

**An independent audit
of Education, Health
and Care Plans in
Richmond upon Thames**

Final Report - May 2020

Contents

1.	Executive summary	Page 3
2.	Background	Page 5
3.	Legal responsibilities	Page 6
4.	Audit scope	Page 11
5.	Methodology	Page 12
6.	Auditors	Page 15
7.	Findings	Page 17
8.	Escalated cases	Page 24
9.	Recommendations	Page 44
10.	Background information	Page 46
11	Glossary of terms	Page 47

1. Executive Summary

This report explains the findings from an external audit of all the Education, Health and Care Plans that are the responsibility of the London Borough of Richmond upon Thames. The audit is a response to a recommendation by the Local Government and Social Care Ombudsman, following his office's investigation of three complaints made by the parents of children with special educational needs about the timeliness and effectiveness of the support provided to their children between 2016 and 2018. In investigating the three complaints, the Ombudsman found that there had been significant delays in education, health and care planning for these three children, which had meant that in two of the cases they had not been in education for lengthy periods. The Ombudsman also found there to be inadequate record-keeping by the local authority in these three cases. The Ombudsman found that there had been failings by the local authority that had caused injustice to these children and their families. The purpose of the audit was to determine whether any other children with Education, Health and Care Plans are currently affected by similar failings.

The audit reviewed the cases of 1,494 children. This was all children with Education, Health and Care Plans at the time of the audit, bar those which parents requested were not audited. The number of plans that were not audited is less than five. The audit was completed between 1 February and 30 April 2020 by a team of five independent auditors with experience on the legal framework for special educational needs and disability services. The auditors used an electronic audit form to review the case files for each child and also spoke by telephone to those parents and carers who wished to contribute their views and experiences to the audit. All parents and carers of children with Education, Health and Care Plans were sent a letter inviting them to contribute at the start of the audit. 103 parents took part in the audit process. This is 7% of the whole audit cohort. In addition, the South West London Audit Partnership completed a process audit of education, health and care planning to ensure the local authority's compliance with the statutory requirements set out in the Children and Families Act 2014, the Special Educational Needs and Disability Regulations 2014 and the SEND Code of Practice 2015. Their findings have been included in this report.

The audit did find similar failings to those identified by the Ombudsman for 37 children with Education, Health and Care Plans. This is 3% of all children with such plans. In the very large majority of these cases, the failings relate to delays in amending children's Education, Health and Care Plans following their annual review. In some cases these delays are significant and have meant that children do not have access to the education provision, therapies and learning support they need. This is likely to have impacted on these children's ability to make good educational progress. Details of these 37 children are set out in section 8 of this report, together with the actions that need to be taken. It is expected that the actions are prioritised by the local authority and completed by the end of July 2020, or as the statutory guidance requires.

In addition to the failings for these 37 children, the audit made findings about a number of areas of practice where further improvements are required to better support children with special educational needs and disabilities and their families. These are set out in section 7 of this report. These findings

resulted in 12 recommendations being made, which are set out in section 9 of the report. The findings and recommendations for improvement cover the following areas:

- ❖ Increasing the timeliness of amendments to Education, Health and Care Plans following an annual review, in order to ensure the prompt provision of the education, therapies and learning support required by the child or young person. This should involve developing the IT systems and associated processes to enable services to more effectively and efficiently manage casework.
- ❖ Promptly identifying education and training pathways to reduce the opportunity for children and young people to be out of education for lengthy periods of time.
- ❖ Improving the responsiveness of communication with parents and carers about their child's Education, Health and Care Plan, particularly in relation to issues such as the progress of school consultations and the annual review process.
- ❖ Ensuring that statutory processes and timeframes are consistently followed when children with Education, Health and Care Plans move into the borough.
- ❖ Strengthening the timely identification and statutory consultation processes with providers within post-16 education and training pathways to reduce the risk of young people with special educational needs and disabilities not being in suitable education, training or employment.
- ❖ Continuing to improve the consistency, accuracy and quality of record-keeping, particularly in relation to the annual review of Education, Health and Care Plans.
- ❖ Working in collaboration with key partners so that they understand their roles and responsibilities to meet the needs of children and young people with SEND and comply with their statutory duties.

It is expected that these findings will inform the ongoing development of services for children and young people with special educational needs and disabilities in Richmond upon Thames, through the borough's SEND Futures Plan which is overseen by the multi-agency SEND Partnership Board chaired by the Director of Children's Services.

2. Background

On 18 October 2019, the Local Government and Social Care Ombudsman issued a report into three complaints against the London Borough of Richmond upon Thames (the Council). The report was published in January 2020 following the pre-election period for the general election. The three complaints related to the provision of support to three children with special educational needs and disabilities (SEND) through their Education, Health and Care Plans (EHCPs). The provision of this support was the responsibility of the Council but was delivered through its children's services provider, Achieving for Children. Achieving for Children is jointly owned by the Council and two other local authorities and is commissioned to deliver its children's services, including its services for children and young people with SEND. The Ombudsman found fault with the service commissioned by the Council and determined that this had caused injustice to the three families involved.

Complaint 1 - 18-001-501

The Ombudsman found that the Council failed to make the provision specified in the child's EHCP between July 2016 and February 2018. There was drift in progressing the EHCP and the Council failed to review the plan during long periods when it knew it was out of date. The child lost out on the education provision she needed.

Complaint 2 - 18-003-307

The Ombudsman found that there was delay in progressing the child's EHCP. The Council failed to complete an EHCP for more than three years. It failed to implement recommendations, took too long to prepare reports and failed to communicate properly with the child's parents. This caused the child distress and to miss out on education in 2016 and 2017.

Complaint 3 - 18-013-211

The Ombudsman found that there was delay in transferring the child's Statement of Special Educational Needs to an EHCP. The Council took a year to issue the child's EHCP. It also failed to consider some reports or to consult with some professionals, meaning that the parents had to pay privately for an educational psychology report. The Council failed to communicate properly with the child's parents. This caused the child to miss out on the provision that he needed.

The Ombudsman identified three common themes in his investigation of the three complaints: (a) delays in completing education, health and care needs assessments and creating children's EHCPs; (b) failure to deliver the provision identified in children's EHCPs; and (c) poor record-keeping. As a result, the Ombudsman recommended that the Council complete an audit of all children for whom it is responsible to identify if others have been affected in a similar way. If the Council finds similar issues with delay, or children out of education, or inadequate record-keeping, it should put in place action plans to address these, and report back to the Ombudsman on its findings and any actions it needs to take. **This report sets out the findings from the independent audit commissioned by the Council in response to the Ombudsman's recommendation.**

3. Legal responsibilities

The London Borough of Richmond upon Thames delivers its statutory children's services, including its SEND services, through Achieving for Children; however, it retains legal responsibility for the effective provision of these services. Achieving for Children commenced delivering children's services for the London Borough of Richmond upon Thames on 1 April 2014. This report consistently uses the term 'local authority' when referring to the London Borough of Richmond upon Thames and Achieving for Children, which delivers statutory SEND services on its behalf.

Under the Education Act 1996, local authorities had to prepare a Statement of Special Educational Needs for children with special educational needs. This Statement was required to set out, in Section 3, the details of the special educational provision required by the child. Since 2014, local authorities have had a revised duty, under the Children and Families Act 2014, to prepare an Education, Health and Care Plan (EHCP) for children and young people up to the age of 25 with special educational needs who need special educational provision secured by the local authority. Local authorities had to complete the process of transferring children from Statements to EHCPs by 1 April 2018. To convert a statement to an EHCP, local authorities had to complete a transfer review and an education, health and care needs assessment. The annual review should have incorporated the transfer review in the academic year that the local authority intended to transfer the child's plan. The SEND Code of Practice 2015 and the transition guidance stated that local authorities must finalise an EHCP within 18 weeks of the transfer review.

An EHCP is a legal document which describes a child's special educational, health and social care needs, the support they need and the outcomes sought to be achieved. The special educational provision described in an EHCP must be secured by the child's or young person's local authority. Not all children with SEND will require an EHCP because their needs can be met by their mainstream nursery, school or college with the provision of some additional support. This is known as SEND Support. The SEND Code of Practice states in paragraph 9.13 that a local authority must conduct an assessment of a child's education, health and care needs when it considers that it may be necessary for special educational provision to be made for a child through an EHCP. This is likely where the special educational provision required to meet the child's needs cannot reasonably be provided from the resources normally available to the mainstream nursery, school or college. All children and young people aged 0 to 25 are eligible for a needs assessment if the local authority considers that it may be necessary for special educational provision to be made in accordance with an EHCP. A request may be made by anyone who would like to bring to the attention of the local authority a child or young person who has, or may have, special educational needs, particularly where they think a needs assessment may be necessary. Requests must be sent to the local authority.

The local authority must consider the available evidence, such as reports from the child's nursery, school or college, and make a decision within six weeks of receiving the request whether an education, health and care needs assessment should be made. Decisions will usually be made at a panel chaired by a senior manager in the SEND service; decisions may be made outside the panel process but must be ratified at panel. There are two panels operating in Richmond upon Thames: the SEN Panel and the Post-16 Panel for all decisions about post-16 education and training placements. The local authority must write to the parents giving reasons for the decision and informing them of their right to appeal their decision. If the decision is not to proceed to an assessment, the parents or carers must be notified of the requirement for

them to consider mediation should they wish to appeal, as well as the availability of specialist information, advice and support services (known as SENDIASS). In Richmond these services are provided by the charity Kids. The time limit for making an appeal is eight weeks.

If it is decided that a child may require an EHCP, an assessment must be completed. The local authority must gather advice from relevant professionals about the child's education, health and care needs, desired outcomes and the provision that may be required to meet those needs and achieve the desired outcomes. The following advice is required.

1	Advice from the child, parents or carers which could include reports or assessments from practitioners working directly with the child or young person.
2	Educational advice from the manager, headteacher or principal of the nursery, school, college or post-16 institution attended by the child or young person.
3	Medical advice from health care professionals including therapists.
4	Psychological advice from an educational psychologist who should normally be employed or commissioned by the local authority. The educational psychologist should also consult with any other psychologists working with the child.
5	Social care advice from or on behalf of the local authority.

When the local authority has received all relevant information, it is collated into an assessment summary document. A review of the assessment summary (RAS) meeting is held with the child or young person, parents or carers, school, and other professionals who contributed to the needs assessment. A final version of the assessment summary document is completed following the RAS meeting which is then presented to the local authority at the SEN Panel to decide whether or not to issue a draft EHCP. The local authority may take a decision outside of the panel process, but if so, the decision should be ratified by the panel. When it is decided that an EHCP is necessary, the EHCP Coordinator will inform the parents, carers or young person of this decision in writing and include a copy of the draft EHCP. A final version of the EHCP must be issued within 20 weeks from the date that the local authority received the request for a needs assessment.

If it is decided that an EHCP is not necessary, the EHCP Coordinator will notify the parents, carers or young person of this in writing, giving reasons why this decision was made and informing them of their right to appeal this decision. The notification to not issue a draft EHCP must be given no later than 16 weeks from the initial request for an assessment. At the same time this notification is given, the EHCP Coordinator will also provide written feedback, based on the information gathered during the assessment process, which will give advice on how the outcomes sought for the child or young person can be achieved through the special educational provision provided at SEN Support level.

There is no specified template for an EHCP; however, regulation 12 of the Special Educational Needs and Disability Regulations 2014 states that an EHCP must have the following sections:

A	The child's, young person's, parents' or carers' views, interests and aspirations
B	Details of the child's special educational needs identified during the assessment.
C	The child's health needs related to their special educational needs or disability.
D	The child's social care needs related to their special educational needs or disability.
E	The outcomes sought for the child or young person.
F	The special educational provision required by the child or young person. This section also sets out the arrangements for monitoring progress.
G	A description of any health provision reasonably required by the child or young person as a result of his or her special educational needs or disability.
H1	A description of any social care provision which must be made for a child aged under 18 as a result of the Chronically Sick and Disabled Persons Act 1970.
H2	Any other social care provision reasonably required by the learning difficulties or disabilities which result in the child or young person having SEND.
I	The name and type of educational placement to be attended by the child or young person.
J	Information on any personal budget that will be used to secure provision in the EHCP.
K	A list of the advice and information gathered during an EHCP needs assessment. The appendices must be attached.

The local authority must send the proposed EHCP to the child's parents or to the young person and give them at least 15 days to give their views and make representations on the draft content. During this period, the local authority must make its officers available for a meeting with the child's parent or young person on request if they wish to discuss the content of the draft EHCP. The local authority must notify the child's parents or the young person that during this period they can request that a particular placement be named in the EHCP, and should advise the parents about the nurseries, schools or colleges that are available for the child to attend. The draft plan must not include the name of a placement in Section I.

When changes are suggested to the draft EHCP by the child's parents, carers, or the young person and agreed by the local authority, the draft plan should be amended and issued as the final EHCP as soon as possible. The local authority must not make any other changes. If the local authority wishes to make other changes it must re-issue the draft EHCP and allow 15 days for representations on the revised content. The final EHCP should be signed and dated by the local authority officer responsible for agreeing the final plan. Where changes suggested by the parents or carers are not agreed, the local authority may still proceed to issue the final EHCP; however, the local authority must notify the child's parents or carers, or the young person, of their right to appeal to the First-Tier SEND Tribunal, the requirement for them to consider mediation, and the availability of SENDIASS services.

When an EHCP is issued for a child or young person, the local authority must secure the special educational provision specified in the plan. If a local authority names an independent school or college in the plan as the special educational placement, it must also meet the costs of the fees for that provision, including any residential costs where this is relevant.

When a child or young person with an EHCP moves into the areas of a different local authority, the child's EHCP becomes the legal responsibility of the new home local authority. The previous local authority must transfer the plan on the day of the move or within 15 working days of the local authority becoming aware of the move (if this is a later date). Local authorities will usually be informed in advance of this transfer. The new local authority has six weeks to notify the child, young person, parents or carers that the EHCP has been transferred, whether it proposes to make an education, health and care needs assessment and confirm when the EHCP will be reviewed. The new local authority must review the plan either at the annual review date (within 12 months of the date of the plan or date of the last annual review) or three months from the date of the transfer (whichever is the later) following the usual process for an annual review. The local authority may also complete a new EHCP assessment for the child if it wishes to do so. Where, by virtue of the transfer, the new local authority comes under a duty to arrange the child or young person's attendance at a school or other institution specified in the EHCP, but in the light of the child's or young person's move that attendance is no longer practicable, the new local authority must arrange for the child's or young person's attendance at another school or other institution appropriate for him or her until such time as it is possible to amend the EHCP.

Where a special educational placement fails, the local authority must carry out an early review of the EHCP as soon as possible. Where there is no change of placement, it must carry out an annual review of the EHCP. The first review of an EHCP must be held within 12 months of the date that the final EHCP was issued; subsequent reviews must be held within 12 months of the previous review. Where the child or young person attends a school, the local authority can require the headteacher or principal of the school to arrange and hold the review meeting. The local authority, in agreement with nurseries, schools and colleges, has delegated to them the tasks associated with the coordination of the annual review meeting. This task is usually managed by the Special Educational Needs Coordinator (SENCO) in the nursery, school or college. The local authority completes the process when children or young people are educated other than at school (EOTAS) or are electively home educated (EHE). Although the school takes responsibility for all aspects of the annual review meeting, the actual annual review is completed by the local authority when it makes the decision to maintain the plan (with or without amendment) or cease the plan.

The details of this process are as follows. The school consults with the parents or carers of the child, or the young person, about the EHCP to identify their views, wishes and feelings in preparation for an annual review meeting. They gather information from parents, carers, the child or young person, and the professionals involved in the delivery of the plan. This information must be circulated two weeks in advance of the meeting. Following the annual review meeting, a report must be produced setting out the decisions of the meeting. This must be circulated to all those who attended the review, or submitted information for it, within two weeks of the meeting. The local authority must review the child's EHCP based on the report and notify the child's parents or carers, or the young person, of the outcome within four weeks of the annual review meeting. The potential outcomes of an annual review are to maintain the EHCP, amend the EHCP, or cease to maintain the EHCP. Parents and carers, or the young person, have the right to appeal this decision. If the decision of the annual review is to amend the EHCP, the local authority should issue an amendment notice setting out the proposed amendments. The SEND Code of

Practice 2015 maintains that the draft amended EHCP should be issued without delay but does not prescribe a time limit. The final amended EHCP should be issued within eight weeks of the draft amended plan being issued to the child, young person and parents or carers.

The independent audit, commissioned in response to the Ombudsman's report, tests compliance with the Children and Families Act 2014 and the SEND Code of Practice and the impact of non-compliance on children and young people with SEND.

4. Audit scope

The Ombudsman's recommendation is that the Council completes an audit of all the children with SEND for whom it is responsible to identify if others have been affected in the same way as the three complaints he investigated. If the Council finds similar issues with delay, or children out of education, or inadequate record keeping, it should put in place action plans to address these failings. The Council, through Achieving for Children, is directly responsible for children and young people aged between 0 and 25 with an EHCP. At the time of the audit there were **1,494 children and young people** with EHCPs who were all included within the scope of the audit. The Council is not directly responsible for children who are supported at SEND Support level in schools. Achieving for Children does work closely with schools to make sure that there is good equality teaching and learning for all pupils in all schools, including pupils with special needs and disabilities at SEND Support level; however, these pupils have not been included within the scope of this audit.

The scope of the audit included all elements of the EHCP process, including assessment, development of the plan, delivery of the plan and its annual review. The audit also looked at cross-cutting issues, including the accuracy and quality of record-keeping, the consistency and effectiveness of communication with parents, and capturing the views, wishes, feelings and aspirations of the child or young person.

The audit looked at casework from 1 April 2018 to 31 December 2019. This was considered to be a suitable time frame to capture any current failings and to make a determination as to whether these were systemic. If any issues predating 1 April 2018 were identified and were continuing to have an impact for children and young people, then earlier casework was examined. This decision was made on a case by case basis by the auditor and was informed through conversation with the child's parent or carer or with the young person themselves. Parents and carers were given the opportunity to opt out of the audit process. Fewer than five parents requested that their child's EHCP was not audited.

A separate review of the EHCP process was commissioned from South West London Audit Partnership (SWLAP). The purpose of the SWLAP review was to test the effectiveness of the current systems for education, health and care planning, and to determine whether they complied with legislation, the SEND Code of Practice and local procedures published in the Golden Binder (which sets out EHCP processes, guidance, forms and templates for the London Borough of Richmond upon Thames). The review tested the assessment, planning and annual review processes, as well as the broader issues of record-keeping and quality assurance.

5. Methodology

5.1 External audit

The audit took place between 1 February and 30 April 2020. It reviewed 1,494 EHCPs. This was all EHCPs for children and young people in Richmond upon Thames at the time of the audit, except where parents or carers requested that their child's plan was not included. The number of plans not included in the audit was fewer than five. Cases were equally and randomly allocated to an auditor for review. The process was coordinated and supported by an administrator employed to support the audit team. The audit combined qualitative and quantitative methods to determine whether children and young people with EHCPs are currently experiencing similar failings to those identified by the Ombudsman in his report. An electronic form was used by the auditors to ensure that each child's EHCP and experience was assessed consistently, as well as to facilitate the auditor's collection and analysis of responses. The electronic audit form included drop-down boxes to record the answers to specific questions as well as free-text fields to record the auditor's evaluation and other comments.

Section	Focus	Purpose
1	The child's needs	Enables the auditor to capture basic information on the child and his or her presenting needs. This section also enables the auditor to record the child's educational status and provision and the time the plan has been in place.
2	Assessment and planning	Enables the auditor to measure the extent to which the EHCP has been completed within timescale and to evaluate the extent to which the statutory assessment and planning requirements in the SEND Code of Practice (and hence the Children and Families Act) have been met. Where there have been delays or statutory requirements have not been met, the auditors are required to identify the reasons and assess the impact on the child or young person. This section also enables the auditor to provide an overall assessment of the quality of the EHCP and the extent to which appropriate provision has been delivered.
3	Communication	Enables the auditor to assess the engagement and involvement of children, young people, parents and carers in the statutory assessment, planning and review process, including completion of Section A of the EHCP, attending the RAS meeting and commenting on the draft EHCP. This section also enables the auditor to comment on the overall quality of communication with parents, schools and other professionals.

4	Record-keeping	Enables the auditor to assess the overall accuracy, completeness and consistency of record-keeping to support informed decision-making. This section also provides a space for the auditor to record any meeting, appeal, mediation, or SEND Tribunal related to the EHCP.
5	Annual review	Enables the auditor to identify whether the child's EHCP has reached annual review stage and whether this has taken place within timescale; it also enables the auditor to comment on the process and outcome of the annual review, and the extent to which the EHCP and provision has been updated following the annual review.

The auditors had access to all the case records relating to each child's EHCP. This included access to the electronic case recording system, as well as to a shared computer drive where some information is also stored. The service no longer holds paper records as these have been scanned to the main electronic case recording system. The auditors and administrator had access to all the records that were needed to complete a thorough audit of each child's EHCP; this included the complaints and issues log maintained by Achieving for Children for its SEND services as well as all relevant records relating to dispute resolution, mediation and SEND Tribunal cases.

Parents and carers of children with EHCPs were informed about the audit in a letter from the Council's Director of Children's Services on 24 January 2020. This explained the purpose of the audit and the process that would be followed. It also encouraged parents, carers, children and young people to contribute their views on the EHCP and its provision, either by email or by letter, via a local charity supporting parents and carers of children and young people with SEND. The charity provided a dedicated email address and post-box to help ensure the independence and impartiality of the audit. Auditors contacted all parents, carers, children and young people who responded to this request. Contact was made by telephone. Structured interview processes were not used; rather, the parents and carers were invited to lead the discussion. The experiences, views and opinions captured during these discussions were recorded to inform the audit. The average length of time for the telephone discussion with parents and carers was 45 minutes. 103 parents, carers, children and young people took part in a discussion with an auditor; this is 6.82% of the cohort of EHCPs. A second letter reminding parents and carers to contribute to the audit was sent on 25 February 2020.

5.2 South West London Audit Partnership (SWLAP)

The SWLAP audit reviewed compliance of the SEND service with the statutory framework for EHCPs and the supporting local policies, procedures and practices which are set out in the Golden Binder. This included testing compliance by reviewing a small sample of 37 EHCPs which were chosen at random from a list of all open cases by the auditor. The audit involved a desktop review of the child's case record and discussion with caseworkers and managers. The auditors had access to the electronic case

management system. There was no child or parental involvement in this aspect of the audit. The areas reviewed in the process audit are set out below.

Section	Focus	Purpose
1	Assessment and planning	Enables the auditor to test the controls in place for education, health and care needs assessment and planning to ensure they are effective, comply with statutory requirements and accurately capture all the information required.
2	Annual review	Enables the auditor to test the annual review process to ensure that it is effective, complies with statutory requirements and accurately captures all the information required.
3	Record-keeping	Enables the auditor to test whether the EHCP records held for each child or young person are consistent, effective, accurate and complete, and that they are sufficient to facilitate good quality decision-making by the SEND service.
4	Quality assurance	Enables the auditor to judge the extent to which quality assurance processes are effective and are used by the SEND service to ensure that all statutory obligations are being delivered. Enables the auditor to test that there are processes to review the quality of EHCPs and to drive improvement where this is required.
5	Education provision	Enables the auditor to judge the extent to which there are processes to identify children and young people with SEND who are not in education, employment or training, as well as effective systems to support them with their learning and emotional and/or social development.
6	Decision-making	Enables the auditor to assess the extent to which the SEND Panel and the Post-16 Panel are effective at making, implementing and reviewing decisions about education, health and care placements and support packages for children and young people.

6. Auditors

Five independent auditors were employed by the Council to complete the audit of individual EHCPs. The auditors were chosen for their experience in different aspects of SEND provision and the EHCP process, and for their impartiality. None of the auditors had previously worked for Richmond Council or Achieving Children, either as a permanent employee, as an interim or as a consultant. The auditors worked remotely and were not based in the Council's or Achieving for Children's offices other than to attend meetings about the audit. The auditors worked full-time on this audit and therefore did not work for any other local authority or organisation during the completion of the audit.

Auditor 1	Auditor A has a qualifying Bachelor's law degree (LLB) and a Master's degree specialising in child and family law (LLM) with experience of working for a legal service based in south-east England. Auditor 1 has worked for local authorities in London, a borough council and a county council in south-east England, and has considerable experience in the legal framework for SEND and the EHCP process, including representation at the First-Tier SEND Tribunal.
Auditor 2	Auditor 2 previously worked as a SEND service manager for a county council in the east of England and has a strong understanding of the legal framework for SEND services as well as experience of the EHCP assessment, planning and review process. Auditor 2 has experience of coordinating multi-agency services to support children and young people with SEND services, as well as leading quality assurance activities for SEND services.
Auditor 3	Auditor 3 has previously been a SEND casework manager for a city council and a county council in south-west England, and has a strong understanding of the legal framework for SEND and the EHCP assessment, planning and review process. Auditor 3 has considerable experience working for a Parent Partnership Service in south-east England to support the families of children with additional needs and disabilities.
Auditor 4	Auditor 4 has a qualifying Bachelor's education degree (BA) and a Master's degree in SEND (MA) and experience as a SEND Coordinator in schools. Auditor 4 has worked in SEND services in local authorities in London and south-east England and has considerable experience of the assessment, planning and review process for EHCPs, as well as the legal framework for SEND and the quality assurance of these services.
Auditor 5	Auditor 5 has worked as a High Needs Coordinator in a further education college in south-east England and has considerable experience in post-16 education provision for young people with SEND. Auditor 5 has been a SEND casework manager for a county council, and has a strong understanding of the legal framework for SEND, the EHCP assessment, planning and review process, and the quality assurance of EHCPs.

The process audit led by the South West London Audit Partnership (SWLAP) was led by a qualified and experienced internal auditor. The auditor was not an expert in SEND services but is knowledgeable and skilled in testing the effectiveness of processes or controls and their compliance with legislation, regulations, standards and procedures. SWLAP provides internal audit services to five London boroughs, including Richmond upon Thames.

7. Findings

The Ombudsman required the local authority to determine whether there were children and young people with EHCPs who are affected by similar issues to those in the three complaints which were investigated and reported on in October 2019. These complaints relate to delays in producing education, health and care needs assessments and issuing final EHCPs; failure to deliver the provision identified in children's EHCPs; and poor record-keeping. For the purposes of this report, delays in issuing final plans has also been taken to include the finalisation of amended EHCPs following the annual review process. The audit did find a small number of cases (3%) where there were similar failings for other children with EHCPs to those identified by the Ombudsman. In these circumstances, the local authority must report back to the Ombudsman with details of these cases and the actions that will be put in place to address the delays and failings. Details of the **37 cases** which met these criteria are set out in section 8 of this report, including the required actions to resolve the identified issues. There were a number of themes, or findings, identified through the two audits which identified where improvements to practice had been made, but also, more commonly, where further improvements to practice are required.

Finding A - Assessment and planning

1,494 children with an EHCP are included in the audit cohort. Improvements have been made to the timeliness and quality of the education, health and care needs assessment and the resulting EHCPs. 91% of current EHCPs reviewed in the audit had been issued within the 20-week statutory timescale. This compares favourably to the national average of 66%. Where plans are issued late, the majority are more than six weeks beyond the statutory timeframe; the most delayed EHCP was 47 weeks. The reasons for the late issue of plans is predominantly the late receipt of professional advice. It is expected that advice from professionals is received within six weeks of the request. Late advice was most frequently received from: therapy providers (54%); community paediatricians (45%); children's social care services (34%); and educational psychologists (31%). Overall, the quality of EHCPs was judged to be good, with particular improvements noted in sections B, E and F, setting out all the child's special educational needs and specifying and quantifying the support required to meet those needs. The nursery, school or college requested by the parents or carers was named in the final EHCP in 95% of cases. Improvements to the child-focus in EHCPs was also noted; 85% of plans clearly expressed the views of the child and his or her parents or carers.

CASE STUDY: CHILD A

There was a significant delay in receiving information from occupational therapy (OT) with the specified and quantified provision needed for the EHCP needs assessment. The draft EHCP was issued in August 2019 and the final EHCP was issued within the same month. The process was completed within the 20-week statutory timeframe. As the OT provision had not been specified or quantified as requested by the parent, she advised that the final EHCP could be amended at a later date. This was confusing for the parent who received a draft amended EHCP at the same time as the final EHCP, with both plans issued with the same date. A further draft amended EHCP was issued in October 2019, following receipt of the professional advice from the OT. The EHCP was finalised in November 2019. This was within the eight-week timeframe for issuing a final amended EHCP. It took 11 weeks to issue a correct final EHCP with the specified and quantified OT provision. Communication with the parents by the EHCP Coordinator was not effective during this period and the process was unclear. The delay in issuing a correct final EHCP meant that Child A did not receive the OT support required for an 11-week period.

Finding B - Annual review processes

1,080 children had received or should have received an annual review of their EHCP. This is 72% of the whole audit cohort. The most significant issue identified during the audit was the annual review of children's EHCPs. This does not primarily relate to the timeliness of annual reviews as 86% are held within the statutory timeframe; however, it does relate to the amendment of EHCPs following reviews. The local authority's decision notices (following receipt of an annual review meeting report) are issued promptly; however, the follow-up by the local authority in issuing amended plans is a significant issue. There was a delay in issuing amended EHCPs in 508 of the 1,080 cases within the cohort (47%). The audit identified that this often prevented parents and carers from exercising their rights to appeal the decision, which then delayed the provision, the placement or support required by their children. Decisions are also not made promptly by the local authority either by the SEN Panel, the Post-16 Panel, or by a senior manager outside the panel process. There are also lengthy delays between the local authority's decision and it issuing the amended plan. Draft amended plans are therefore not issued promptly with only 49% of final amended EHCPs issued within the eight-week statutory timescale. The large majority of final amended plans are more than six weeks late; the most delayed final amended EHCP was issued at 96 weeks. The audit highlighted weaknesses in IT systems that would enable team members and other professionals to manage and track annual reviews and the associated statutory duties. In 227 cases (21%) the delay in issuing the final amended EHCP had made an impact on the outcomes achieved by the child, primarily in relation to the provision of therapy services, attending a specialist school place or support from a Learning Support Assistant (LSA). There were a very small number of cases where children's EHCPs had not been amended over several annual review cycles, meaning that their identified outcomes were no longer age-appropriate and provision did not meet their current needs. Parents and carers also raised concerns about the EHCP Coordinators' lack of attendance at annual reviews, particularly where issues had been raised by the parents, carers or the school.

See recommendations 2, 3 and 4.

CASE STUDY: CHILD B

The annual review was held 10 weeks late in July 2019, at which Child B's teacher requested additional funding for specialist equipment for her sensory impairment. This required a multi-agency decision. This request was chased in September 2019. There was a significant delay in finalising the amended EHCP. It took 40 weeks to complete the whole process because the request for additional funding was not prioritised for decision by the local authority. This meant that Child B did not have access to the specialist equipment she needed to be able to access suitable learning opportunities and make good educational progress.

Finding C - Children not in education

98% of children were receiving education in a nursery, school or college, or were in some other form of post-16 education, training or employment. Six children were in education other than at school (EOTAS) funded by the local authority and 11 children were electively home educated (EHE). Seven young people aged 18 and over are currently not in education, employment or training (known as NEET), and in four of these cases there has been inadequate follow-up by the local authority to ensure that pathways for these young people had been identified. This had led to drift or significant delay. There were 43 children who have been out of education or training for fixed periods of time due to the local authority's delays in securing a suitable school or college placement; however, the very large majority of these issues had been resolved or are being progressed as a priority. The audit identified that many of the young people who are NEET have particularly complex needs requiring multi-agency engagement, agreement and action. There is evidence that this multi-agency engagement is not working as effectively as required, and has impacted on a small number of young people remaining disengaged from education or NEET.

See recommendation 5.

CASE STUDY: CHILD C

Child C had been accessing a post-16 education placement at a mainstream college that was not named in his EHCP and was therefore not receiving appropriate support. The college's lack of understanding about Child C's special educational needs led to a disciplinary process which prevented him from progressing to a Level 2 course. As a result, Child C is now NEET and has been out of education or training for more than six months. This has meant that Child has not been able to fulfil his ambition to complete a Level 2 qualification in preparation for future employment and independence.

Finding D - Communication with parents and carers

There was good compliance with formal processes to communicate with parents and carers throughout the statutory needs assessment for an EHCP. 88% of requests for a needs assessment received an acknowledgement within four working days, and 95% of parents were notified of a decision to proceed with a needs assessment within the statutory timeframe of six weeks. There is also good communication

with parents at the end of the needs assessment process, with 79% of parents or carers attending a RAS meeting or alternative communication with their child's EHCP Coordinator. There is a similarly high level of parental representation on the child's draft EHCP. As has been noted in finding B, communication throughout the annual review process is less consistent, although there continues to be a high level of parental representation on the draft amended EHCP. The main concerns identified in the audit centred on communication with parents and carers outside these formal processes. This included key issues, such as being kept informed of the progress of school consultations. A large majority of parents and carers who contributed to the audit process, indicated that they would like to be able to speak directly to their child's allocated EHCP Coordinator and for their telephone calls or emails to be answered within a reasonable timeframe. It is clear that poor contact and communication between the SEND service and parents and carers is having an adverse impact on their confidence on the whole EHCP process and SEND system. Parents and carers did acknowledge that improvements, such as informal coffee mornings where they were able to meet with their child's EHCP Coordinator, were a positive step forward. A linked issue for parents and carers was the continuity of their allocated EHCP Coordinator. It was acknowledged that this had improved over the last 12 months; however, where it is necessary to change EHCP Coordinators, it is important to ensure that this is communicated to parents and carers and there is a planned handover, involving the parents or carers, so that the new EHCP Coordinator has a good understanding of the child and his or her needs.

See recommendations 6, 7 and 8.

CASE STUDY: CHILD D

A parental request for a needs assessment was made in early 2018; the local authority declined the assessment. A second parental request was made and assessment was agreed in June 2018. The needs assessment was informed by reports from speech and language therapy (SALT), OT, an educational psychologist and a second psychologist, but not from Child D's school. The draft EHCP was issued in September 2018 and the final EHCP was issued in the same month; this was within the statutory 20-week timeframe. An amended EHCP was issued at the end of September 2018 to specify the number of hours of LSA support that should be provided, with a requirement that this should be reviewed at the end of the child's first school term. An early review meeting was held at the start of the school spring term. This did not review continuation of the LSA support; however, this support was ended without any communication with the parents. The EHCP was amended and finalised in September 2019 but it was not discussed or issued to the parents and they, therefore, did not have the opportunity to make representation on the level of LSA support proposed in the EHCP. An annual review was held in December 2019 and a draft amended EHCP was issued in February 2020; a further draft amended plan was issued in the following month because the first amended plan did not include the provision recommended by the OT at the annual review. The parents made representations on the draft amended EHCP in April 2020. The final amended plan had not been issued by the close of the audit. Lack of communication with the parents, lack of parental representation in the early review process, and a failure to consider all professional reports in the annual review, meant that Child D's LSA support was removed. This is likely to have impacted on Child D's ability to make good educational progress.

Finding E - Children moving into Richmond upon Thames

43 children had moved into Richmond upon Thames with an existing EHCP or mid-way through an EHCP needs assessment. This is 3% of all children within the audit cohort. The audit evidences that established processes are not consistently followed for these children. EHCPs are not being adopted and amended within a reasonable timeframe, meaning they are not able to access the education provision that they need within a reasonable timescale of moving into the borough.

See recommendation 9.

CASE STUDY: CHILD E

Child E moved into Richmond upon Thames with an EHCP from another local authority in April 2018. A draft amended EHCP was issued outside the statutory timeframe in August 2019. The final amended EHCP was not issued until January 2020, 23 weeks beyond the statutory timeframe, to fit with the deadline for the phase transfer process to secondary school in February 2020. This meant that Child E did not have the additional OT and SALT provision that she needed when she moved into the borough, and this is likely to have impacted on her ability to make appropriate educational progress.

Finding F - Children transferring to post-16 education or training

145 children and young people within the audit cohort (10%) were due to transfer school phases, either into primary school, secondary school or post-16 education and training. Particular issues were identified with the phase transfer into post-16 education and training, where 39 final amended plans (33%) were issued outside the statutory timescale. The reasons for this are complex. Consultations are not sent as promptly as they should be, as preferences are often received much later than for younger children and young people are not always clear on their preferred pathways. Also, relationships with post-16 providers and their understanding of legislation and statutory requirements creates delays in consultations, which can be further compounded by a lack of effective tracking and timely decision-making. This has meant that some young people do not have agreed post-16 education provision named in their EHCPs and are at increased risk of becoming NEET.

See recommendation 10.

CASE STUDY: CHILD F

An annual review was held in May 2018 and a request for a change in placement to a special independent school was made to coincide with the phase transfer to secondary school. The notification to amend the EHCP was issued later that month. Although amendments had been requested, a draft amended EHCP was not issued until October 2018, 21 weeks after the date of the annual review. This was not finalised until February 2019, to coincide with the phase transfer deadline. This meant that the parents did not have a right of appeal to the SEND Tribunal until February 2019. A local specialist placement was offered for Child F which the parents did not accept. The parents lodged their appeal with the SEND Tribunal and a hearing date was set for October 2019. This hearing date was vacated due to educational psychology advice not being available and a new date was set for December 2019. The parents withdrew their appeal following an agreement with the local authority. Child F started at a specialist independent school in February 2020, 88 weeks after the date of the annual review when the placement for Year 7 had first been requested. This meant that Child F did not access the specialist ASD provision he needed at secondary school, and it is likely that this delayed his ability to make good educational progress at the start of his Key Stage 3 education.

Finding G - Recording-keeping

The Ombudsman's report highlighted poor record-keeping by the local authority in relation to children with EHCPs. Some improvements have been made in this area to ensure that all information is recorded on the electronic case recording system; however, too much information and correspondence is still stored in a shared computer drive or in the individual computer drive of the allocated EHCP Coordinator. Storing information in an individual's computer drive means that it is not accessible to all team members and can delay communication and decision-making. Records on the electronic case recording system are often incomplete and are not completed to a consistent standard. Case recording outside the electronic case recording is likely to be a combination of the limited functionality of the system and user-confidence. Particular issues were identified with case recording for annual reviews. There is no automated tracking or alert system to contact schools with a reminder to complete an annual review, submit the documentation within the agreed timeframe, and to follow-up where this is not received. There is an established system to routinely check the completed documentation where the nursery, school or college reports that no amendments to the EHCP are required; however, there is inconsistency in the application of this system. There were a very small number of cases in the audit where the document stated that no amendments were required despite key changes being made to sections B, E and F of the EHCP.

See recommendations 11 and 12.

CASE STUDY: CHILD G

Following a SEND Tribunal, a final amended EHCP was issued in March 2017. An annual review should have taken place on or before March 2018. An annual review did not take place until January 2020. There was a three-week delay in issuing the notification to amend the EHCP, and a further three-week delay in issuing the draft amended EHCP. Further negotiations between the parents and the local authority meant that three further draft amended EHCPs were issued in October 2019, December 2019 and January 2020. The final amended EHCP was issued in January 2020, 50 weeks after the annual review had been held. Record-keeping and the quality assurance of documents sent to Child G and his parents was poor. This meant that Child G did not have access to appropriate support for 12 months between January 2019 and January 2020. Child G did not receive the specialist provision specified in his plan. An annual review should have taken place in or before January 2020; however, this was postponed on several occasions and rescheduled by the school. The annual review is now scheduled to take place in April 2020.

8. Escalated cases

37 cases were escalated to the Director of Children’s Services at the close of the audit. These cases are summarised below with the actions that should be taken to resolve the failings that have been identified. The cases have been fully anonymised in the table.

Case	Categories	Summary of concern and impact	Actions to be taken
Child 1	Annual Review Provision Communication Record-keeping	The EHCP needs assessment was not completed until eight weeks after the statutory timeframe of 20 weeks. Child 1 was not considered for a part-time split placement within a reasonable timescale by the local authority at the SEN Panel, and was not able to access specialist Autistic Spectrum Disorder (ASD) provision until 20 weeks after the draft EHCP had been issued. Child 1 did not make the expected progress at primary school and was at risk of school exclusion. The delay in issuing the final EHCP, and the SEN Panel’s delayed decision to agree a split placement, meant that Child 1 did not have access to specialist teaching and support for her ASD. An annual review for Child 1 has been held. A notification to amend the EHCP was issued in December 2019; however, a draft amended EHCP had not been issued by the close of the audit.	The local authority must issue a final amended EHCP by 30 July 2020, or eight weeks from issuing the draft amended EHCP, pending feedback from parents and/or the young person.

Case	Categories	Summary of concern and impact	Actions to be taken
Child 2	Assessment Provision Communication Record-keeping NEET	<p>An EHCP needs assessment was initiated following a Tribunal Order. There was a ten-week delay in completing the needs assessment. The local authority did not abide by the 14-week timeframe stipulated in the Tribunal Order. There was a delay in receiving reports relating to social care and SALT. The final EHCP was issued 10 weeks after the statutory timescale of 20 weeks. The local authority did not name the post-16 provision requested by the parents in the final EHCP and named a different placement. The provision was named without the agreement of the post-16 provider which had not assessed Child 2, as consent was not given despite several requests. The parents decided not to send Child 2 to the provision offered by the local authority, which means that he was not accessing full-time post-16 provision by the close of the audit. There is an ongoing SEND Tribunal case relating to Child 2's request for a placement at his preferred post-16 provision. There has been a delay to this Tribunal until May 2020, in part because evidence had not been submitted by the local authority within the required timescale, although the Courts and Tribunal Service is also operating with long delays. The SEND Tribunal hearing has been postponed. This means that Child 2 was not accessing a suitable post-16 education placement by the close of the audit.</p>	<p>The local authority must fully comply with the SEND Tribunal process, and respond to requests within the timeframes set by the Courts and Tribunal Service.</p>

Case	Categories	Summary of concern and impact	Actions to be taken
Child 3	Assessment Annual Review Provision Communication Record-keeping	<p>There was a delay in completing the EHCP needs assessment meaning that the draft EHCP was issued at 21 weeks. Child 3's parents made representations about the content of the draft EHCP. The amended draft EHCP was issued at 26 weeks due to a delay by the local authority in making a decision about Child 3's school placement at the SEND Panel. The final EHCP was issued at 37 weeks, 17 weeks outside the statutory timeframe. This meant that Child 3 did not receive the support from an occupational therapist for his sensory and physical needs, as well as direct support from an Emotional Literacy Support Assistant (ELSA) and from teachers qualified in teaching children with Specific Learning Difficulties (SpLD). The first annual review for Child 3 should have been held in or before December 2019, but was not held until February 2020. A notification to amend the EHCP was issued within four weeks of the annual review, but a draft amended EHCP had not been issued by the close of the audit.</p>	<p>The local authority must issue a final amended EHCP by 30 July 2020, or eight weeks from issuing the draft amended EHCP, pending feedback from parents and/or the young person.</p>
Child 4	Assessment Provision Annual Review Communication Record-keeping	<p>There was a delay in completing an EHCP needs assessment. The delay was in requesting a SALT assessment and receiving advice. The report should have been received by October 2018 but was not received until March 2019, a delay of 22 weeks. This significantly delayed the issue of the final EHCP. This meant that Child 4 was delayed in accessing appropriate post-16 education provision to meet her needs, including an appropriate level of SALT. Child 4 is now accessing suitable post-16 education provision. The first annual review should have been held in March 2020 but had not been scheduled by the close of the audit.</p>	<p>An annual review must be held within an agreed timeframe with the child, parents, school and other professionals; the timeframe will need to consider the current Covid-19 restrictions but should not be longer than three months.</p>

Case	Categories	Summary of concern and impact	Actions to be taken
Child 5	Assessment Provision NEET Communication Record-keeping	<p>Child 5 moved into Richmond upon Thames at RAS stage. There was an eight-week delay in finalising the EHCP and naming a school placement. This meant that Child 5 did not have access to educational provision for a 12-week period. It took 47 weeks to complete the EHCP process which is significantly beyond the 20-week timeframe.</p> <p>Following a phase transfer review (to post-16 provision) a final amended EHCP was issued in March 2020. The EHCP had not named a post-16 education or training provider at the close of the audit; this is required for September 2020.</p>	The local authority must issue a final amended EHCP by 30 July 2020, or eight weeks from issuing the draft amended EHCP, pending feedback from parents and/or the young person.
Child 6	Assessment Provision Annual Review Communication Record-keeping	<p>Child 6's case was subject to a SEND Tribunal in relation to the placement and provision named in her draft EHCP. The Tribunal Order specified the date by which the final EHCP must be issued with a named placement and provision. The final EHCP was issued six weeks later than the specified date. It took 42 weeks to complete the whole EHCP process which is significantly beyond the 20-week timeframe. This meant that Child 6 did not receive sufficient pastoral support and did not have the SALT and OT provision she needed in a reasonable timeframe. Child 6 is now attending the school requested by her parents. The annual review was required to be completed by February 2020. No annual review had taken place by the close of the audit, but the EHCP had been amended to reflect the post-16 placement.</p>	An annual review must be held within an agreed timeframe with the child, parents, school and other professionals; the timeframe will need to consider the current Covid-19 restrictions but should not be longer than three months.

Case	Categories	Summary of concern and impact	Actions to be taken
Child 7	Assessment Provision NEET Communication Record-keeping	Child 7's case was subject to a SEND Tribunal in relation to the placement and provision named in her draft EHCP. There was a significant delay of 25 weeks between issuing the draft EHCP and the final EHCP due to identification of a suitable placement. It took 64 weeks to complete the whole EHCP process, 44 weeks beyond the statutory timeframe. This meant that Child 7 was without education for a period of 18 months with no alternative education provided to her during the process of identifying a suitable placement. Child 7 is in EOTAS which is funded by the local authority. An annual review is due in May 2020. As Child 7 is in EOTAS it is important to ensure that annual reviews are held promptly and appropriate reports are provided.	The local authority must hold an annual review by 30 June 2020.
Child 8	Annual Review Provision Communication Record-keeping	The annual review process was held within the statutory timescale. The school requested additional funding at the annual review for specialist equipment. This required multi-agency agreement. No decision on funding has been made by the local authority and the other agencies involved by the close of the audit, and the draft amended EHCP had not been issued following the April 2019 annual review. This is now 55 weeks overdue. By the close of the audit, Child 8 did not have access to the specialist equipment she needs to be able to access learning opportunities and make educational progress.	The local authority must issue a final amended EHCP by 30 July 2020, or eight weeks from issuing the draft amended EHCP, pending feedback from parents and/or the young person.

Case	Categories	Summary of concern and impact	Actions to be taken
Child 9	Annual Review Provision Communication Record-keeping	There was significant delay in finalising the amended EHCP and agreeing additional funding at the SEN Panel following annual review. The delay was 36 weeks from the statutory eight-week timescale. This meant that Child 9 did not have access to specialist support. There remain actions from the annual review that had not been progressed by the close of the audit, in relation to support for English language support for speakers of other languages and a pre-supported internship.	The local authority must issue a final amended EHCP by 30 July 2020, or eight weeks from issuing the draft amended EHCP, pending feedback from parents and/or the young person.
Child 10	Annual Review Provision Communication Record-keeping	The annual review was held in June 2019 with a recommendation that Child 10 required a placement at a specialist independent school for children with speech, language and communication difficulties. By the close of the audit, a draft amended EHCP had not been issued. This is a delay of 47 weeks. This means that, by the close of the audit, Child 10 did not have access to the specialist placement agreed at the annual review, which is likely to impact on his educational progress.	The local authority must issue a final amended EHCP by 30 July 2020, or eight weeks from issuing the draft amended EHCP, pending feedback from parents and/or the young person.
Child 11	Annual Review Provision Communication Record-keeping	The annual review for Child 11 was held in October 2019 where the recommendation was a specialist residential placement or a local supported living placement funded by the Clinical Commissioning Group (CCG). This was agreed by the local authority at the Post-16 Panel in November 2019 but had not been progressed by the close of the audit by issuing a final amended EHCP. This is 21 weeks beyond the statutory timescale. Child 11 is accessing a suitable education placement, but does not have a suitable local supported living placement which can meet her needs in the longer term. This means that Child 11 is not accessing the supported living placement she needs, which must be sourced by adult social care services or the CCG.	The local authority must issue a final amended EHCP by 30 July 2020, or eight weeks from issuing the draft amended EHCP, pending feedback from parents and/or the young person.

Case	Categories	Summary of concern and impact	Actions to be taken
Child 12	Annual Review Provision Communication Record-keeping	Following an annual review, there was a 31-week delay in issuing the draft amended EHCP. It was a further six weeks before the final amended EHCP was issued. A specialist social, emotional and mental health (SEMH) provision was not named in the final amended EHCP, only the type of provision needed by Child 12. A specialist SEMH placement had still not been identified by the close of the audit and this requires prioritised action. This means that Child 12 does not have access to the specialist SEMH provision that he needs and remains in his mainstream school placement.	The local authority must issue a final amended EHCP by 30 July 2020, or eight weeks from issuing the draft amended EHCP, pending feedback from parents and/or the young person.
Child 13	Annual Review Provision Communication Record-keeping	An annual review was in May 2019. The annual review recommended a large number of amendments to Child 13's EHCP in relation to additional OT and SALT provision. Notification to amend the EHCP was not issued until March 2020. This was 44 weeks after the annual review. A draft amended EHCP had not been issued by the close of the audit. This means that Child 13 has not been able to access the OT and SALT provision that he needs.	The local authority must issue a final amended EHCP by 30 July 2020, or eight weeks from issuing the draft amended EHCP, pending feedback from parents and/or the young person.
Child 14	Annual Review Provision Communication Record-keeping	An EHCP was issued in February 2016. Annual reviews were due in or before February 2017 and February 2018, but did not take place. The first annual review took place in May 2019, more than three years after the initial EHCP had been issued. An amendment notification was issued in July 2019, five weeks outside the four-week statutory timeframe. The draft amended EHCP was issued in April 2020. This was 39 weeks after the notification to amend the EHCP was issued. A final amended EHCP had not been issued by the close of the audit. This means that Child 14 has been delayed in receiving the additional support she needs to make good educational progress at school.	The local authority must issue a final amended EHCP by 30 July 2020, or eight weeks from issuing the draft amended EHCP, pending feedback from parents and/or the young person.

Case	Categories	Summary of concern and impact	Actions to be taken
Child 15	Annual Review Provision Communication Record-keeping	Child 15 transferred to Richmond upon Thames and a transfer final EHCP was issued in March 2016. An annual review was held in July 2017 but no decision response was issued by the local authority. No annual review was held in 2018. An annual review was held in July 2019. A notification to amend the EHCP was issued within the statutory timescale in August 2019 and a draft amended EHCP was issued in the same month. School consultations have been in progress for Child 15 since December 2019 but a suitable school place had not been identified by the close of the audit. The final amended EHCP should have been issued in September 2019 and is 33 weeks beyond the statutory timeframe. This means that there is potential for Child 15 to be without suitable provision for Year 11 from September 2020. Identifying a suitable placement for Child 15 needs to be prioritised.	The local authority must issue a final amended EHCP by 30 July 2020, or eight weeks from issuing the draft amended EHCP, pending feedback from parents and/or the young person.
Child 16	Annual Review Provision Communication Record-keeping	The annual review was held within timeframe in September 2019. A new placement for Child 16 was agreed by the local authority at the SEN Panel in November 2019; however, the draft amended EHCP was not issued until April 2020, which is 17 weeks beyond the statutory timeframe. This meant that Child 16 was not able to consistently access appropriate education provision and support in his named placement, and there remains a delay in accessing the specialist placement that he needs. The final amended EHCP had not been issued by the close of the audit.	The local authority must issue a final amended EHCP by 30 July 2020, or eight weeks from issuing the draft amended EHCP, pending feedback from parents and/or the young person.

Case	Categories	Summary of concern and impact	Actions to be taken
Child 17	Annual Review Provision Communication Record-keeping	The 2018 annual review, completed in Year 6, included amendments to Child 17's description of needs and required provision. These have not been put into place in secondary school and are not reflected in the 2019 annual review, particularly in relation to Child 17's changed SALT needs. The EHCP outcomes and provision for Child 17 have not been amended despite evidence that this was necessary from the annual review held in 2018. This should be addressed with the school to determine whether amendments are required to the EHCP to enable Child 17 to make good educational progress.	The local authority must issue a final amended EHCP by 30 July 2020, or eight weeks from issuing the draft amended EHCP, pending feedback from parents and/or the young person.
Child 18	Annual Review Provision Communication Record-keeping	Child 18 is currently in Year 3 at a mainstream primary school. Annual reviews have been held; however, there is no indication of a response to the annual review held in 2019. Child 18's EHCP outcomes and provision have not been amended since 2016 when she was in nursery. The educational outcomes, OT provision and SALT provision are therefore unlikely to be age-appropriate and are likely to be preventing Child 18 from making good educational progress.	The local authority should hold an early review to determine whether amendments are required to the EHCP by 30 June 2020.

Case	Categories	Summary of concern and impact	Actions to be taken
Child 19	Annual Review Provision NEET Communication Record-keeping	Following an annual review, the final amended EHCP was issued in July 2019 within statutory timeframe. A post-16 education placement was agreed by the local authority at the Post-16 Panel. The placement was not named in section I of the final amended EHCP and sections E and F of the plan were also not amended. By the close of the audit, Child 19 was not in education, employment or training (NEET) despite a suitable post-16 education or training pathway being identified and agreed. This means that the EHCP does not set out age-appropriate outcomes and provision for Child 19, and he is not receiving the education, training and support that he needs.	The local authority must name a suitable post-16 placement by 30 June 2020.
Child 20	Annual Review Provision Communication Record-keeping	Following an annual review, the local authority made a decision in January 2020 to provide additional support for Child 20's specific learning needs at his specialist independent school. There was a significant delay in issuing a draft amended EHCP. The final amended EHCP had not been issued by the close of the audit although it is within the eight-week statutory timeframe. The delay in issuing the draft amended EHCP has meant that Child 20 has not received the support needed for his specific learning difficulty; it is likely that this has impacted on his ability to make good educational progress.	The local authority must issue a final amended EHCP by 30 July 2020, or eight weeks from issuing the draft amended EHCP, pending feedback from parents and/or the young person.

Case	Categories	Summary of concern and impact	Actions to be taken
Child 21	Annual Review NEET Communication Record-keeping	An annual review was held in February 2019. The local authority made a decision about a post-16 education placement at the Post-16 Panel in February 2020. A draft amended EHCP had not been issued by the close of the audit. Child 21 is therefore not in education, employment or training (NEET) despite a suitable post-16 education or training pathway being identified and agreed by the local authority. This means that the EHCP does not set out age-appropriate outcomes and provision for Child 21, and she is not receiving the education, training and support that she needs.	The local authority must issue a final amended EHCP by 30 July 2020, or eight weeks from issuing the draft amended EHCP, pending feedback from parents and/or the young person.
Child 22	Annual Review Provision Communication Record-keeping	An annual review was within the statutory timeframe in January 2019. The parents requested a change of placement at the annual review. This was not agreed by the local authority at the SEN Panel in February 2019; however, amendments to the EHCP were agreed. A draft amended plan was not issued and therefore the parents were not afforded their right to appeal the decision to the SEND Tribunal. An annual review was held in December 2019. A further notice to amend the EHCP was issued in January 2020. A draft amended EHCP had not been issued by the close of the audit. This has meant that Child 22 has not received the OT provision she needs to make good educational progress.	The local authority must issue a final amended EHCP by 30 July 2020, or eight weeks from issuing the draft amended EHCP, pending feedback from parents and/or the young person.
Child 23	Annual Review Provision Communication Record-keeping	Child 23 moved into Richmond upon Thames from another local authority with an EHCP in October 2018. A draft amended EHCP was issued in February 2019 (within timescale) following an annual review; however, the final amended EHCP had not been issued by the close of the audit. This has meant that Child 23 has not received the support needed in post-16 education provision.	The local authority must issue a final amended EHCP by 30 July 2020, or eight weeks from issuing the draft amended EHCP, pending feedback from parents and/or the young person.

Case	Categories	Summary of concern and impact	Actions to be taken
Child 24	Annual Review Provision Communication	Child 24 received an ASD diagnosis in December 2018. The 2019 annual review recommended a significant change in provision and a request for a personal budget was made. The draft amended EHCP was issued 23 weeks beyond the statutory timeframe in October 2019. The final amended plan had not been issued by the close of the audit and is 17 weeks outside the statutory timeframe. There had also been no acknowledgement of the request for a personal budget. This means that Child 24 was not receiving appropriate provision to meet her ASD and associated SALT needs by the close of the audit. It is likely that Child 24 is therefore not making good educational progress, particularly in relation to her social communication.	The local authority must issue a final amended EHCP by 30 July 2020, or eight weeks from issuing the draft amended EHCP, pending feedback from parents and/or the young person, and provide a decision on the parental request for a personal budget.
Child 25	Annual Review Provision Communication Record-keeping	Child 25 moved into Richmond upon Thames with an EHCP from another local authority in June 2019. An annual review was completed in May 2019 which recommended amendments to the OT provision in the EHCP. A draft amended EHCP, based on the May 2019 annual review, had not been issued by the local authority by the close of the audit. This means that Child 25 is not receiving the OT provision needed to make good educational progress.	The local authority must issue a final amended EHCP by 30 July 2020, or eight weeks from issuing the draft amended EHCP, pending feedback from parents and/or the young person.
Child 26	Annual Review Provision Communication Record-keeping	Child 26 received an ASD diagnosis in 2017. Despite all annual reviews being completed, the ASD diagnosis has not been reflected in the EHCP. The school has also requested additional funding to meet Child 26's ASD needs. No decision has been made by the local authority because the request has not been presented to the SEN Panel. The EHCP has not been amended since it was initially issued in November 2017, because the recommendations from the annual reviews have not been progressed. This means that Child 26 has not received the specialist support that she needs to make good educational progress.	The local authority must issue a final amended EHCP by 30 July 2020, or eight weeks from issuing the draft amended EHCP, pending feedback from parents and/or the young person.

Case	Categories	Summary of concern and impact	Actions to be taken
Child 27	NEET Communication Record-keeping	Child 27 has been accessing a post-16 education placement at a mainstream college that was not named in his EHCP, and was therefore not receiving the appropriate support. The college's lack of understanding about Child 27's special educational needs led to a disciplinary process which prevented him from progressing to a Level 2 course. Child 27 is therefore NEET and has been out of education or training for a considerable period of time, and has not been able to fulfil his ambition to complete a Level 2 qualification in preparation for future employment and independence.	The local authority to ensure that an early review meeting is completed to issue a draft amended plan by 30 July 2020.
Child 28	Annual Review Provision NEET Communication Record-keeping	An annual review was held in July 2018 and notification to amend the EHCP was issued later that month. The draft amended EHCP, identifying post-16 education provision at an alternative education provider, was issued 14 weeks beyond the statutory timeframe. The draft amended plan was never finalised. An annual review was due in July 2019 but did not take place as Child 28 was not attending the provision. Another draft amended EHCP was issued in November 2019 but had not been finalised by the close of the audit and no appropriate post-16 provision had been put in place. Child 28 is NEET.	The local authority must issue a final amended EHCP by 30 July 2020, or eight weeks from issuing the draft amended EHCP, pending feedback from parents and/or the young person.

Case	Categories	Summary of concern and impact	Actions to be taken
Child 29	Annual Review Provision Communication Record-keeping	<p>Child 29 has not regularly attended mainstream school due to his mental health needs. Part-time attendance was agreed between October 2018 and January 2019, but he still struggled to attend. This meant that Child 29 was not in school full-time for a period of almost 12 months. A placement with an alternative education provider was agreed but the parents chose not to accept the placement. A significant incident for Child 29 has increased the need for therapeutic support. Child 29 has received support from the Child and Adolescent Mental Health Service (CAMHS) but has been assessed as below the threshold for Tier 3 therapeutic support. An annual review was held in July 2018, at which the parents requested a change of school placement in order to meet Child 29's escalating mental health needs. Notification of the local authority's intention to amend the plan was sent within four weeks of the annual review: however, a draft amended EHCP was not issued. An early annual review was held in January 2019 and a further notification to amend the EHCP was issued later that month. School consultations were ongoing between January 2019 and January 2020 with no draft amended EHCP being issued. Another annual review was held in February 2020 and another notification to amend the EHCP was issued later that month. The delay from the notification to amend the EHCP in July 2018 to issuing the draft amended EHCP (which was still outstanding by the close of the audit) is 96 weeks. Because of the failure to issue a draft amended EHCP, the parents have not received any rights to appeal any decision at the SEND Tribunal. The purpose of the annual review is to flag a child's needs to all relevant agencies, and for those agencies to progress as appropriate. This has not happened in this case, meaning Child 29 has not been able to access appropriate interventions and support.</p>	The local authority to issue a draft amended plan by 30 June 2020.

Case	Categories	Summary of concern and impact	Actions to be taken
Child 30	Annual Review Provision Communication Record-keeping	<p>A final EHCP was issued in March 2018 after being transferred from a Statement of SEN. An annual review was held in November 2018 and the parents indicated their choice of a post-16 placement. A notification to amend the EHCP was issued within timescale in November 2018. The parents again confirmed their choice of post-16 placement in January 2019. The Year 11 consultation process took place in February 2019, March 2019 and May 2019 and a draft amended EHCP was issued in May 2019. It should have been issued and finalised by 31 March 2019 giving the parents their rights of appeal to the SEND Tribunal. The final amended EHCP was not issued until June 2019 and did not name the post-16 placement requested by the parents. Amendments to sections B, E and F requested in the parents' representations were not made to the EHCP as the local authority indicated it needed to consult further with the post-16 placement named in section I. The parents were not able to lodge their appeal to the Tribunal until July 2019 and the Tribunal process has only recently been concluded by remote hearing. The preferred parental residential placement has been agreed and will be named in Section I of the plan. This has meant that Child 30 has not been able to access suitable education to meet her needs since September 2019.</p>	<p>The local authority must issue a final amended EHCP by 30 July 2020, or eight weeks from issuing the draft amended EHCP, pending feedback from parents and/or the young person.</p>

Case	Categories	Summary of concern and impact	Actions to be taken
Child 31	Annual Review Provision Communication Record-keeping	An annual review was held in 2018 and a draft amended EHCP was issued within the statutory timescale in June 2018, but the EHCP had not been finalised by the close of the audit. It is significantly beyond the statutory timescale. The parents requested a change in the school placement from September 2019 at the annual review in June 2019. The local authority had not responded to this request by the close of the audit; there has been no notification to Child 31 or his parents about amending the EHCP and no draft amended plan had been issued for representations. This means Child 31's EHCP outcomes need updating and the provision needed to deliver them needs to be reviewed. As a result, Child 31 is not making expected progress at secondary school.	The local authority to further amend the draft amended EHCP by 30 June 2020 and finalise it within the statutory eight-week timeframe.
Child 32	Provision Communication Record-keeping	Child 32 attends a local mainstream independent school. The specified and quantified provision for OT and SALT in her EHCP is not being fully delivered at the school. This means that Child 32 is not making expected educational progress due to the lack of therapeutic input.	The local authority to contact the local NHS provider for OT and SALT to ensure that it is provided in accordance with the EHCP by 30 June 2020.

Case	Categories	Summary of concern and impact	Actions to be taken
Child 33	<p>Assessment</p> <p>Annual Review</p> <p>Communication</p> <p>Record-keeping</p>	<p>Child 33 is electively home educated (EHE) as she has not been able to manage accessing a school environment since 2012. As Child 33 is EHE there is no record of an annual review and only a transfer review took place to transfer the Statement of SEN to an EHCP in January 2017. The local authority did not hold the statutory annual reviews for Child 33 between 2012 and 2017. The transfer draft EHCP was issued in March 2018. School consultations took place between June to August 2018 and her parents made representations on the draft EHCP. An amended draft EHCP was not issued until December 2018, a delay of 38 weeks from when it was first issued. Child 33's parents had requested that the local authority provide them with the options for a personal budget as they did not believe there was a suitable school which could meet Child 33's complex needs. The personal budget information was not provided by the local authority and instead placement at an independent school was pursued. Further school consultations took place in December 2018 and three more draft amended EHCPs were issued in January, May and October 2019. The final amended EHCP was also issued in October 2019, 82 weeks after the original draft EHCP had been issued in March 2018. This meant that parents did not receive any rights of appeal to the Tribunal until October 2019. The final amended EHCP named an independent school which stated that, after meeting Child 33, they could not meet her needs. The parents have chosen not to engage with the Tribunal process but requested and engaged with formal mediation. As the local authority has not explored the option of a personal budget for Child 33, the parents have indicated that they may wish to cease the EHCP for their child.</p>	<p>The local authority to complete an early review of the EHCP by 30 June 2020 which should address the parents' request for a personal budget.</p>

Case	Categories	Summary of concern and impact	Actions to be taken
Child 34	Annual Review Communication Record Keeping	<p>Child 34 attends a mainstream primary school. Following an annual review in 2017, the EHCP was amended and a final amended EHCP was issued in June 2017. It named Child 34's current primary school. Since attending this school there is no record of an annual review being held in 2018 or 2019 and the local authority has not issued annual review decisions. The EHCP has therefore not been amended since June 2017 when Child 34 was in Key Stage 1; she is currently in Year 4. There was no evidence by the close of the audit that the local authority had contacted the school for its annual review meeting reports. The case has been left to drift since June 2017, and Child 34 has not had access to the OT and SALT provision specified in section F of her EHCP.</p>	<p>An annual review must be held within an agreed timeframe with the child, parents, school and other professionals; the timeframe will need to consider the current Covid-19 restrictions but not be longer than three months.</p>

Case	Categories	Summary of concern and impact	Actions to be taken
Child 35	Annual Review Communication Record Keeping	<p>Child 35 attends a local secondary school. A final EHCP was issued in January 2018 as part of the process of transferring the Statement of SEN to a new EHCP. In May 2017, the local authority agreed to an increase in the level of support from 15 hours to 32½ hours on an interim basis. Through an annual review held in December 2017, the school agreed with the local authority that the level of funding could be reduced to 15 hours. This coincided with the final amended EHCP being issued in January 2018. By the autumn term in 2018, Child 35 was struggling to access education effectively and the school requested an increase in the level of funding to support Child 35 during her GCSE year. In December 2018 the local authority did not agree to the request for additional funding and advised the school to hold an annual review and resubmit their request. The school held the annual review in December 2018 and provided a detailed annual review report outlining their request for additional hours of funding. The local authority issued a notification to amend the EHCP in January 2019; however, there is no record of the local authority considering the school's request for the additional funding and Child 35 did not receive the additional support required during her GCSE year. The EHCP was not amended until July 2019 as part of the Year 11 phase transfer. This should have been completed by 31 March 2019 in accordance with statutory requirements. When the draft amended EHCP was issued in July 2019 it only amended section I of the EHCP and did not take account of the fact that the child would be transferring to post-16 education from September 2019. The outcomes and provision were not amended. A further amendment notice was issued in October 2019 but again only amended section I of the EHCP. By the close of the audit, Child 36 was not receiving the support outlined in section F of the EHCP.</p>	<p>The local authority to hold an early review to ensure that specified and qualified provision in section F of the EHCP is being delivered effectively by 30 June 2020.</p>

Case	Categories	Summary of concern and impact	Actions to be taken
Child 36	Annual Review Communication Record Keeping	Child 36 attends a mainstream secondary school. Her final EHCP was issued in October 2017. There is no record that an annual review took place in 2018 or 2019 or that any annual review decisions were issued by the local authority. The EHCP has not been amended since 2017 and the outcomes are not appropriate to Child 37's current Key Stage. There are ongoing issues with the funding of therapy provision.	The local authority to hold an early review to ensure that specified and qualified therapy provision in section F of the EHCP is being delivered effectively by 30 June 2020, or as soon as reasonably possible given Covid-19 restrictions.
Child 37	Annual Review Communication Record Keeping	A final EHCP was issued in September 2016. Although annual reviews were held in May 2017, November 2017, June 2018 and June 2019, the EHCP has only had section I amended to reflect a change in school placement. A notification to amend the EHCP was issued by the local authority in July 2019; however, the draft amended EHCP was not issued until April 2020. The current EHCP indicates outcomes to be achieved by the end of Key Stage 2, although Child 37 is currently in Year 9 in Key Stage 3. Child 37 has therefore not received appropriate education provision and has not had a recommended SALT assessment. The draft amended EHCP had not been finalised by the close of the audit.	The local authority to finalise the draft amended EHCP by 30 July 2020 with the required amendments to all relevant sections.

These 37 cases require immediate remedy to ensure that children's special educational needs are met. The cases highlight the need for all partner agencies to work effectively together within the SEND system in their support of the local authority by: submitting professional advice to the local authority in a timely way; ensuring that suitable provision is identified; and, where children have complex health needs, ensuring that these are appropriately considered and promptly actioned by local health commissioners.

9. Recommendations

1. As a priority, respond to the 37 cases that were escalated to the Director of Children's Services during the audit process, ensuring that all identified children and young people have an EHCP, placement and provision that meets their assessed needs. This should be completed by **30 July 2020** or eight weeks from issuing the draft amended EHCP, pending feedback from parents and/or the young person.
2. Improve the tracking and checking processes for annual reviews to ensure that these are: completed within the statutory timescale; submitted within two weeks of the meeting; and checked to ensure that correct decisions have been made about the need for amendments. This should be completed within **three months**.
3. Review current processes, systems and resources to improve the timeliness of issuing amended EHCPs and putting in place the required provision following an annual review. Although there is no statutory timeframe to issue the draft amended EHCP, there needs to be a robust system in place to monitor the length of time it takes from issuing a decision notice to issuing the proposed plan. Best practice should be applied to ensure prompt action is taken to avoid lengthy delays to this process. Once the draft amended EHCP has been issued, the local authority should finalise it within the eight-week statutory timeframe. Improvements to the annual review process should be completed within **six months**.
4. Develop, implement and communicate a revised policy for the attendance of EHCP Coordinators at annual review meetings; it is recommended that EHCP Coordinators prioritise attendance at annual reviews for children and young people at phase transfer points and where issues about a placement or provision have been identified by the child, young person, parents, carers, school or education provider. This should be completed within **three months**.
5. Improve the tracking of young people aged 18 and over who are NEET, or at risk of becoming NEET, to ensure they have timely access to appropriate education and training. This should be completed within **two months**.
6. Implement local procedures to ensure that all communication from the parents and carers of children with SEND is acknowledged within five working days and receives a response within ten working days. This should be completed within **two months**.
7. Consider ways to engage and communicate with parents and carers of children with SEND outside of the formal assessment, planning and review process; this should include more informal opportunities to meet with EHCP Coordinators, managers and senior managers to provide live feedback on casework. This should be completed within **three months**.
8. Review the system for allocating casework to EHCP Coordinators to determine whether better casework consistency could be achieved; develop and implement a checklist to support the smooth handover of cases between EHCP Coordinators, when this is necessary, and ensure effective communication with the child, young person and his or her parents or carers. This should be completed within **four months**.

9. Strengthen the application of statutory processes for welcoming children with EHCPs transferring into Richmond upon Thames from another local authority, ensuring that their plans are adopted or amended within the required timeframe and they have access to education and the support they need. This should be completed within **two months**.
10. Improve the timeliness of consultations with colleges and other post-16 education or training providers for young people at the Year 11 or post-16 phase transfer stage; this includes establishing processes to monitor responses so that all young people have timely access to suitable education, employment and training. This should be completed within **three months**.
11. Review use of the electronic case recording system, in particular to ensure that it is able to support the effective management of the annual review process; also ensure that all EHCP Coordinators and managers are trained in the effective and efficient use of the system to support their case management. This should be completed within **six months**.
12. Issue case recording standards to ensure that all casework, including communication with children, young people, parents and carers, is appropriately stored on the electronic case recording system and is complete, accurate and accessible. This should be completed within **three months**.

10. Background information

Report by the Local Government and Social Care Ombudsman: Investigation into complaints against London Borough of Richmond upon Thames (18 001 501, 18 003 307 and 18 013 211), October 2019

11. Glossary of terms used in this report

AR Annual Review	A review of an Education Health Care Plan, which a local authority must undertake at least every 12 months.
ADHD Attention Deficit Hyperactivity Disorder	A group of behavioural symptoms that include inattentiveness, hyperactivity and impulsiveness.
ASD Autistic Spectrum Disorder	A developmental disability that affects how a person communicates with and relates to other people. It also affects how they make sense of the world around them.
CAMHS Child and Adolescent Mental Health Services	These services assess and treat children and young people with emotional, behavioural or mental health difficulties.
CCG Clinical Commissioning Group	Clinical Commissioning Groups were created following the Health and Social Care Act in 2012, and replaced Primary Care Trusts on 1 April 2013. They are clinically-led statutory National Health Service (NHS) bodies responsible for the planning and commissioning of health care services for their local area.
EHCP Education, Health and Care Plan	An EHCP is a legal document which describes a child's special educational needs, the support they need and the outcomes they would like to achieve. The special educational provision described in an EHCP must be provided by the child's local authority.
EHCP Coordinator	An officer of the local authority who manages and coordinates the production of an EHCP.
EHE Elective Home Education	This is the term used to describe a choice by parents to provide education for their children at home, or in some other way they choose, instead of sending them to school.
EOTAS Education Other than at School	The circumstances in which a child or young person may receive education outside of school, such as tuition at home or in a hospital because of their medical condition.
Independent School	A school that is not maintained by a local authority registered under the Education Act 1996. Independent schools must be

	approved by the Secretary of State as being suitable for the admission of children with EHCPs.
Local Offer	Local authorities must publish a Local Offer that provides clear, comprehensive, accessible and up to date information about the provision available locally for children and young people with special educational needs and disabilities, and how to access it.
Maintained school	Schools in England that are maintained by a local authority.
Mediation	This is a statutory service commissioned by local authorities which is designed to help settle disagreements between parents or young people and local authorities over education, health and care needs assessments and EHCPs and which parents and young people can use before deciding whether to appeal to the SEND Tribunal. Mediation must be offered to the parents or young person when the final plan is issued. Young people or their parents must contact the mediation service before they register an appeal.
MLD Moderate Learning Difficulties	A child or young person with moderate learning difficulties is understood to display significant delay in reaching developmental milestones and may have much greater difficulty than their peers in acquiring basic literacy and numeracy skills. They may also have associated speech and language delay, low levels of concentration and under-developed social, emotional and personal skills.
Non-maintained special school	Schools in England approved by the Secretary of State as special schools, which are not maintained by the state but charge fees on a non-profit-making basis. Most non-maintained special schools are run by major charities or charitable trusts.
OT Occupational Therapy or Therapist	Occupational therapy is a health care profession which supports children and young people to participate in the everyday activities that matter to them.
Parent	Under section 576 of the Education Act 1996, the term parent includes any person who is not a parent of a child, but has parental responsibility to care for a child.
PCF Parent Carer Forum	A parent-led forum which is committed to finding out what the parents and carers of children with special educational needs and disabilities think, listening to what they have to say and getting their views and voices heard by their local authority, local health providers and government.

Personal budget	An amount of money identified by the local authority to deliver provision set out in an EHCP where the parent or young person is involved in securing that provision. The funds can be held directly by the parent or young person, or may be held and managed on their behalf by the local authority, school, college or other organisation and used to commission the support specified in the EHCP.
Physiotherapy or Therapist	Physiotherapy is a health care profession which supports children and young people with injury, illness or disability through movement and exercise, manual therapy, education and advice.
PMLD Profound and Multiple Learning Disability	This diagnosis is used when a child or young person has more than one disability, with the most significant being a learning disability. Many children or young people diagnosed with PMLD will also have a sensory or physical disability, complex health needs, or mental health difficulties.
Post-16 Panel	This Panel advises the local authority based on set criteria about a young person's special educational needs post-16 years of age and recommends appropriate courses of action.
PRU Pupil Referral Unit	A specially organised school which provides education for pupils who would otherwise not receive suitable education because of illness, exclusion or any other reason.
RAS Review of assessment summary	An opportunity for parents and carers to review the assessment summary of their child's EHCP to ask questions and make comments about the outcome.
SALT Speech and Language Therapy or Therapist	Speech and language therapy is a health care profession which supports children and young people with speech, language and communications difficulties to reach their maximum communication potential.
SEMH Social, emotional and mental health	A type of special educational need in which a child or young person has severe difficulties in managing their emotions and behaviour, and may show inappropriate responses and feelings to situations.

SEND Special educational needs and/or disability	A child or young person has a special educational need and/or disability if they have a learning difficulty or disability which calls for special educational provision to be made for him or her. A child of compulsory school age or a young person has a learning difficulty or disability if he or she has a significantly greater difficulty in learning than the majority of others of the same age, or has a disability which prevents or hinders him or her from making use of educational facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions.
SENCO Special Educational Needs Co-ordinator	A qualified teacher in a school or maintained nursery school who has responsibility for coordinating SEN provision. In a small school, the headteacher or deputy may take on this role. In larger schools there may be a team of SENCOs.
SENDIASS Special Educational Needs and Disabilities Information, Advice and Support Service	A free, impartial and confidential information, advice and support about education, health and social care for children, young people and their parents on matters relating to special educational needs and disability.
SEN Panel	This Panel advises the local authority based on set criteria about the child's special educational needs pre-16 years of age and recommends appropriate courses of action.
(First-Tier) SEND Tribunal	An independent body which has jurisdiction under section 333 of the Education Act 1996 for determining appeals by parents against local authority decisions on education, health and care needs assessments and EHCPs. The Tribunal's decision is binding on both parties to the appeal. The Tribunal also hears claims of disability discrimination under the Equality Act 2010.
SLD Severe Learning Disabilities	A child or young person with severe learning difficulties will usually be diagnosed at birth or in early childhood, and will have little or no speech, difficulty with social skills, and difficulty in learning new skills; they will need support with daily routines, such as washing, dressing and keeping safe, and will need lifelong support.
Special School	A school that is organised to make special educational provision for pupils with SEND.
SpLD Specific Learning Difficulties	This refers to a difference or difficulty a child or young person has with particular aspects of learning. Some specific learning difficulties are dyslexia and dyspraxia.

Statement of SEN

A description of a child's SEN and the placement or provision required to meet those needs. Since the introduction of the Children and Families Act 2014, Statements of SEN have been gradually replaced by EHCPs. All local authorities were meant to have completed the transfer process by 1 April 2018.

Young person

A person over compulsory school age (the end of the academic year in which they turn 16). From this point the right to make decisions about matters covered by the Children and Families Act 2014 applies to the young person directly, rather than to their parents.