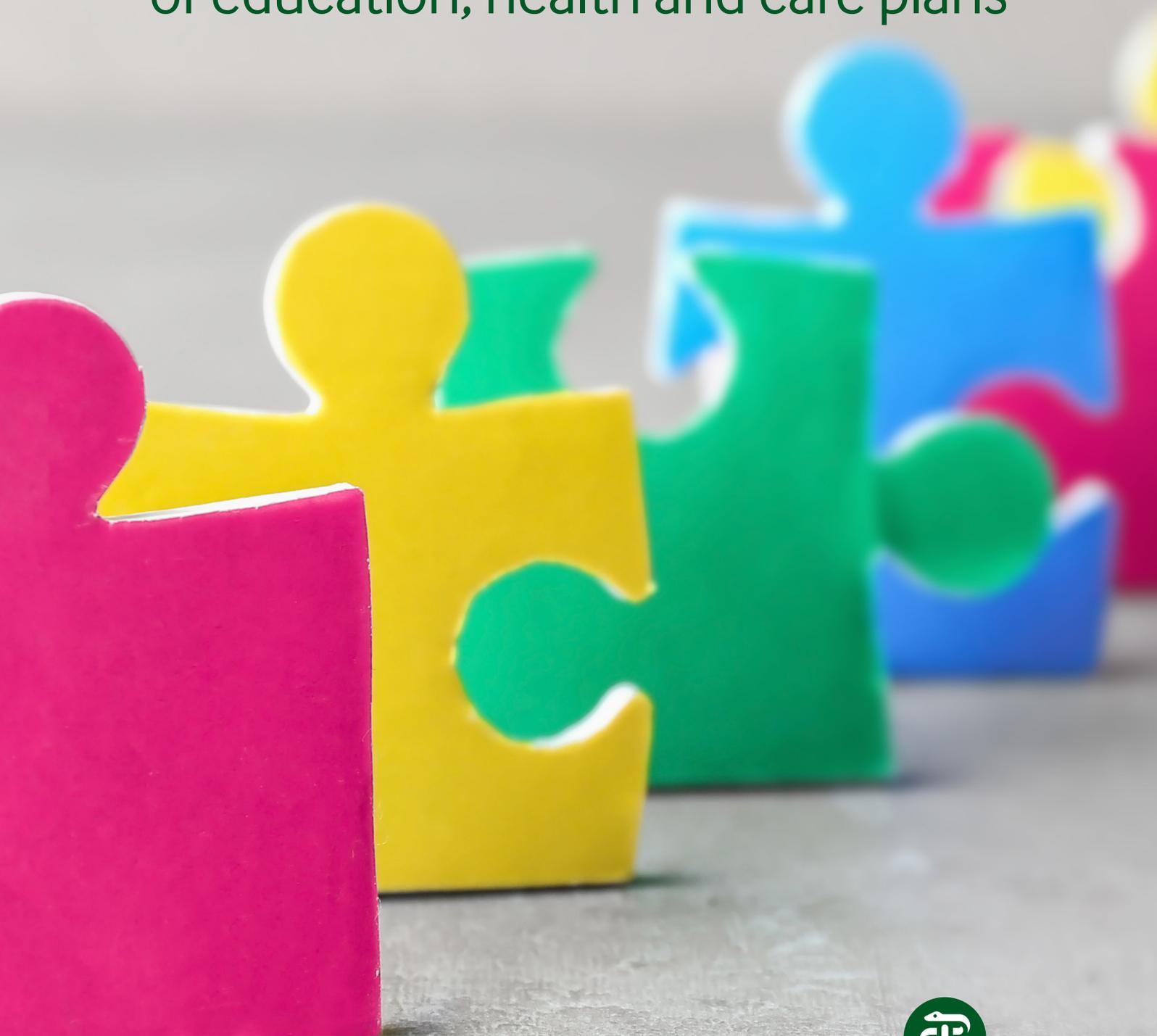


## **Failing a generation:** supporting children and young people in England with autism spectrum disorder through the delivery of education, health and care plans



# Failing a generation: supporting children and young people in England with autism spectrum disorder through the delivery of education, health and care plans

This briefing is England-only as it relates to education, health and care plans. Across the devolved nations there are specific alternative methods of support:

- Wales: IDPs (individual development plans)<sup>1</sup>
- Scotland: CSPs (coordinated support plans)<sup>2</sup>
- Northern Ireland: SEN (special educational needs) framework<sup>3</sup>

## What are EHC plans?

In England EHC (education, health and care) plans are the mechanism to identify what additional support is required to help meet the needs of children and young people aged up to 25 with SEND (special educational needs and disabilities). One group who particularly benefit from an EHC plan are pupils on the autism spectrum – 28.2% of pupils with a statement or EHC plan are on the autism spectrum.

The Children and Families Act 2014 – the legislation which established and underpins EHC plans – allows young people and their families to request local authorities in England to carry out an assessment and provide support, including allocated funding, for each child or young person who applies. The legislation includes a deadline which requires local authorities to deliver plans within 20 weeks of receiving a request for an EHC needs assessment. A timely diagnosis as soon as is possible and appropriate is vital given the crucial stage of development that children and young people seeking support are invariably at. Well implemented plans facilitate child-centred support by coordinating the various health, social care and educational provisions to provide holistic support.

## Understanding performance against the 20-week target for EHC plans

At our 2018 annual representatives meeting, our members raised concerns about the number of EHC plans which are not being delivered within the 20-week deadline. In doing so they highlighted the impact a delayed plan can have on a child or young person's health, education and personal development, for example not being able to access appropriate educational support.

## Understanding overall national performance against the 20-week target for EHC plans

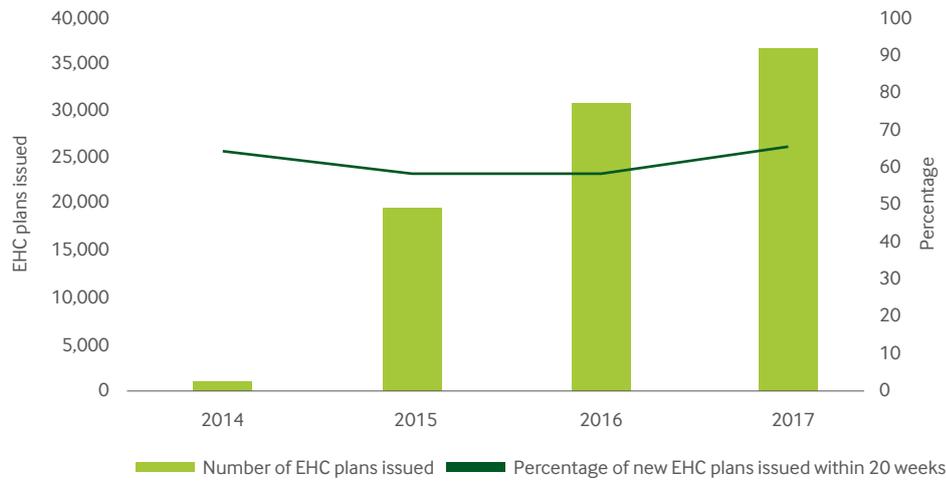
Since EHC plans were first introduced in 2014 there has been a year-on-year rise in the number of plans that have been issued. The most recent data show an 86% increase in the number of plans produced between 2015 (the first full-year of the plans being applied) and 2017.

This is to be expected as children and young people transferred from the system of SEND statements to EHC plans. The true scale of the number of requests that would be appropriate may be higher as recent evidence to the House of Commons Education Committee highlighted issues with even beginning an EHC assessment, for example challenges for parents navigating a complicated system.

While the number of plans issued has increased rapidly, potentially facilitating more support for children and young people, data show only around 65% of plans are issued within the Government's 20-week timeline.

This figure remains largely unchanged over the last three years [Figure 1].

**Figure 1 – Number of EHC plans issued, and percentage of 20-week targets hit, 2014-2017**



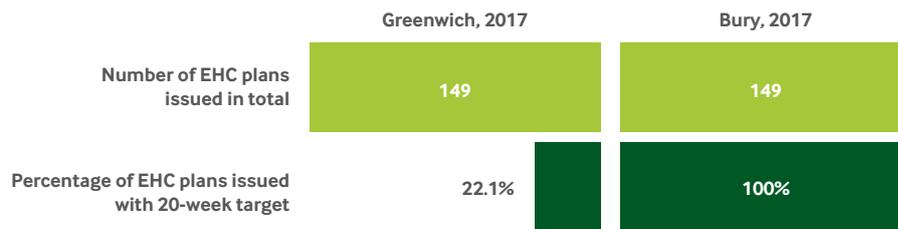
**Source:** Department for Education (2018) *Statements of SEN and EHC plans: England 2018*. London: Department for Education.

**Understanding regional variation in performance against the 20-week target for EHC plans**

While figure 1 indicates that nationally performance against the 20-week target is poor, further investigation finds some local authorities are performing better than others. 2017 results show around a third (32%) of local authorities were able to deliver over 85% of their plans within 20-weeks, while 5% were only able to deliver within the 20-week target 15% of the time.

The number of plans a local authority has to deliver does not seem to determine performance, as indicated by figure 2 which highlights one example but reflects broader trends across England.

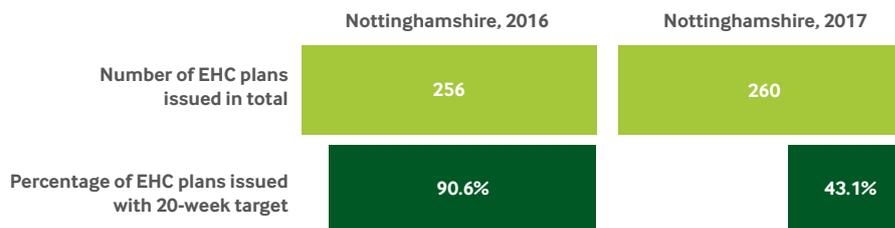
**Figure 2 – Example of two comparable local authorities’ performance in delivering against the 20-week target for EHC plans**



**Source:** Department for Education (2018) *Statements of SEN and EHC plans: England 2018*. London: Department for Education.

There is also considerable variation from year to year, in the performance of local authorities in delivering against the 20-week target. While it is difficult to say what is behind performance, and it is important to recognise that there are number of complicating factors such as funding and staffing which would impact the ability to meet the 20-week target, figure 3 indicates that despite local authorities delivering a similar number of plans, the number issued within 20-weeks varies from year to year. Again, this is indicative of broader trends across England, rather than highlighting a specific issue within a local authority.

**Figure 3 – Comparison of the performance of Nottinghamshire in 2016 and 2017 against the 20-week target for delivering EHC plans**



**Source:** Department for Education (2018) *Statements of SEN and EHC plans: England 2018*. London: Department of Education.

### What factors influence waiting times?

While there are complicated factors behind the ability of local authorities to meet waiting times, one clear factor which has an impact on performance, is the funding made available to implement plans.

The Children and Families Act 2014 set out a new approach to funding SEND support in England. This is largely delivered through the school or college attended by the child or young person, via the existing school's budget or additional local authority funding. While the system is complicated, it is based on three key 'elements' designed to support those with high-needs<sup>a</sup>: 'core funding' (comprising elements one and two)<sup>b</sup>, and 'top-up funding' (the third element)<sup>c</sup>. Top-up funding is drawn down from the local authority's 'high needs' block, and in theory should only be requested if it is felt additional funding is needed. In reality, given the financial pressure facing schools and colleges, they are increasingly turning to the high-needs block to supplement core-funding.

While the Government has in recent years increased the overall budget for high-needs support, including announcing in December 2018 an additional £250 million over the next two years<sup>4</sup>, the increased rate of support will still struggle to meet demand. The LGA (Local Government Association) recently calculated that despite the additional funding, councils still face an estimated gap of up to £1.6 billion by the end of 2021.<sup>5</sup> This only increases the deficit facing local authorities and forces tough decisions and cuts to be made in other areas of their budget.

For children on the autism spectrum, support is vital to ensure they can live a full life in the community. For example, the funding made available by an EHC plan may allow a student on the autism spectrum to continue their education in a mainstream rather than specialist school. Without the necessary financial support, a recent Guardian investigation found that some students were continuing in mainstream education without adequate support, leading to long-lasting psychological repercussions.<sup>6</sup>

- a High needs funding supports 0-25 year olds with SEND. It also supports those of school age who are not in school because they are excluded or otherwise not able to attend school. A child is classified as 'high needs' if their education costs more than approximately £10,000 per year.
- b Core funding is the main block of financial support for schools and colleges in England, distributed through the dedicated schools grant. All post-16 providers, including schools and further education colleges, receive an allocation of funding through the 16-19 national funding formula (element one), plus an amount per high needs place of £6000 (element two).
- c Top-up funding is allocated by local authorities from their high needs block. If the cost is greater than that allocated through core funding, local authorities will allocate the education institution additional funding at a rate determined by the authority.

### Action to improve poor performance against waiting times

Children and young people on the autism spectrum have shone a light on the problems accessing EHC plans. Doctors have seen this across the health-service and are helping patients to manage the health consequences.

Data on performance against the 20-week waiting time target only tells a partial story. It is clear there are inconsistencies between local authorities, as well as between years within individual local authorities. It gives an indication that funding is one factor that is driving performance. In announcing additional funding for the high-needs block, the Government has acknowledged that there is a wide-ranging problem with the system of financing and delivering EHC plans. However, as the LGA and others have highlighted, this does not go far enough, and merely acts as a sticking plaster over wider problems such as increasing demand for support, inflationary pressures on schools and increased specialist support being used at additional cost.<sup>7</sup>

However funding is one factor, and it is widely acknowledged that while complex, other localised factors such as the handling of the appeals process, staffing changes, school capacity and poor communication between different authorities involved in the creation of plans, may influence the time it takes to produce plans.<sup>8,9</sup> This requires further exploration by the Government in a comprehensive review of the delivery of EHC plans now they have been established for a number of years. There can be legitimate reasons for delays in the delivery of a final plan, such as parents requesting amendments or going to tribunal over certain elements of the plan.<sup>10</sup> However there is no reason to suspect that the impact of these factors would vary so dramatically between different areas and over different years.

It is important that the Government recognises the scale of the issue and develops a more in-depth understanding of the long-term solutions that are urgently needed to improve the time children and young people are waiting for EHC plans. Specific actions that are required include:

- the government should conduct a formal review into the issues facing the delivery of EHC plans in England;
- adequate long-term funding should be provided to local authorities, and then to schools through the high-needs block, in order to meet the increased demand for support from EHC plans.

## References

- 1 Additional Learning Needs and Education Tribunal (Wales) Act 2018 available at [http://www.legislation.gov.uk/anaw/2018/2/pdfs/anaw\\_20180002\\_en.pdf](http://www.legislation.gov.uk/anaw/2018/2/pdfs/anaw_20180002_en.pdf) (last accessed on 26.03.2019).
- 2 Education (Additional Support for Learning) (Scotland) Act 2004 available at [http://www.legislation.gov.uk/asp/2004/4/pdfs/asp\\_20040004\\_en.pdf](http://www.legislation.gov.uk/asp/2004/4/pdfs/asp_20040004_en.pdf) (last accessed on 26.03.2019).
- 3 Special Educational Needs and Disability Act (Northern Ireland) 2016 available at [http://www.legislation.gov.uk/nia/2016/8/pdfs/nia\\_20160008\\_en.pdf](http://www.legislation.gov.uk/nia/2016/8/pdfs/nia_20160008_en.pdf) (last accessed on 26.03.2019).
- 4 Department for Education press release (16.12.2018) *New funding to support children with special educational needs*.
- 5 <https://www.local.gov.uk/sites/default/files/documents/20190212%20LGA%20briefing%20-%20SEND%20Funding.pdf> (last accessed on 18.02.2019)
- 6 [www.theguardian.com/education/2017/sep/05/crisis-in-support-for-sen-children-ehc-plans](http://www.theguardian.com/education/2017/sep/05/crisis-in-support-for-sen-children-ehc-plans) (last accessed on 23.01.2019)
- 7 *Hansard* HC Deb. Vol 654, cols.288WH, 12 February 2019. [Online] (last accessed on 18.02.2019) available from: <https://hansard.parliament.uk/Commons/2019-02-12/debates/C11324B9-DB9A-4A18-BEA0-6B622DB08315/SpecialEducationalNeedsAndDisabilitiesFunding>
- 8 Ibid.
- 9 Department for Education (2018) *Education, health and care plans: a qualitative investigation into service user experiences of the planning process: research report*. London: Department for Education.
- 10 Ibid.

**BMA**

British Medical Association, BMA House,  
Tavistock Square, London WC1H 9JP  
[bma.org.uk](http://bma.org.uk)

© British Medical Association, 2019

BMA 20190189