

**S.E.19 SEND/Covid Conversation no. 15**

**Joint Conversation: LAs, Health, NNPCF, DfE, NHSE/I**

**Tuesday 9th February 2021**

**12:30 - 13:30**

**Notes of meeting**

| **Local Authority/ Organisation** | **Attendees** |
| --- | --- |
| Bracknell Forest | Kashif Nawaz |
| Brighton and Hove | Rhianedd Hughes |
| Buckinghamshire | Christine Preston |
| Buckinghamshire | Sarah Tilston (DCO) |
| East Sussex | Nathan Caine - Chair |
| HIOW Partnership | Matthew Powell (DCO) |
| Isle of Wight | Alistair Hines |
| Isle of Wight | Anita Pitman |
| Kent | Louise Hickman |
| Kent and Medway | Zoe Delderfield (DDCO) |
| Medway | Wendy Vincent |
| Milton Keynes | Amanda Bousaki (DCO) |
| Oxfordshire | Ed Edwards |
| Oxfordshire | Adeline Gibbs (DCO) |
| Portsmouth | Julia Katherine |
| Portsmouth | Karen Spencer |
| RB Windsor & Maidenhead | David Griffiths |
| Reading, Woking and West Berkshire | Sally Murray (DCO) |
| Southampton | Tania Emery (DCO) |
| Southampton | Tammy Marks |
| Surrey | Andrea Ferns (DCO) |
| Surrey | Sharon Scott |
| Sussex | Ratna Sundrum (DMO) |
| West Berkshire | Jane Seymour |
| West Sussex | Jo Hill |
| West Sussex | Helen Johns |
| West Sussex | Rachael Lee (DCO) |
| Wokingham | Sonia Aulak |
| DfE S.E. Region SEND Adviser | Liz Flaherty |
| NHSE/I S.E. | Natalie Warman |
| NHSE/I Transformation and Quality Improvement Lead | Jacqui Stillwell |
| S.E. Region NNPCF | Sarah Clarke |
| S.E.19 SEND Network Co-ordinator | Tracey Maytas |

1. **Welcome and background to meeting**

Nathan Caine, East Sussex, welcomed everyone and reiterated the online meeting protocols.

1. **LA specific actions and matters arising from last meeting (joint with Health):**

The actions from the previous meeting were reviewed:

* Natalie and Tammy to get in touch about learning from in-patient services - *To follow up at the next meeting*
* Liz agreed to follow up if other professionals who are members of the HCPC could also be vaccinated.

Liz remarked that it seems to be a local decision. Natalie Warman added that it is a local decision but there are further definitions which should support local areas to make decisions about vaccination of other groups. Document embedded here below.



* Liz will re-contact André about the role of the Regional Schools Commissioner in assisting head teachers and will send his response to that. - *On agenda*
* Karen to send specific examples to Liz around the timescales so Liz can pass the feedback to the ministers. If anyone else has another evidence supporting this, send it to Liz copying Tracey. - *On agenda*
* Tracey to send an email to all to encourage them to send responses around remote learning and differentiation. Information sharing re. differentiation strategies for remote learning. - *Completed. It was noted that no replies had been received. LAs were encouraged to send responses.*

1. **DfE Update**

Liz Flaherty, DfE SEND Adviser S.E. Region, provided the following update, including feedback from questions raised last meeting:

* The Regional Schools Commissioner role at the moment is focused on looking at attendance particularly for vulnerable children, including those with EHCPs.

Since Ofsted are not doing their normal visits at the moment, there is an HMI working with the South East REACT Team on attendance in special schools and alerting Liz on major issues and on local infection rates and staff attendance.

Nationally, the Local Authorities with a lower quartile of attendance are being monitored and conversations are being had with them on how they are encouraging schools to encourage children with an EHCP to attend.

Schools have to supply the attendance information sheets daily to national systems, so it is an ongoing review.

In last week's lowest quartile there were quite a few South East Local Authorities.

* Remote education offer: there was something published on Friday where there is a subtle change. Schools have a legal duty to publish on their website what their remote education offer is by 12 February.
* There has not been a data collection since September. The wave 4 SEND data has to be filled in now and returned by 16th February. It is the same form as before.

Q&A followed:

* Julia Katherine, Portsmouth, mentioned, with regards of attendance of special schools, that Portsmouth has come up with an issue where the way the data is recorded and reported does not actually reflect what is happening on the ground. Special schools are reporting the number of pupils at schools on any one day, which is 30%, but that is because they are providing a part time offer. In reality, 60% of pupils are receiving education on site during the week.

Liz replied that they are aware of that and this example is really useful to explain to the HMI not to look only at the data but also at the context.

* Alistair Hines, Isle of Wight, asked that given a child without an EHC Plan is not someone entitled to be at school (unless a key worker family, etc.), would the exception relating to a 4 week + school closure be legally permissible to use? There's a debate about whether schools are closed or "closed".

Liz replied that she will double check.

**Action:** Liz to feed back on admissibility of exceptions due to 4 week school closure

1. **NHSE/I Update**

Natalie Warman, NHSE/I SEND Lead S.E. Region, provided the following update:

* There is a DCO/DMO meeting tomorrow where they will discuss the impact on therapy services/provision and other services.
* NHSE SEND have started a small piece of work with the Youth Justice Service. Part of the Vulnerabilities & Inequalities team are keen to do a piece of work around those children with an EHCP who are in custody, in terms of the delivery of health provision and how they maintain that within youth offending services. It is an audit.
* The DCOs/DMOs have been working on a training framework for all staff in health locations around SEND legislation that mirrors the safeguarding assurance framework in terms of training. It is still in progress.

**Action:** Tracey to schedule input from DCO/DMO group about this

* Covid is high in the agenda at the moment.
* Natalie suggested to prepare with DCOs/DMOs for a future joint LA/DCO/DMO meeting in order to bring suggested items to the agenda with issues that affect DCOs/DMOs.

1. **Statutory timescales to EHC needs assessments - issues being identified**

Karen Spencer, Portsmouth, stated that in the last meeting she queried whether there would be consideration to any easements to the statutory timescales, in terms of Covid exceptions.

She wanted to flag if other Local Authorities were having similar issues, especially around the evidence providers. Within the SEND team they work hard to compensate for any delays in evidence, but the EP team is one third down for several reasons, including Covid, and health services are struggling at the moment.

The children who will start school in September, the 20-21 cohort, have not been seen by a health professional yet and their nursery settings are having issues in being able to gather enough information from outside services to be able to make a request for EHC needs assessments for that cohort.

The following comments were made:

* Tammy Marks, Southampton, said that getting health advice in time is being much more impacted by staffing problems now. The situation is way more challenging by comparison to the first lockdown when the easements were in place. A major issue is the number of staff off, not just health, for Covid related reasons e.g. being ill with it or grieving for family members that they have lost to it. Southampton SEND team is at about 50% capacity now.
* Alistair Hines remarked that they have been quite fortunate with health colleagues until very recently, when all therapeutic have been redeployed. Their EP service have been very successful in doing online assessments with children and young people. They have negotiated to do an assessment in person for those few people it's not practicable to do assessments online. It has been difficult for some young people, for whom their plans are missing a lot of significant information. In those cases, they have put in writing to the family that as soon as information comes they will add it in the plan. However, that is only applicable for those cases where it is very clear that they need a plan. How do you take the decision whether they need or not an EHCP in those cases where it is not so clear and the evidence is weak? If someone appeals to a tribunal, it is not a reasonable excuse that professionals do not provide the information due to the current situation.
* Sally Murray, DCO Reading, Woking and West Berkshire, noted that at the beginning of the current lockdown she sought assurance from main providers. In terms of new EHCP assessment requests on her patch some of the children will already have been seen and it is a case of getting the assessment tied up. If a new request has been received but the child has not been seen they might not be able to have an assessment until the child can be seen in their usual setting. They provide sessions online. Reports might not be able to be done in the timeframe should families be unavailable. Having reassurance from the directorate of children was helpful.
* Natalie said that they have asked different systems to seek assurances on impact of redeployment of therapy staff. They went out to their system and asked repeatedly for assurance. She proposed to take it to the DCO/DMO meeting tomorrow to pick up whether it is a local issue in that patch within the region.

**Action:** Natalie to feed back on the situation with redeployment after DCO/DMO meeting

* Karen mentioned that she thought that we had the assurance that those services would be in place to support young people with EHCPs. She added that it is trickier for those who have not been through an assessment.
* Nathan said that we need to point out that we might see an increase in request for tribunal if therapy is not being delivered in local schools. It is still the Local Authority's responsibility to deliver it.

Liz mentioned that she has had catch-up conversations with LAs and the feedback is that at the moment parents seem to agree with the provision that is being made but we do not know how long this is going to last. We need to keep an eye on that.

Liz agreed to go back to André with the raised issues. Sue reassured that this is under constant review.

If people have further examples, please email them to Liz.

**Action:** Liz to feed back on questions raised at next meeting

1. **AOB:**

* INMSS Working Group - Request for remaining financial data and QA documents to be shared:

Nathan sent a plea for LAs who have not yet returned the INMSS financial information to do so as soon as possible - they have had a reminder email from Tracey. The group have ⅔ of LA information and the DCS group are funding someone to provide analysis on the spending in the area. The variation in cost through areas is interesting.

Also, in order to establish some form of standardised quality assurance for independent schools, they are looking to get examples of quality assurance documents already being used by LAs. The request has gone out via email from Tracey. Please share any documents with Nathan.

1. **Next meetings**
2. Confirmed future dates:

12:30 - 13:30 Wednesday 24th February - S.E. Region DfE Briefing (André Imich)

12:30 - 13:30 Wednesday 10th March - LAs and Health

12:30 - 13:45 Wednesday 24th March - LAs (pre-Easter)

1. Future topics:

* NHSE/I National Autism meeting update
* DCO/DMO T&F Group training framework

Please send any items to Tracy. Business as usual items are welcome.

**Summary of Actions**

* **Local Authorities were encouraged to share responses around differentiation strategies for remote learning to Tracey.**
* **Liz agreed to double check the answer to the following: Given a child without an EHC Plan is not someone entitled to be at school (unless a key worker family, etc.), would the exception relating to a 4 week + school closure be legally permissible to use? There's a debate about whether schools are closed or "closed".**
* **Natalie to check with DCOs/DMOs whether the impact of redeployment of therapy staff reported in today's meeting is a local issue in that patch within the region.**
* **Liz agreed to go back to André with the raised issues around delays in receiving evidence from providers and the consideration to any easements to the statutory timescales, in terms of Covid exceptions.**
* **LAs to return the financial information requested by the INMSS Task and Finish Group.**
* **LAs to share examples of quality assurance documents used to help establish a form of standardised quality assurance for independent schools.**