

FAQs

INTRO:

The purpose of this FAQ document is to provide further clarity and assurance in response to the publication of Cognus minutes. It expands on the joint [Cognus/LBS statement](#) released on 16 February 2021.

On 1 February 2021 minutes of Cognus Board meetings between 2018 and 2020 were released by Cognus in redacted form in response to a Freedom of Information (FOI) request. Although the minutes were clearly redacted (in line with FOI legislation), the recipient removed the redaction and made the minutes publicly available. The minutes recorded some discussion as well as the decisions made.

The top priority of Sutton Council and Cognus is to provide the highest possible quality of service to children and young people with Special Education Needs.

Question	Answer
Does Cognus have a target to reduce EHCPs?	<p>No, there are no targets to reduce Education Health and Care Plans (EHCPs).</p> <p>Neither Sutton Council nor Cognus has a policy or target to reduce EHCPs. The targets that Cognus works to are those set by the Department of Education (DfE), for example, the 20 week completion of the Education Health and Care Needs Assessment (EHCNA) process - which was achieved in 97% of cases in the last year - and those set out as Key Performance Indicators (KPIs) through the commissioning contract with LBS. These KPIs cover:</p> <ul style="list-style-type: none">• the timeliness of the EHCNA• the timeliness of annual reviews• appeals• the quality of EHCPs. <p>The Council and Cognus have an action plan to make sure annual reviews are completed effectively, on time and annually. As a result of those reviews, it is clear that some plans have led to meaningful improvements in the outcomes for the child/young person and, consequently, less support is required to continue to make progress.</p> <p>Ceasing to maintain an EHCP will occur later in a child's life for a number of reasons e.g. the achievement of the outcomes, or moving out of borough, or when a young person reaches the end of the academic year in which s/he reached the age of 25. All proposals to cease to maintain EHCPs are considered on a case-by-case basis through annual reviews (or in liaison with the receiving borough in the case of a child or young person moving out of the borough) and are in line with Section 9 of the SEN Code of Practice 2015 from the DfE.</p> <p>Ceasing to maintain EHC Plans is a 'business as usual' process undertaken by all local authorities (LAs) as a result of the requirements of the Children and Families Act.</p> <p>The growth in EHCPs in Sutton has occurred more quickly than the growth of the population: over the last 7 years, the school population has grown by</p>

	<p>approximately 10% whereas the number of EHCPs maintained by Sutton has increased by 84%. Sutton's rate of increase in plans is 20% higher than the national average for the past 7 years.</p>
<p>Does Cognus have a target to reduce Therapies stated as provision in EHCPs?</p>	<p>No. Sutton's commitment to providing therapies is greater now than ever, with a significant increase in investment over the last three years:</p> <p>2021/22 - £3.3m 2020/21 - £2.2m 2019/20 - £1.7m</p> <p>This means that whereas the number of ECHPs has increased by 16% in the past 3 years (from 1656 in 2019 to 1929 in 2021), the funding for providing therapies has almost doubled in the same period of time.</p>
<p>What do you mean by needs that are "predictable" and needs that are "exceptional"?</p>	<p>These are terms that can help schools plan their resources for the year. By thinking about what needs are 'predictable' (i.e. those that they are likely to see most years, or in a range of year groups) schools can develop resources, skills and support in advance of children arriving. This means that provision can be put in place quickly. However, there are some needs which are "exceptional" (i.e. those which mainstream schools will see only occasionally, infrequently or possibly never) and it is likely that the school will require specific training or outreach to support these needs effectively. In essence, these terms are used as part of a framework to support schools to identify what needs they should be able to plan support for from within their own budgets and SEN notional funding. For the avoidance of any doubt, 'predictable/exceptional' need terms are not criteria used when determining whether a child/young person requires an EHCNA or an EHCP - these decisions are made in accordance with the requirements of the Children and Families Act.</p> <p>In Sutton, in addition to the £19M SEN notional funding that schools should be using to support children with SEN, LBS are devolving an additional £400k to schools to help them plan for predictable needs and support children earlier through SEN Support without needing to request an EHCNA or waiting for an EHCP.</p>
<p>How does Sutton make decisions on the Education Health and Care Needs Assessment (EHCNA)?</p>	<p>Following the January 2018 Local Area SEND Inspection where weaknesses in the quality and monitoring of EHCPs were identified, Sutton reviewed the Education, Health and Care Needs Assessment (EHCNA) process to ensure it was in accordance with the Children and Families Act 2014 and the Code of Practice 2015. As part of this review, Sutton introduced greater rigour, focusing on the legal test of the law to ensure fairness and equitable access to resources. This means that since that time, when considering whether an EHCNA is necessary, Sutton considers - as do all LAs - whether there is evidence that, despite the early years provider, school or post-16 institution having taken relevant and purposeful action to identify, assess and meet the special educational needs of the child or young person, the child or young person has not made expected progress.</p> <p>Sutton - as all LAs are expected to do - pays particular attention to:</p> <ul style="list-style-type: none"> ● evidence of the child or young person's academic attainment (or developmental milestones in younger children) and rate of progress; ● information about the nature, extent and context of the child or young person's

	<p>SEN;</p> <ul style="list-style-type: none"> ● evidence of the action already taken by the school or other setting; ● evidence that where progress has been made, it has only been as the result of much additional intervention and support over and above that which is usually provided; ● evidence of the child or young person’s physical, emotional and social development and health needs, drawing on relevant evidence from clinicians and other health professionals and what has been done to meet these by other agencies. <p>Sutton - and all LAs - must conduct an assessment of EHC needs when it considers that it may be necessary for special educational provision to be made for the child or young person in accordance with an EHCP, i.e. that the education provider cannot meet need with the resources ordinarily available to mainstream settings.</p> <p>In deciding whether to make special educational provision in accordance with an EHCP, Sutton Council considers all the information gathered during the EHCNA and sets it alongside that available to the Council prior to the assessment.</p> <p>Where, despite appropriate assessment and provision, the child or young person is not progressing, or not progressing sufficiently well, Sutton Council considers what further provision may be needed.</p> <p>The Council takes into account:</p> <ul style="list-style-type: none"> • whether the special educational provision required to meet the child or young person’s needs can reasonably be provided from within the resources normally available to mainstream early years providers, schools and post-16 institutions or • whether it may be necessary for the local authority to make special educational provision in accordance with an EHCP
<p>What is Cognus’ financial position?</p>	<p>In line with usual practice for a limited company, Cognus’ finances are audited by external auditors. The signed off and audited annual accounts of Cognus for 2019/20 show a reserves position of £430k which is just under 5% of annual turnover.</p> <p>Cognus is a Local Authority Traded company and uses its traded income - i.e. funding it has generated - to reinvest in services for children and young people such as the Local Offer Coordinator, the SEN Support Service, the Autism Service, Brighter Futures and the Inclusion Expert Projects.</p> <p>In addition, for the financial year 21/22 the Council is providing additional monies to Cognus to invest in services for children and young people.</p>
<p>How independent was the Sharon Scott report if the minutes stated that it was <i>“managed” by Cognus itself and Councillor Marian James “fact</i></p>	<p>The Independent Expert Report was commissioned by the Chair of the People Committee as part of the Council’s ongoing review, to support our continuous learning and improvement journey.</p> <p>‘Independent’ in this case means ‘not employed by the council or the company’. The consultant owed a duty of care to the Council who instructed her and ensured that she worked to her brief and provided an independent report. That</p>

<p><i>checked” it before it was allowed to be made public?</i></p>	<p>means, as it does with any consultant appointed by the Council, that they are expected to give a fresh view and that they discuss matters and findings with senior officers and members before final publication of the independent report.</p> <p>The report provided information on the performance of Cognus, showing many areas of strengths but also where there were areas to improve.</p> <p>The Board minutes reflect the fact that Cognus would receive the report prior to publication so that staff could be made aware of the key messages and the Board and management could respond to staff queries. It was also the case that it was shared so that a public response could be developed in preparation for publication.</p> <p>Regarding “fact checking” of the independent report, as Chair of the People Committee, Cllr. James saw the report prior to publication as part of the usual Chair’s briefing. This is done to ensure that the chair has early sight of the proposals. This is standard practice for any report that goes to committee.</p> <p>With any external report commissioned by the Council or Cognus, we want to be sure that it covers the issues in question and that the external consultant has had access to appropriate people, documents and background to draw their conclusions from. As the report included comments on the performance and future working of staff, the Council and Cognus wanted to manage the impact of that on the workforce as it entered the public domain.</p> <p>Activity regarding SEN is a local area focus, feeding into the SEND Continuous Improvement Programme Executive Board. This is a jointly chaired board between the Local Authority and the NHS Clinical Commissioning Group that has key partners from the local area on board including Sutton Parents Carers Forum.</p>
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