

## **Freedom of Information – Response – 27146**

*The questions below relate only to information that is not available through the published DfE dataset.*

*Definitions used in this request*

*"Your authority" means the local authority to which this request has been submitted.*

*"2023", "2024" and "2025" mean the calendar years 1 January to 31 December in each case. Where your authority holds the data only by academic or financial year, please provide the nearest equivalent period and specify which period has been used.*

*"EHCP" means an Education, Health and Care Plan issued under section 37 of the Children and Families Act 2014.*

*"Statutory 20-week timescale" means the period of 20 weeks specified in Regulation 13(2) of the Special Educational Needs and Disability Regulations 2014. For the purposes of this request, an EHCP should be treated as issued within the statutory timescale only if the final plan was actually issued within 20 weeks of the date the request for an EHC needs assessment was received by your authority, regardless of whether any permitted exception under Regulation 13(3) might otherwise have applied. This is consistent with how the Department for Education reports EHCP timeliness statistics.*

*"EP" means Educational Psychologist or Educational Psychology.*

*"Statutory EP advice" means psychological advice and information from an educational psychologist provided under Regulation 6(1)(d) of the SEND Regulations 2014 as part of an EHC needs assessment.*

*"Statutory mediation" means the formal mediation process available under section 55 of the Children and Families Act 2014, and not informal resolution discussions or pre-decision correspondence.*

*"In-house EP service" means Educational Psychologists directly employed by your authority.*

*"External EP" means any Educational Psychologist not directly employed by your authority, whether commissioned via framework, contract, panel, spot-purchase, agency, independent sector provider, or any similar arrangement.*

*"Conceded", in relation to a Tribunal appeal, means any case where your authority changed its position such that the appeal did not proceed to a contested final hearing. This includes cases where the contested decision was withdrawn by your authority, where settlement was reached, where the matter was resolved by any other form of pre-hearing agreement, and where the appeal was withdrawn by the parent or young person following*

a change in your authority's position that addressed the matters under appeal.

### Questions

1. Compliance with phase transfer deadlines Regulation 18 of the SEND Regulations 2014 requires local authorities to review and, where necessary, amend a child or young person's EHCP before specific dates in the calendar year of their transfer between phases of education: 31 March in the case of transfer from secondary school to a post-16 institution, and 15 February in any other case. This question covers all plans subject to phase transfer review, including those reviewed and maintained without amendment.

For each of 2024 and 2025:

(a) the total number of EHCPs your authority was required to review under Regulation 18 in respect of phase transfer to a post-16 institution by the 31 March deadline in the relevant year, and the number for which the review was completed and the final plan (whether amended or maintained without amendment) was issued or confirmed in writing to the parent or young person by that deadline;

For the following academic years:

	2024/25	2025/26	2026/27
Total Yr 11 Phase Transfer Cohort	525	683	893
Yr 11 Phase Transfer Cohort Finalised by 31 March	382	616	806
Yr 11 Phase Transfer Cohort Finalised %	72.8%	90.2%	90.3%

(b) the total number of EHCPs your authority was required to review under Regulation 18 in respect of phase transfer at all other phase boundaries by the 15 February deadline in the relevant year, and the number for which the review was completed and the final plan (whether amended or maintained without amendment) was issued or confirmed in writing to the parent or young person by that deadline.

If your authority does not separately record performance against the two deadlines, a combined figure with that fact noted would be acceptable.

For the following academic years:

	2024/25	2025/26	2026/27
Total Non Yr 11 Phase Transfer Cohort	411	573	802
Non Yr 11 Phase Transfer Cohort Finalised by 15 February	407	566	801
Non Yr 11 Phase Transfer Cohort Finalised %	99.0%	98.8%	99.9%

2. Outcomes of challenges to refusal-to-assess decisions This question concerns decisions by your authority to refuse an EHC needs assessment at the decision-to-assess stage, and the subsequent outcomes where those decisions were challenged. The total number of refusals is published by the Department for Education and is not sought here.

For each of 2023, 2024, and 2025:

(a) the number of refusal-to-assess decisions subsequently challenged by parents through statutory mediation.

2023	2024	2025

253 (part data from April 2023);	134	221
----------------------------------	-----	-----

*(b) the number of refusal-to-assess decisions subsequently challenged by parents through appeal to the First-tier Tribunal (Special Educational Needs and Disability);*

2023	2024	2025
25 (part data from April 2023);	13	21

*(c) of the challenges at (a) and (b), the number where your authority subsequently changed its position and agreed to conduct the assessment, whether by agreement at mediation, by conceding the appeal before hearing, or by Tribunal order;*

2023	2024	2025
218 (part data from April 2023);	97	170

*(d) where available, the average time between the original refusal decision and the decision to proceed with the assessment following a successful challenge.*

Suffolk County Council do not record this information.

**3. Educational Psychology advice within the statutory EHC needs assessment process — timeliness** This question concerns only EP advice provided under Regulation 6(1)(d) of the SEND Regulations 2014 as part of an EHC needs assessment. It does not concern EP advice provided in any other context. The six-week timescale for the provision of statutory advice is set out in Regulation 8(1) of the SEND Regulations 2014, and paragraph 9.52 of the SEND Code of Practice (statutory guidance) confirms this as the universal expectation for advice in EHC needs assessments.

For each of 2024 and 2025:

*(a) the total number of requests for statutory EP advice made by your authority as part of EHC needs assessments;*

2024	2025
2,527	2,228

*(b) the number of those requests returned to the assessment process within six weeks;*

2024	2025
853	1,525

*(c) where requests were not completed within six weeks, the longest time taken, measured in completed weeks. If your reporting system also calculates the median delay,*

*please provide that figure.*

	2024	2025
Longest	50.7	57.7
Median time	31	4.4

*. Provenance of Educational Psychology advice used to inform EHCPs issued within the statutory timescale This question concerns EP advice used to inform the content of an EHCP during the statutory EHC needs assessment process. It does not concern EP advice obtained for other purposes such as ordinary SENCO support, school-commissioned assessments unconnected to a statutory assessment, or private reports obtained before an assessment was requested.*

*For EHCPs issued by your authority within the statutory 20-week timescale in 2024 and in 2025:*

*(a) whether your authority records, for each such plan, the source of the EP advice used to meet the Regulation 6(1)(d) requirement;*

Yes

*(b) if such records are held, the number of those EHCPs where the statutory EP advice was:*

*(i) produced by your authority's in-house EP service as part of the statutory assessment process;*

For those completed within the 6-week statutory deadline:

2024	2025
10	213

*(ii) produced by an external EP commissioned and paid for by your authority for the purpose of that statutory assessment;*

For those completed within the 6-week statutory deadline:

2024	2025
843	1,312

*(iii) produced by an EP identified, instructed, or funded by the child's parents, family, or school, whether during the statutory assessment or in the period immediately preceding it, where the report was then accepted by your authority to meet the Regulation 6(1)(d) requirement rather than your authority separately commissioning its own EP advice;*  
EP service does not record this data

*(c) if the data is not held in the form described at (b), please confirm that and provide any related information that is held. For example, the number of EHCPs issued within the statutory timescale where the EP advice on file was not produced by your authority's in-*

house service.

N/A

**5. Use of external Educational Psychologists to provide statutory advice**

(a) whether your authority has arrangements in place under which external EPs can be commissioned to provide statutory EP advice when in-house capacity is insufficient to meet the six-week timescale. This includes frameworks, contracts, panels, spot-purchase arrangements, agency instructions, and similar mechanisms;

Yes

(b) whether such arrangements were in place during 2024 and 2025;

Yes

(c) the number of statutory EP advice requests referred to external EPs through those arrangements in each of 2024 and 2025;

2024	2025
1,919	2,024

(d) the process by which the decision to commission external EP advice is made. For example, whether it is made by a named officer, by a panel, or triggered automatically when in-house waiting times exceed a specified threshold.

Allocation decisions are made by Senior Educational Psychologists

**6. SEND corporate complaints**

For each of 2024 and 2025:

(a) the total number of formal corporate complaints received by your authority classified as relating to SEND services, or the nearest classification your authority uses;

We can confirm that Suffolk County Council holds this information. However, the information is readily accessible to you, as it is already in the public domain.

**Section 21** of the FOIA states that a public authority does not need to provide information under section 1 of the Act if that information is reasonably accessible to the applicant by other means.

The information requested can be found in the Annual Report of Compliments, Comments and Complaints taken to Audit Committee annually in September. Further information can also be found in the Minutes from each meeting. The Report and the minutes can be found via the following link:

[Committee Documents - Committee Minutes](#)

(b) of those, the total number that were upheld or partially upheld at any stage of your authority's complaints procedure, including the final stage;

See above

(c) if your authority does not separately classify SEND complaints, please provide the total number of children's services complaints and confirm that SEND complaints are not

separately identifiable.

See above

#### 7. LGSCO decisions relating to SEND

For each of 2023, 2024, and 2025:

(a) the number of decisions issued by the Local Government and Social Care Ombudsman against your authority in relation to SEND matters;

(b) the total value of financial remedies recommended by the LGSCO in those decisions.

This information is typically contained in the LGSCO's annual letters to your authority. If your authority does not hold the information directly but does hold those annual letters, the figures drawn from them would be sufficient.

We can confirm that Suffolk County Council holds this information. However, the information is readily accessible to you, as it is already in the public domain.

**Section 21** of the FOIA states that a public authority does not need to provide information under section 1 of the Act if that information is reasonably accessible to the applicant by other means.

The information requested can be found in the Annual Report of Compliments, Comments and Complaints taken to Audit Committee annually in September. Further information can also be found in the Minutes from each meeting. The Report and the minutes can be found via the following link:

[SearchResult - Local Government and Social Care Ombudsman](#)

#### 8. SEND Tribunal appeals and concessions For each of 2023, 2024, and 2025:

(a) the total number of appeals registered against decisions of your authority at the First-tier Tribunal (Special Educational Needs and Disability).

2023	2024	2025
199	286	478

(b) the number of those appeals conceded by your authority before final hearing. Outcomes of contested hearings are not sought under this question.

Suffolk County Council do not hold this information as we do not distinguish in our reporting which ones were outcome at hearing and which were pre-hearing.