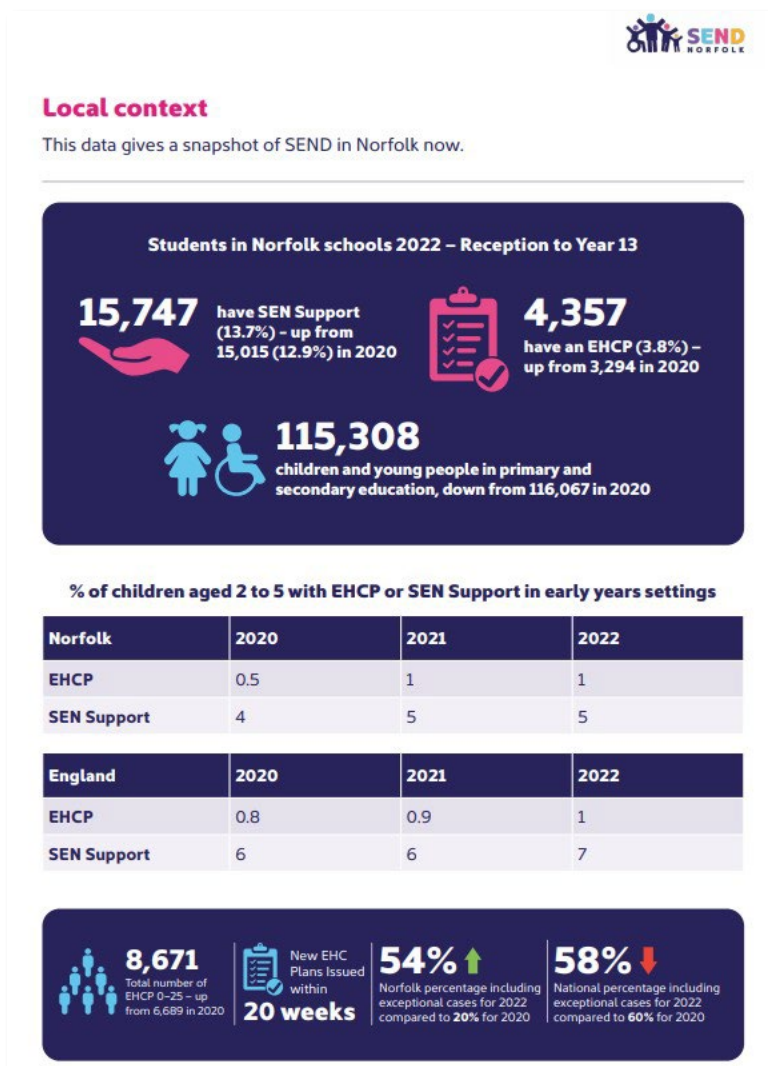
To:

1. Provide comment on the improvement to EHCP performance and quality in the context of the Written Statement of Action improvement plan over a twoyear period.
2. Provide comment on the judgement of Ofsted/CQC Area SEND 'Re-visit', if available within the public domain at the time of the committee meeting.
3. Determine ongoing support and challenge of EHCP performance in the context of the LA's revised SEND strategic improvement plan, Local 1st Inclusion, and within the context of governments response to the SEND Green Paper consultation and next steps plan.

1. Background and Purpose

1.1 Education Health & Care Plans (EHCPs) describe the needs of individual children and young people and the support, provision and placement that they require to meet their education, health and care needs. The statutory basis for EHCPs is set out in the Children & Families Act 2014 and related SEND Code of Practice. EHCPs are provided for children and young people who require them from 0-25 and, whilst they set out support across education, health and care, they are primarily focussed on provision which enables access to learning.

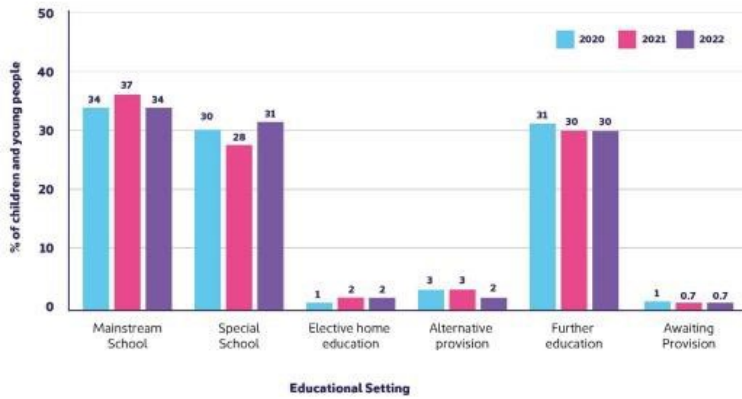
1.2 Latest DfE published figures show that Norfolk has 8,671 EHCPs - 4.1% of the school 5-18 cohort, comparing to 4.0% nationally (noting that DfE use 5-18 not 0-25 cohort for national comparison data. Figures are taken from the school SEND census data return published each summer by the DfE). We are currently anticipating a similar figure for Norfolk when we produce the 2023 data return, and we will know the national comparison in June.



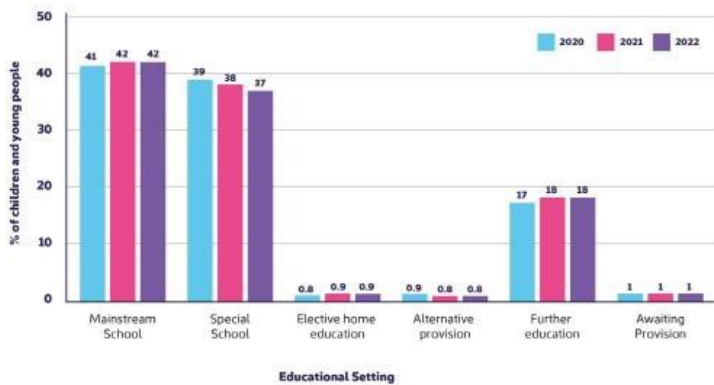
[extract from Area SEND Strategy, linked provided in the Background Papers section of this report]

1.3 The Local Authority has direct responsibility for the assessment and reviews of EHCPs and to ensure that appropriate funding and provision is made, through a combination of delegated funding, direct funding and the commissioning of specialist placements and services. This is in addition to our over-arching responsibility as the champion of all children with special educational needs and disabilities, extending to associated duties for the 16,000+ cohort of children and young people who have their support arranged within ‘SEN Support’ directly by early years settings, schools and colleges.

Where children and young people with an EHCP are learning in Norfolk



Where children and young people with an EHCP are learning in England



[extract from Area SEND Strategy, linked provided in the Background Papers section of this report]

2. Proposal

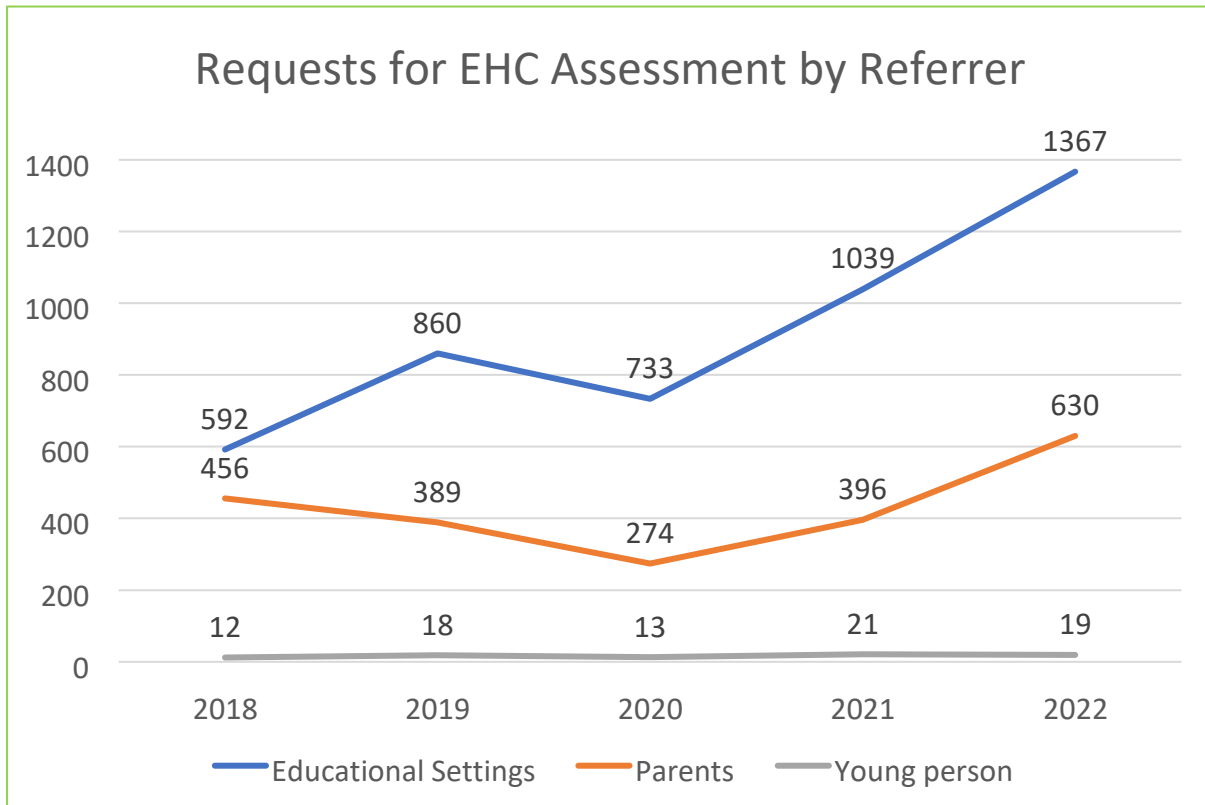
2.1 EHCP performance

2.1.1 Context

For EHCP's the core performance indicator used nationally is the 20-week period for a child's first EHCP, i.e. the process following a request for an assessment for an EHCP and the subsequent gathering of professional advice and working with families to determine if an EHCP is necessary, through to the production of the final EHCP where this is agreed. The LA also has duties to carry out an annual review of all EHCPs in a timely way and to ensure that all EHCPs, new and ongoing, are of sufficient quality. It is this collection of indicators that has been subject to regular

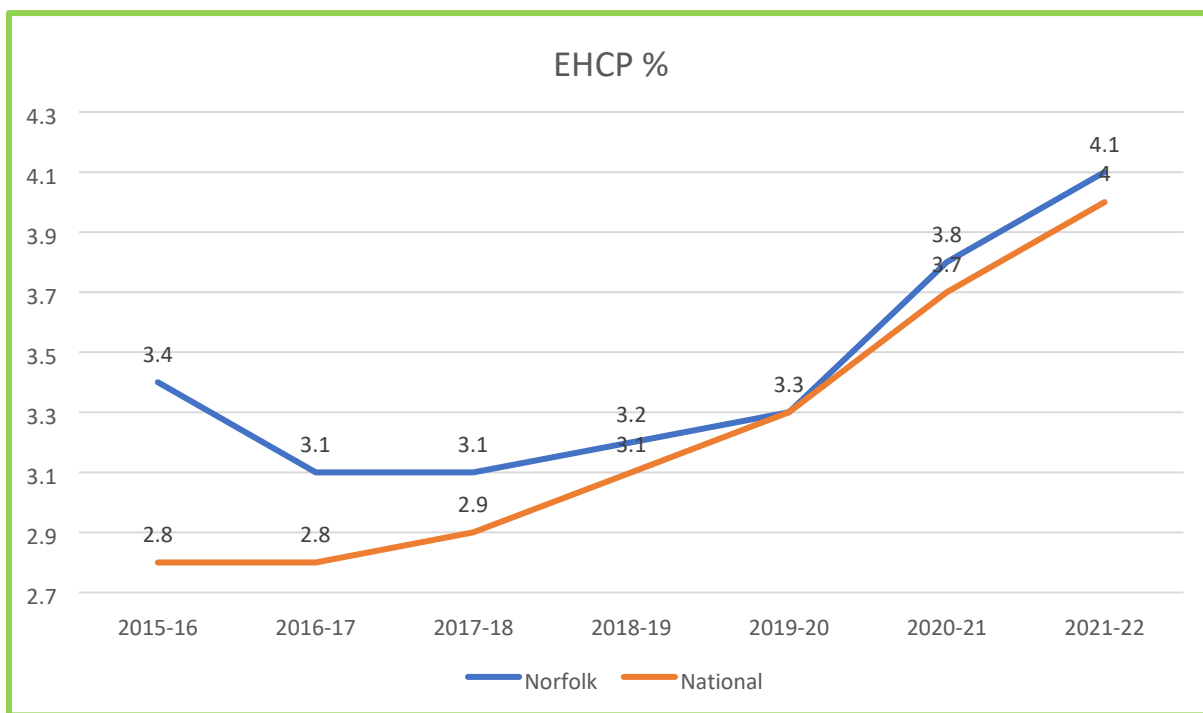
reporting to the People & Communities Select Committee over the past 2 years, following a requirement to do so by the Local Government and Social Care Ombudsman. County Councillors have also assessed EHCP performance through the Children’s Services Performance Review Panel and additionally through crossparty membership of the Written Statement of Action Executive Board.

2.1.2 EHCP Volume

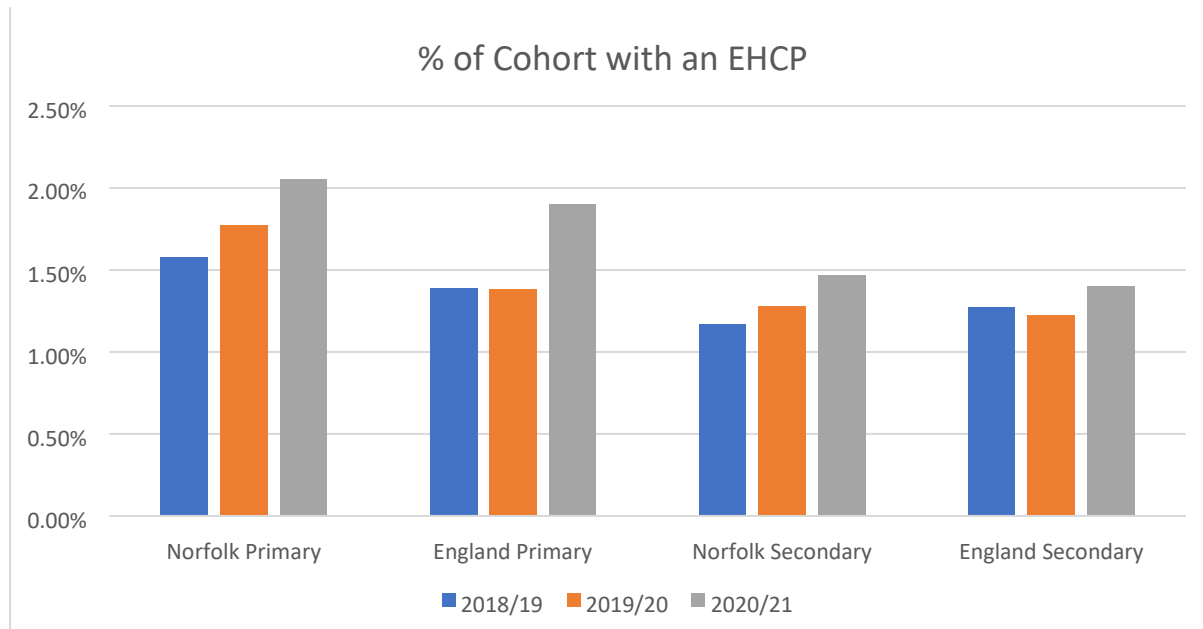


Over time, there has been an annual increase in demand for EHCP requests (the volume reduced in 2020 during the national Covid-19 lockdown). Most requests come from education settings (or other professionals). Whilst the overall number of requests over time has increased, the ratio of requests from educational settings compared to parents and young people has remained relatively static at 70% from settings and 30% from parents / young people.

Number of Children and Young People with an EHCP



The percentage of school children with an EHCP whilst showing a downward trajectory between 2015-2018 is now increasing, in line with a continued national increase. The largest increases are seen in numbers of children with Autistic Spectrum Disorder, Speech Language and Communication Needs and Social, Emotional and Mental Health.



Within mainstream schools, 2% of the primary school cohort now has an EHCP compared to just over 1.5% two years ago.

2.1.3 Current performance

We now have the complete set of performance data for 2022 which will be provided to DfE for the annual SEN2 reporting in the spring term ahead of national reporting in May 2023. The overall performance is 53% compared to 54% last year.

As reported at July People and Communities Committee, the summer term/2nd quarter had seen a decrease in performance due to the capacity of the team in dealing with the volume of EHCP assessments. Whilst this upward trend in referrals is not 'new' it is a fact that the increase in staff in 2021 which led to performance improvement has further struggled to keep pace. In response, an additional injection of funding has been provided to the service to recruit a further five EHCP Coordinators who commenced in post during the autumn of 2022.

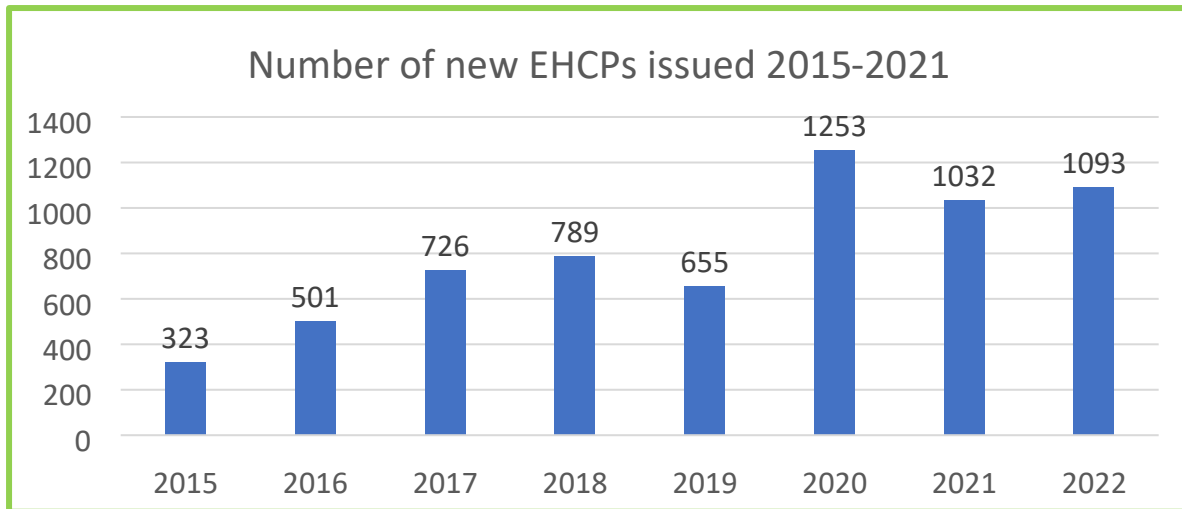
The current performance should be considered in the context of the performance that resulted in the Written Statement of Action serious weakness and related improvement plan:

- 2019 Norfolk Performance = 8%
 - 2020 Norfolk Performance = 21%
 - 2020 National Average = 58%
 - **2021 Norfolk Performance (out turn) = 54%**
 - **2021 National Average = 59.9%**
 - 2021 Norfolk Target = 60%
 - 2022 Norfolk Target = 90% (69.9%*
 - 2022 Norfolk Quarter 1 actual = 55% • 2022 Norfolk Quarter 2 actual = 46% •
 - 2022 Norfolk Quarter 3 actual = 58%
 - 2022 Norfolk Quarter 4 actual = 54%
 - 2022 Norfolk Final Cumulative outturn for year = 53.1%
- *2nd quartile national start point

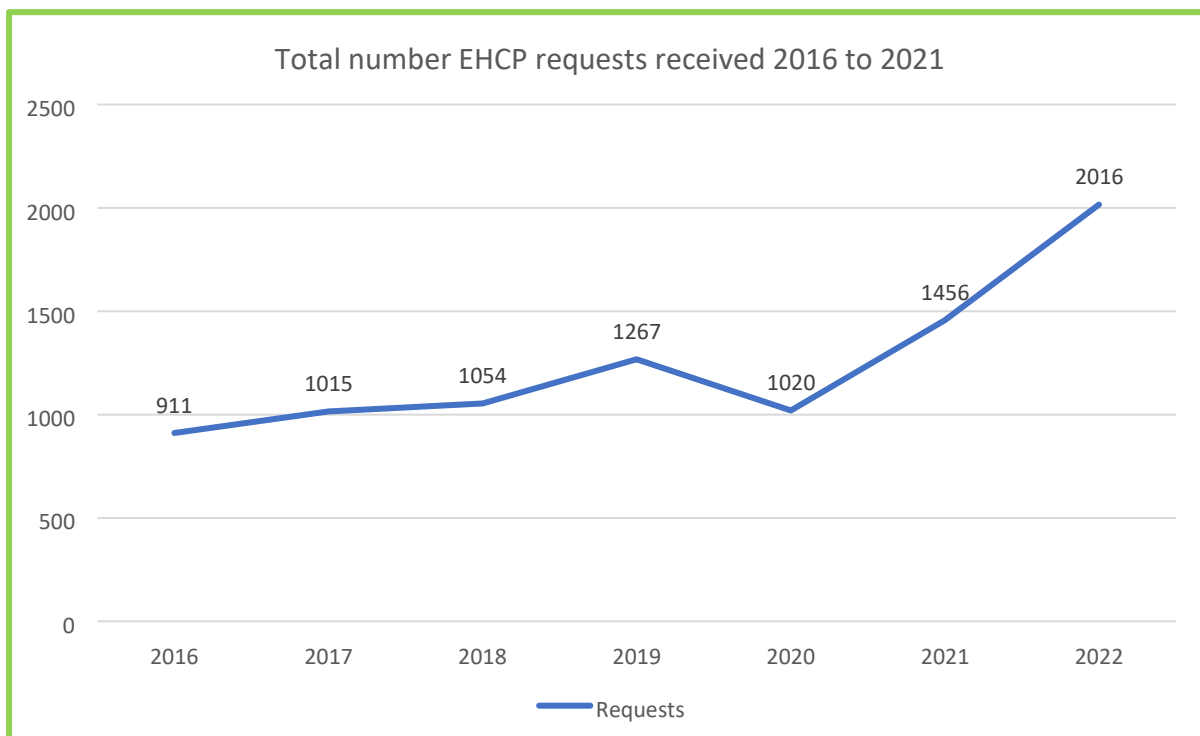
Final EHCP - 2022													
2022	Month by Month				Quarterly				Cumulative				Days
	Number Including Exception	On Time Including Exception	% On Time Including Exception	% On Time Excluding Exception	Number Including Exception	On Time Including Exception	% On Time Including Exception	% On Time Excluding Exception	Number Including Exception	On Time Including Exception	% On Time Including Exception	% On Time Excluding Exception	Average number of days to issue Final
January (All - CTR & New)	85	40	47.1	48.1	296	157	53.0	54.9	85	40	47.1	48.1	208
February (All)	112	63	56.3	58.3					197	103	52.3	54.0	201
March (All)	99	54	54.5	56.8					296	157	53.0	54.9	208
April (All)	91	49	53.8	57.6	280	118	42.1	46.3	387	206	53.2	55.6	211
May (All)	101	38	37.6	43.2					488	244	50.0	53.2	233
June (All)	88	31	35.2	37.8					576	275	47.7	50.8	257
July (All)	87	44	50.6	52.4	244	129	52.9	57.6	663	319	48.1	51.0	226
August (All)	62	35	56.5	59.3					725	354	48.8	51.8	203
September (All)	95	50	52.6	61.7					820	404	49.3	52.8	227
October (All)	109	33	30.3	41.6	273	152	55.7	54.3	929	437	47.0	51.8	300
November (All)	83	54	65.1	55.6					1012	491	48.5	52.0	205
December (All)	81	65	80.2	76.2					1093	556	50.9	53.1	181
Year 2022									1093	556	50.9	53.1	
Target											90.0		

Performance should also be considered in the context of the overall number of new EHCPs Norfolk is producing which has increased considerably since 2019 reflective of the new operational model introduced within the service in 2020 which created a

dedicated team exclusively focussed on the assessment and production of new EHCPs.



The increase in output of EHCPs in this period also reflects the ongoing significant rise in demand for EHCPs being experienced in Norfolk. The significant improvement in timescales and rates of output of numbers of EHCPs should be considered within the context of exponential increases in rates of referral, with a 43% increase from 2020 to 2021 and a further 38% increase 2021 to 2022. By comparison the rate nationally has risen by on average around 11% per year over the same period.



The performance for EHCP initial assessments in December 2022 gives us confidence that we can achieve improved performance in 2023. We need to be realistic about the timeline to achieve our ultimate target of 90% and we believe that using 70% as an initial stretch target is sensible. Achieving 70% will be assisted due to the embedded changes within the High Needs SEND Service operational teams, created within the

Written Statement of Action programme of work. This is a combination of greater management 'grip', increased staffing resources, stabilisation of the overall number of EHCP's and related SEND strategic improvement work aimed at meeting needs at SEN Support.

Other requirements of the Written Statement of Action (WSOA) for EHCP were to improve our performance regarding the annual review process for all EHCPs as well as the overall experience of families with a strong cultural emphasis on person centred approaches.

2.1.4 Annual Reviews

All existing EHCP's must have an annual review to determine if provision and placement remain appropriate and to celebrate progress for children and young people. It is a dual responsibility between the education setting (early years, school or college) and the LA to ensure that annual reviews occur at the correct point in the year, that parents and professionals can submit information in advance of the annual review meeting and that the outcomes of the discussions are acted upon in a timely way. The education setting has prime responsibility for convening the annual review meeting and the LA has prime responsibility to respond to the recommendations.

Annual Review performance remains an area for improvement work, however, the rate of annual reviews processed on time in 2021 of 60% has increased to 70% at end of October 2022.

Total EHCP CYP as at 04/01/2023	
8681	
Year Group	CYP
Post 16	2890 (33.3%)
School Age	5682 (65.5%)
Early Years	109 (1.3%)
Total	8681
Annual Reviews	CYP
In Timescale	6219 (71.6%)
Overdue	2462 (28.4%)
Total	8681

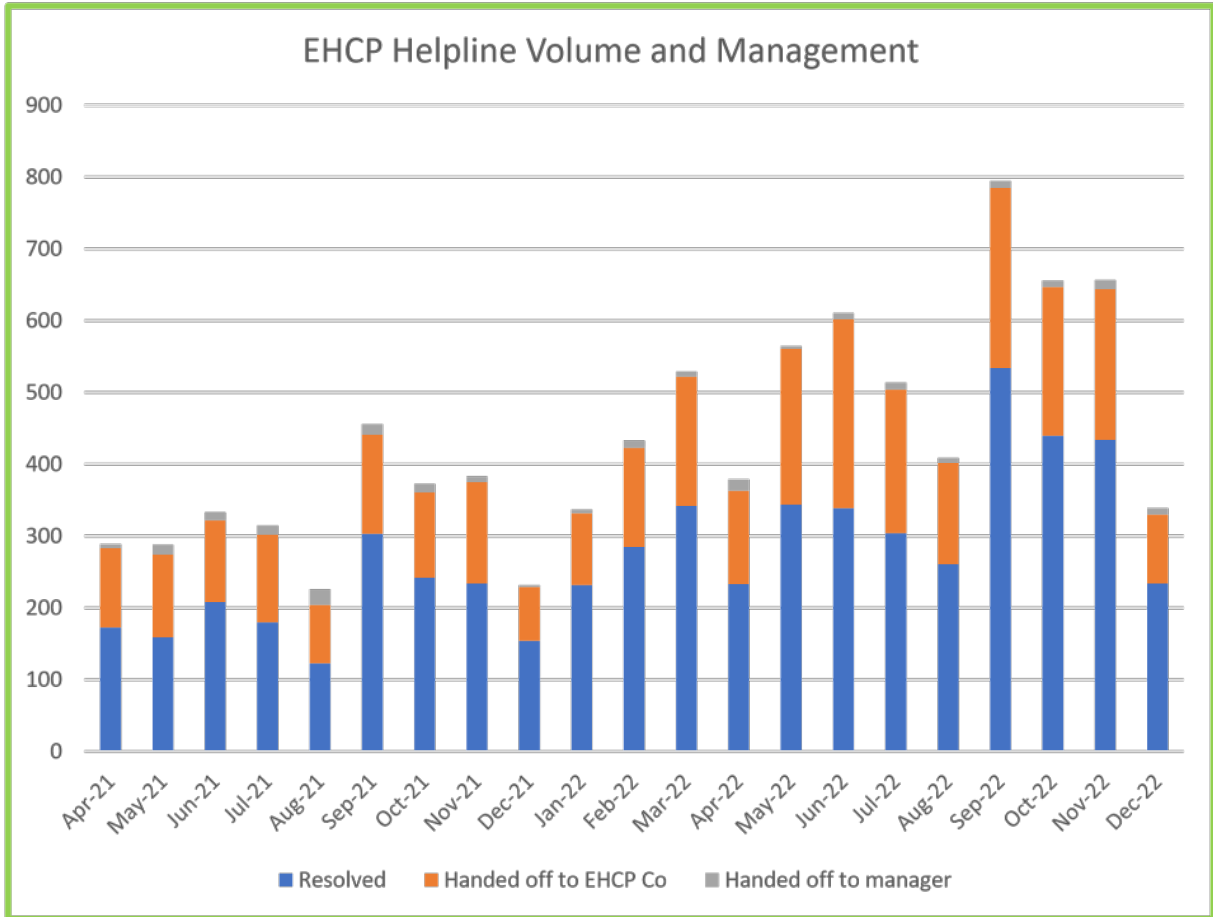
Annual Review overdue rate has reduced from 40% to 28% and we have a target for further reduction in 2023 of 25%.

2.1.5 Experience of Families

Relationship management is a key theme in our improvement work across all the 3 serious weakness areas of the WSoA. Within the work of the operational EHCP team significant progress has been made to ensure that parents/carers feel more involved in their child's assessment and review process and to keep them informed even when there may be delays. A new EHCP contact line has been available for the past 21 months and the evidence is clear that most calls are being resolved first time.

EHCP Helpline operational for 21 months.

- ✦ Total calls received 9119
- ✦ **Queries resolved at first contact 4650 (63%)**
- ✦ 65% of all calls to the helpline are from parents, carers and young people ✦
Complex queries handed onto co-ordinators / review officers = 37%.



We have been promoting 'Views@SEND', a parent carer survey, to gain parent/carers feedback within the EHCP process, however, feedback via this route remains low. In 2021 a total of 19 parents responded with this rising to 37 responses in 2022. Of those who responded, regarding EHCP assessment, 58% said they felt informed and involved within the process. 72% of those who responded stated that the EHCP clearly described need and provision. To increase take up of this feedback mechanism we have since autumn term 2022, included a QR Code to encourage feedback via use of smart media and continue to promote it across all our direct communication with families, the Local Offer and via SEND social media communication channels.

Complaints have seen an overall reduced trend since 2020, although have upturned in 2022 against 2021. Formal compliments have increased each year.

We are also assessing complaints and compliments in the context of the increase in EHCP referrals and overall numbers of EHCPs during this period.

	Total EHCPs in system (existing EHCP and new requests combined)	Total number complaints	Rate of complaints as % of total EHCP cohort	Total number compliments	Rate of compliments as a % of total EHCP cohort
2020	8,773	202	2.30%	18	0.21%

2021	10,127	99	0.98%	53	0.52%
2022	10,737	150	1.40%	69	0.64%

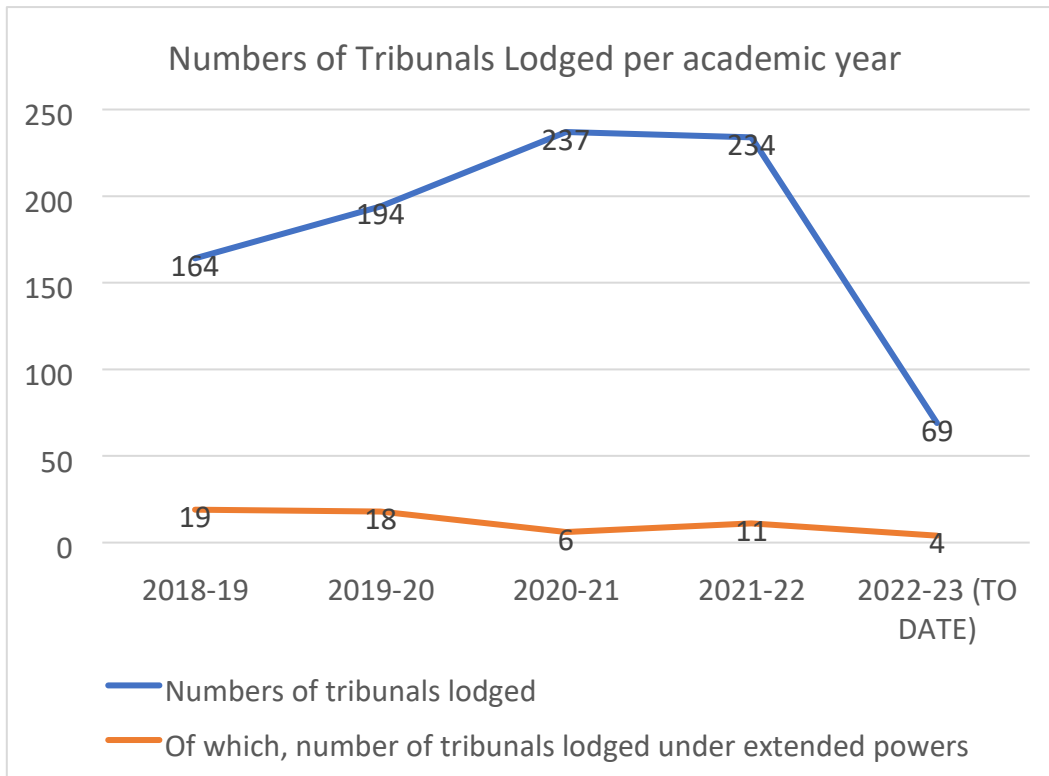
The themes from all these sources of 'feedback' are used as part of ongoing continuing professional development across the service directly and more widely through our SEND Community of Practice. We continue to analyse complaints, survey returns and feedback direct to our teams to determine the cause of complaints and how to address issues earlier. Analysis of aggregate data from all feedback routes identify two predominant issues for parents which are when assessments are not completed on time and where a request for a special placement has been made by a parent but there are no available spaces.

2.1.6 SEND Tribunals

Under the Children and Families Act, parents (and young people directly who are aged over 16) can appeal to the SEND Tribunal if they disagree with decisions made by the Local Authority. The following aspects of EHCP decision making are appealable to the SEND Tribunal:

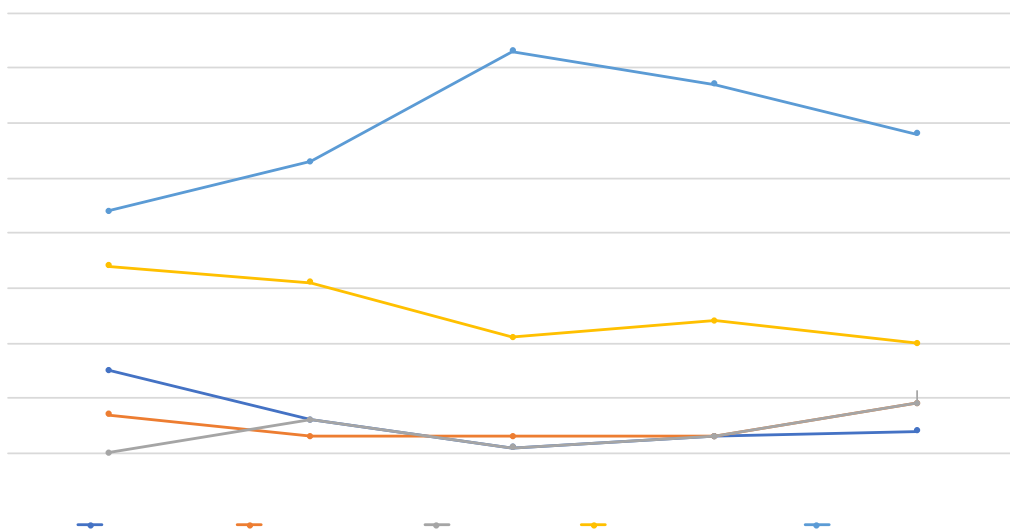
- The Local Authority has not agreed to carry out an EHC needs assessment;
- The Local Authority, following an assessment, has not agreed to issue an EHCP;
- The Local Authority has not agreed to reassess a child or young person;
- The description of special educational needs and the special educational provision required to meet them (Section B and F);
- The educational establishment named in the EHCP (Section I).

Since 2018, the SEND Tribunal has had extended powers to also consider and issue non-binding recommendations regarding the health and social care needs and provision set out in an EHCP. However, matters concerning health and social care cannot be brought to the tribunal separate to the formal appealable decisions set out above (i.e. health and social care needs and provision can only be heard as part of an appeal for special educational needs and provision).



The rate of increase of numbers of appeals lodged in 2018/19 and 2021/22 is 42%. This increase reflects a national picture where numbers of appeals lodged has increased by 58% over the same period (7,002 to 11,052).

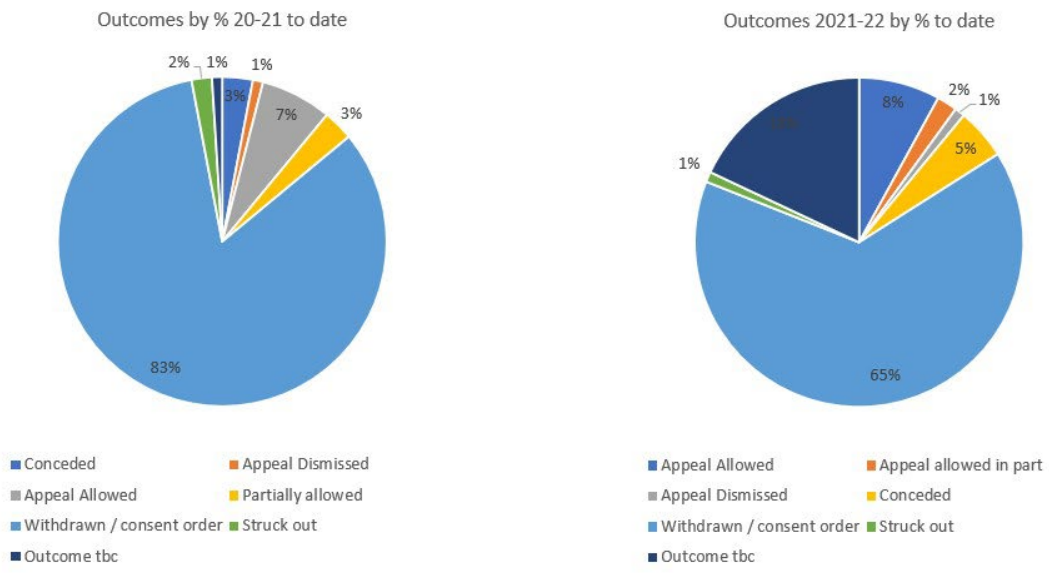
Norfolk's reason for appeal has remained broadly consistent for many years, namely that the vast majority of appeals centre upon the educational establishment that has been named (78% to 91% of appeals in any given year). Norfolk has comparatively very low rates of appeal for not agreeing to assess, issuing an EHCP or the over the content of an EHCP.



All appeals concerning the educational establishment named in the EHCP are requests for special school places which the Local Authority is unable to provide. This demonstrates the situation in Norfolk reflected nationally, of the ongoing increasing

demand for children with SEND to attend special schools rather than mainstream schools and which underpins the ambitions of Norfolk’s “Local 1st Inclusion Strategy” to support greater levels of resource and support in the mainstream sector to meet children’s needs without the need for an EHCP and for children to attend special schools.

Not all appeals reach a “final hearing” and receive final decision by a Judge. Norfolk has a good historical record of resolving appeals prior to final hearing. Out of all appeals registered in academic year 2020-21, only 11% proceeded to final hearing to be decided by a Judge. 89% were resolved prior to the final hearing between parents and the LA reflecting our approach to resolving the disagreement at the earliest point. This 11%:89% ratio has been the continuing pattern into appeals registered in 202122 (note, 18% of appeals are not yet concluded and so data is as the current position in time).



The impact of lodging an appeal to the SEND Tribunal upon parents of children with SEND is very well understood and there is a legitimate challenge to be made about what is being done to tackle and reduce the numbers of appeals being made. Some elements of the increase in appeals are factors relating to national policy as has been identified within the recent SEND and Alternative Provision Green Paper and there is an ambition from central Government to reduce the adversarial nature of England’s current SEND system. In Norfolk, whilst the demand for special school places continues to rise at its current pace, with not enough places for parents who request them, we cannot expect to see an immediate reduction in the rate of appeals being lodged. This is why our second phase of SEND and AP Transformation under Local 1st Inclusion retains its emphasis on the availability and access of specialist support and provision within the mainstream sector so that children can receive the right provision to meet their needs within their most local school amongst the communities where they live.

2.1.7 EHCP Quality

The SEND Code of Practice defines the content of EHCPs and all must follow a set structure across ten sections (A to K). Whilst the Code of Practice does not prescribe what a high quality EHCP should look like, the guidance, combined with a range of best practice materials issued by Government and other bodies enables all local authorities to understand what constitutes a good quality EHCP. We therefore know that a high quality EHCP should:

- Be child centred and express the views, wishes and aspirations of the child / young person and their parents;
- Take a current, rounded, holistic and integrated picture of the child's needs across health, care and education and the health, care and special educational provision required to meet those needs;
- Appropriately quantify and specify the provision to be made for the child / young person;
- Link provision to SMART outcomes to be achieved by the child (SMART meaning specific, measurable, achievable, realistic and timebound);
- Be accessible in terms of simplicity and brevity of language to make the plan an effective functional document.

In addition to timeliness, there has been an equally relentless focus on improving the quality of EHCPs, central to which has been a renewed emphasis on the continuing professional development of the wide professional network which supports the production and review of EHCPs. This has included all EHCP Coordinators and Reviewing Officers undertaking the NASEN SEND Casework Award resulting in professional qualifications; ongoing training to all educational settings who lead the Annual Review process for EHCPs; ongoing training to the health, social care and psychology workforce regarding preparing high quality reports for EHC assessments upon which the resultant EHCP is evidentially based.

Additionally in 2021 we launched a new EHCP quality assurance and audit system, the outcomes of which have been reported to People and Communities Committee within the regular EHCP reporting cycle. Key to this was the appointment of a dedicated EHCP Quality Assurance Manager to lead and oversee an ongoing process of continual development and improvement of EHCPs production.

We have also commissioned Invision360 - an online EHCP auditing tool for effective quality assurance (QA). It promotes best practice by improving QA consistency and standardisation across the local area. Invision360's quality framework draws on relevant legislation and several well-respected good practice guides that underpin local government practice (including, Council for Disabled Children's EHCP Good Practice Guidance, IPSEA's EHC Plan Checklist, and the SEND Code of Practice).

Auditors follow an online step-by-step process that provides greater consistency and objectivity to the EHCP QA process. Each section of the EHCP is audited against criteria based on nationally recognised good practice. Auditors work through the various sections of an EHCP and decide which of the 'Good' criteria within the tool are met. This exercise grades each section individually and then attributes a final overall grade for the EHCP.

A broader co-produced Norfolk EHCP QA Framework (the 'Framework') has been developed including audit criteria for both EHCPs and the professional evidence that feeds into the EHC needs assessment process (health, social care and educational

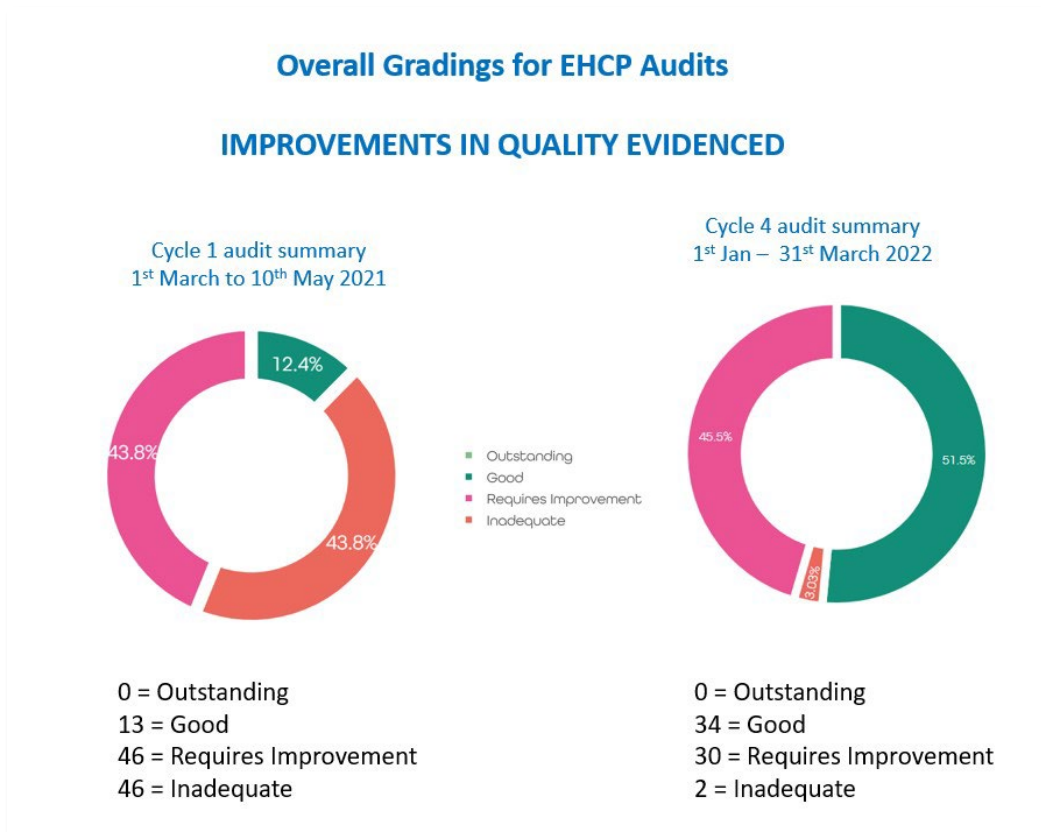
psychology service). The audit criteria within the Framework incorporates and enhances the criteria within Invision360. Whilst Norfolk continues to commission Invision360, audits cycles utilising that tool will complement other QA activity e.g. biannual audits of professional health advice lead by the Designated Clinical Officer team and dip sampling of educational psychology advice led by senior educational psychologists.

We have completed 4 cycles of EHCP audits in total, completing 232 EHCP audits (period March 2021 to March 2022). Cycle 1 (105 audits) and cycle 4 (66 audits) focused solely on new EHCPs.

2.1.8 Improvements in EHCP Quality in Norfolk

When comparing the first cycle of audits to those completed in the most recent cycle (cycle 4) the following improvements have been observed:

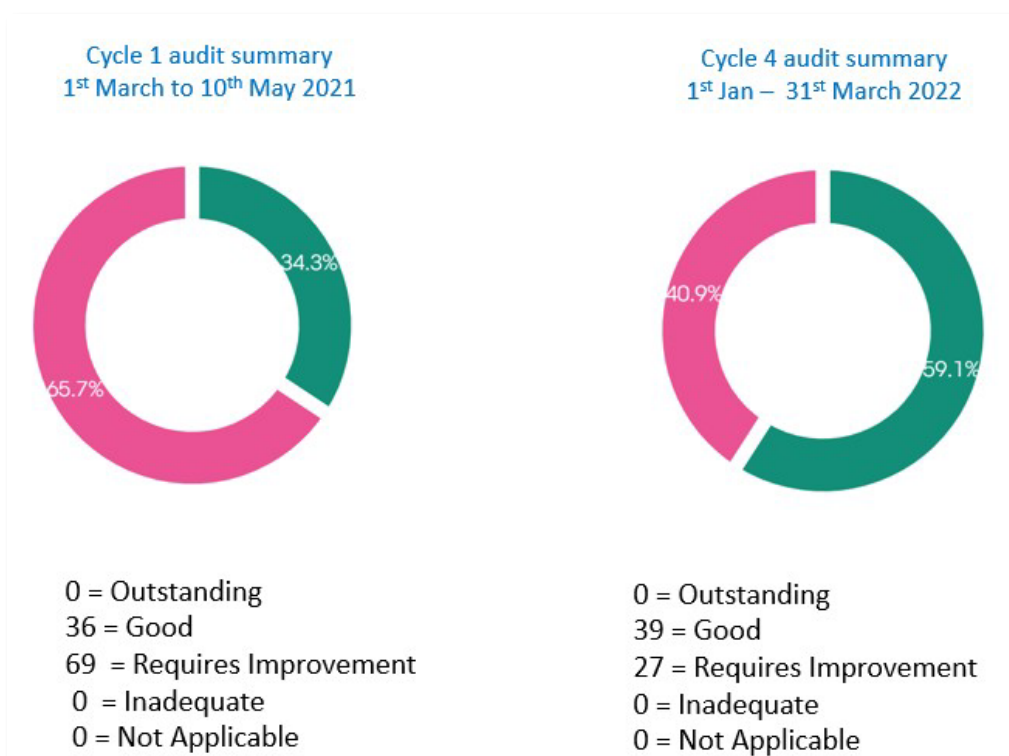
- The percentage of plans audited as 'inadequate' has reduced from 43.8% (cycle 1) to 3% (cycle 4)
- The percentage of plans audited as 'good' has increased from 12.4% (cycle 1) to 51% (cycle 4)



Improvements in Section F of each EHCP (the section that sets out the provision required to meet C/YP's individual needs):

- In cycle 4, 59.1% of sections F audited were graded as 'good' compared to 34% in cycle 1

- In cycle 4, 40.9% of sections F audited were graded as 'Requires Improvement' compared to 65.7% in cycle 1



The EHCP QA Framework including Quality Standards, was coproduced with the Parent Care Forum (Family Voice Norfolk), Designated Clinical Officer (DCO) team and Designated Social Care Officer (DSCO). The second revision included audit criteria devised by the Educational Psychology service to ensure appropriate evaluation of the quality of EP reports could be ensured.

This focus on cycle of audits alongside continuing professional development of the direct workforce and those supporting professionals within EHCP assessments and reviews, is part of our wider improvement work to improve the experience of families throughout the EHCP process and to ensure that the plans reflect the range of needs of their children underpinned by high quality advice received from the professionals that support them.

Feedback on EHCPs from our first annual SEND Survey of 2022, (over 1200 responses were received to the survey with 700+ of these being from parents/carers), illustrates that 58% of families felt that all or some of their child’s needs are clearly being identified. Responding to the specific question ‘Has your child’s EHCP made a positive experience’, 54% said yes (252) with the remaining parents equally split between ‘no’ and ‘don’t know’.

We will continue to use parent/carer feedback to target our improvement work.

We are confident that across our range of SEND Strategic Improvement we are on an upward trajectory where EHCP performance improvement, above 50%, has been established and we know what is required to improve further. We await the publication, by Ofsted/CQC, of Norfolk’s Area SEND Revisit which took place in November 2022.

This revisit assessed our progress against the Written Statement of Action, within the 3 serious weaknesses of EHCP, 18-25 Services and Communication & Co-production.

2.3 EHCP improvement plan

The Written Statement of Action (WSOA) was in response to the 2020 Ofsted/CQC Area SEND Inspection and the identification of 3 serious weaknesses: Communication and Co-production, EHCP and Services for 18-25.

The WSOA Executive Board has overseen the programme of improvement work since September 2020 up to the Ofsted/CQC 're-visit' in late November 2022. The Ofsted/CQC report is expected within the public domain in mid/late January 2023 and will provide a judgement on whether we have made 'sufficient progress' across the improvement plan.

For EHCP a key performance indicator provided to inspectors was the increase in the percentage of initial assessments completed in 20 weeks, increasing from the published figure of 8% during the 2020 inspection and the published figure of 54% at the time of the revisit. We signalled to the inspectors that we are now setting out two targets for EHCP initial assessment performance:

2023 target = 70%

2024 target = 90%

Noting that these are for cumulative performance at the end of each calendar year and that 70% would represent Norfolk moving from current 3rd quartile performance nationally to 2nd quartile. 90% would move Norfolk into 1st quartile.

Achieving 70% and 90% performance over the next 2 years will ensure that the majority of families experience a timely assessment, and that children and young people benefit from the support, provision and placement.

We will continue to roll out our quality assurance framework to ensure that the majority of EHCPs are of a consistent and 'Good' quality with the obvious benefits that this brings for children, young people, their families and the professionals who support them across education, health and care.

To ensure that we can continue our improvement trajectory, both in terms of timescale performance and quality, we need to ensure that our workforce is able to manage caseloads effectively. It is imperative, therefore, that where possible and appropriate we ensure that for an increasing majority of children and young people, they receive effective support and placement within 'SEN Support' and through their local early years setting, school or college.

Our local improvement plan will need to reflect the outcome of the government's SEND and Alternative Provision Green Paper and we continue to eagerly await the publication of their next steps plan. This plan had been promised before the Christmas break, however, we now expect this to be issued in early spring term 2023.

In 2023 there is also the implementation of a revised Ofsted / CQC SEND Inspection Framework which will combine aspects of the current framework and those elements usually found within social care inspections, e.g. a greater focus on individual cases and the work of operational teams.

However, regardless of the national changes we will continue at pace with our local improvement plan. The conclusion of the Written Statement of Action work does not mean that the focus on EHCP over the past 2 years will now reduce. Our Area SEND Strategy will be refreshed in 2023 (spring/summer) alongside the second phase of the councils SEND Strategic Improvement plan, 'Local 1st Inclusion'. Both strategic plans include EHCP elements, and we will ensure that performance, quality and the experience of families and professional continue to improve.

Ultimately, we will ensure that the range of improvement activity, past, present and future, for SEND will ensure that there is effective support both at SEN Support and via Education Health and Care Plans.

3. Financial Implications

3.1 Resources for the staffing of teams that carry out EHCP assessments and review are primarily located within the High Needs SEND Service, for example EHCP Co-ordinators and Educational Psychologists. The budgets for this service are the subject of regular reporting as part of the over-all Children's Services budget, including transformation elements.

3.2 Resources for support, provision and placements described within EHCP's are primarily funded through the DfE Dedicated School Grant, High Needs Block, and reporting is via both regular NCC cabinet finance reporting and the Schools Forum.

4. Resource Implications

4.1 **Staff:** There have been increases to the FTE staffing of both EHCP co-ordinators and Educational Psychologists as part of the Written Statement of Action improvement planning since January 2021. We will reflect on the sufficiency of this staffing in the context of the outcome of the Ofsted/CQC 'revisit' and the government response to the SEND Green Paper when published in early spring term 2023.

5. Select Committee Comments

5.1 The final report to People and Communities Select Committee, following a 2-year period of reporting on EHCP, is presented to the Committee on 6 February. This will determine, within the Forward Plan, future reporting to the select committee and this is likely to be in the wider context of the government SEND reforms.

6. Actions

To:

6.1 Provide comment on the improvement to EHCP performance and quality in the context of the Written Statement of Action improvement plan over a twoyear period.

- 6.2 Provide comment on the judgement of Ofsted/CQC Area SEND 'Revisit', if available within the public domain at the time of the committee meeting.
- 6.3 Determine ongoing support and challenge of EHCP performance in the context of the LA's revised SEND strategic improvement plan, Local 1st Inclusion, and within the context of governments response to the SEND Green Paper consultation and next steps plan.

7. Background Papers

7.1 Norfolk Written Statement of Action [SEND statement of action - Norfolk County Council](#)

7.2 Norfolk Area SEND Strategy [Area SEND strategy - Norfolk County Council](#)

Officer Contact

If you have any questions about matters contained within this paper, please get in touch with:

Officer name: Nicki Rider, Assistant Director High Needs SEND Service **Email:** nicki.rider@norfolk.gov.uk



If you need this report in large print, audio, braille, alternative format or in a different language please contact 0344 800 8020 or 0344 800 8011 (textphone) and we will do our best to help.

Scrutiny Committee

Item No: 9

Report Title: Scrutiny Committee Forward Work Programme

Date of Meeting: 26 January 2023

Responsible Cabinet Member: None

Responsible Director: Director of Governance

Executive Summary

This paper sets out the current forward work programme for the Scrutiny Committee, outlining committee dates and agreed items.

Recommendations

Members of the committee are asked to:

1. Note the current Scrutiny Committee forward work programme and discuss potential further items for future consideration.

1. Background and Purpose

- 1.1 Members of the Scrutiny Committee took part in a work programming session held on the 16 May 2022, discussing proposed items for the Committee to consider through until March 2023.
- 1.2 The work programme attached is amended frequently to better reflect officer pressures and changes to the Cabinet forward plan of decisions.
- 1.3 All topics are subject to change, with the committee remaining flexible to ensure the ability to adapt to emerging and urgent topics for consideration.
- 1.4 Members are further advised to keep the morning of the 16th March free for a potential additional meeting of the Scrutiny Committee.
- 1.5 A work programming workshop is currently being pulled together, with a date to be finalised in early April. Members will be consulted closer to the time to ensure maximum attendance.

2. Proposal

2.1 Members are asked to note the attached forward programme of work (**Appendix A**) and discuss potential further items for consideration.

3. Impact of the Proposal

3.1 Maintaining the proposed work programme will ensure that the Scrutiny Committee has a full schedule of work, and officers are well prepared to present to the committee.

4. Financial Implications

4.1 None

5. Resource Implications

5.1 Staff:

None

5.2 Property:

None

5.3 IT:

None

6. Other Implications

6.1 Legal Implications:

None

6.2 Human Rights Implications:

None

6.3 Equality Impact Assessment (EqIA) (this must be included):

None

6.4 Data Protection Impact Assessments (DPIA):

None

6.5 Health and Safety implications (where appropriate):

None

6.6 Sustainability implications (where appropriate):

None

6.7 Any Other Implications:

None

7. Risk Implications / Assessment

7.1 None

8. Select Committee Comments

8.1 None

9. Recommendations

Members of the Scrutiny Committee are asked to:

1. Note the Scrutiny Committee forward work programme and discuss potential further items for future consideration.

10. Background Papers

10.1 **Appendix A** – Scrutiny Committee Forward Programme of Work

Officer Contact

If you have any questions about matters contained within this paper, please get in touch with:

Officer name: Peter Randall

Telephone no.: 01603 307570

Email: peter.randall@norfolk.gov.uk



If you need this report in large print, audio, braille, alternative format or in a different language please contact 0344 800 8020 or 0344 800 8011 (textphone) and we will do our best to help.

Scrutiny Committee Forward Work Programme

Date	Report	Further notes/Comments	Better Together for Norfolk - Strategic Goal(s)*	Cabinet Member	Exec Director
26/01/23	Performance Review Panels – Quarterly Update	Agreed by the Scrutiny Committee at the meeting held on 21 July 2021	<ul style="list-style-type: none"> - Better Opportunities for Children and Young People - Healthy, Fulfilling and Independent Lives 	Cllr Bill Borrett, Cabinet Member for Adult Social Care, Public Health and Prevention & Cllr John Fisher, Cabinet Member for Children’s Services	James Bullion, Executive Director of Adult Social Care & Sarah Tough, Executive Director of Children’s Services
	Education Health and Care Plans	Agreed by the Scrutiny Committee at the work programming meeting held on Monday 16 May 2022	<ul style="list-style-type: none"> - Better Opportunities for Children and Young People 	Cllr John Fisher, Cabinet Member for Children’s Services	Sarah Tough, Executive Director of Children’s Services
15/02/23	Scrutiny Committee 2023-24 Budget scrutiny	Standard budget setting process	<ul style="list-style-type: none"> - A Vibrant and Sustainable Economy 	Cllr Andrew Jamieson, Cabinet Member for Finance	Simon George, Executive Director of Finance and Commercial Services

			<ul style="list-style-type: none"> - Better Opportunities for Children and Young People - Healthy, Fulfilling and Independent Lives - Strong, Engaged and Inclusive Communities - A Greener, More Resilient Future 		
	Annual Investment and Treasury Strategy 2023-24	Part of the NCC Policy Framework	<ul style="list-style-type: none"> - A Vibrant and Sustainable Economy 	Cllr Andrew Jamieson, Cabinet Member for Finance	Simon George, Executive Director of Finance and Commercial Services
22/03/23	Quality of Care – Overview of the Care Market in Norfolk	Agreed by the Scrutiny Committee at the work programming meeting held on Monday 16 May 2022	<ul style="list-style-type: none"> - Healthy, Fulfilling and Independent Lives 	Cllr Bill Borrett, Cabinet Member for Adult Social Care, Public Health and Prevention	James Bullion, Executive Director of Adult Social Care
	Combined Sewer/Storm Overflows	Agreed by the Scrutiny Committee at the meeting held on 23 November 2023	<ul style="list-style-type: none"> - A Greener, More Resilient Future 	Cllr Eric Vardy, Cabinet Member for Environment and Waste	Tom McCabe, Executive Director of Community and Environmental Services

20/04/23	Performance Review Panels – Quarterly Update	Agreed by the Scrutiny Committee at the meeting held on 21 July 2021	<ul style="list-style-type: none"> - Better Opportunities for Children and Young People - Healthy, Fulfilling and Independent Lives 	Cllr Bill Borrett, Cabinet Member for Adult Social Care, Public Health and Prevention & Cllr John Fisher, Cabinet Member for Children’s Services	James Bullion, Executive Director of Adult Social Care & Sarah Tough, Executive Director of Children’s Services
	Provision of Extracurricular Activity for Norfolk Children	Agreed by the Scrutiny Committee at the work programming meeting held on Monday 16 May 2022	<ul style="list-style-type: none"> - Better Opportunities for Children and Young People 	Cllr John Fisher, Cabinet Member for Children’s Services	Sarah Tough, Executive Director of Children’s Services

The ‘Better Together for Norfolk – County Council Strategy 2021-25**’ outlines five strategic priorities. These are:*

- *A Vibrant and Sustainable Economy*
- *Better Opportunities for Children and Young People*
- *Healthy, Fulfilling and Independent Lives*
- *Strong, Engaged and Inclusive Communities*
- *A Greener, More Resilient Future*

When scheduling items for the work programme the committee should consider, where applicable, the item contributes to the above strategic goals and overall delivery of the County Council’s strategy for 2021-25.