

SEND/EHCP Panel

Terms of Reference

Background and principles

The SEND Panel was set up as part of a new SEND system supporting the implementation of the SEND reforms in 2014 to support joint working and decision making.

Principles and approaches:

- To work together for positive outcomes for children and young people
- Aspirational and person centred
- Empowers children and families/ young people, promote equalities and supports preparing for adulthood
- Evidence based, proportionate and value for money
- To ensure safeguarding measures are in place

These Terms of Reference are designed to be realistic, practical and to provide the right balance between improving the outcomes for children, young people and families living in Slough and the need for the Local Authority to carry out their duties, using robust decision making and accountability procedures.

National legal framework, policy and guidance

Panel members must have regard to and comply with the following:

Children and Families Act 2014

The SEND Code of Practice 2015

Education Act 1996

Equalities Act 2010

Advice and guidance from The Department for Education (DfE) and SEND Pathfinders

Relevant practice guidance from professional bodies

Objectives

- To ensure consistent and appropriate decisions within the statutory framework for special educational needs and disabilities (SEND) meet the identified needs of children and young people.
- To ensure financial probity and transparent decision making in relation to additional resources to meet identified funding through High Needs Block resources.
- To ensure timeliness of decision making in keeping with the EHCP statutory twenty week guidelines deadline.

Decision Making

Whilst the contributions of all panel members will be given due and respectful consideration it is the Chair of Panel that has the responsibility of making the final recorded decision

The Chair of the Panel will decide whether or not to carry out a statutory (EHCP) assessment in line with the Children and Families Act 2014 Section 36 (8)

the local authority must secure an EHC needs assessment for the child or young person if, after having regard to any views expressed and evidence submitted under subsection (7), the authority is of the opinion that

(a) the child or young person has or may have special educational needs, and

(b) it may be necessary for special educational provision to be made for the child or young person in accordance with an EHC plan (1).

- The Chair of the Panel will decide whether or not to issue an EHCP at the conclusion of the assessment in line with the Children and Families Act 2014 Section 37

Where, in the light of an EHC needs assessment, it is necessary for special educational provision to be made for a child or young person in accordance with an EHC plan—

- (a) the local authority must secure that an EHC plan is prepared for the child or young person, and
- (b) once an EHC plan has been prepared, it must maintain the plan.

- The Chair of the Panel will decide the provision to be made through a support plan (EHCP)
- The Chair of the Panel will decide any changes to that provision as requested as a result of a review of that plan
- The Chair of the Panel will make decisions on whether to allocate funding for children below statutory school age using the Early Years Inclusion Fund
- The Chair of the Panel will decide on any recommendations for change of placement in line with the Children and Families Act 2014 Section 39 in line with parental preference unless subsection 4 (below) applies

(a) the school or other institution requested is unsuitable for the age, ability, aptitude or special educational needs of the child or young person concerned, or

(b) the attendance of the child or young person at the requested school or other institution would be incompatible with—

(i) the provision of efficient education for others, or

(ii) the efficient use of resources

- In relation to special education cases the Panel will follow the statutory SEND Code of Practice and the Children and Families Act 2014

Occurrence and location

- The Panel will meet weekly, each Tuesday at 09:30 to discuss individual cases
- Panel will take place at St Martins Place, Slough
- In the event of Bank Holiday or National Holiday, the panel will be rearranged for the day after or alternatively for the afternoon, to give all parties time to read and analyse the documentation.

Membership

Panel membership will include the following:

- Chair of Panel (either a SEND Manager or the Inclusion Service Lead)
- A Senior Educational Psychologist on a rotational basis
- Education, Standards and Effectiveness Officer SEND
- Early Years professional from Slough Borough Council

- Senior Manager representing Children's Social Services (Slough Children's Services Trust)
- Representative Head Teacher, on a rotational basis (both primary and secondary) . If a Head Teacher wishes to take their school SENDCo with them, this is accepted by panel, however, it will have to be notified at least one week in advance upon the receive of the panel papers
- Community paediatrician or other health representative
- FE College representative as necessary (this may be only for specific Panel meetings, notified to the FE rep in advance)
- Observers by invitation only, eg social workers, school SENCOs, other health staff, parent/carer representatives
- There will be a person taking the notes of decisions, from the Business support Department.

Panel members and their responsibilities

- To provide expertise in their own specialist area and offer impartial advice on individual cases without promoting the interests of their service or setting
- To use their experience and knowledge and offer views on assessment, outcomes, appropriate and proportionate provision and other matters in relation to children and young people aged 0-25 with SEND
- To offer relevant advice about legislation, codes of conduct, reforms or priorities in education settings, services or organisations
- To advise on the effectiveness of proposed EHC plans, SEND/EHC procedures, provision and communication

Confidentiality

Panel representatives must uphold confidentiality in all cases considered at SEND Panel and act in accordance with the Data Protection duties of the LA and working together to safeguard children. Panel members do not advise on decisions about cases which they are directly involved in or where there may be a conflict of interest. Only the Chair of Panel will be able to discuss the cases with parties involved after a decision is made. In line with this, Panel will not be subject to minutes, only decisions/recommendations will be recorded in writing. All panel members will be required to sign a confidentiality agreement at the beginning of each panel.

Chair

SEND Panel will be chaired by the Service Lead for Inclusion or a SEND Manager, whose role is to ensure all cases are considered fairly and on their own merits and that there is consistency in decision making. The Chair of Panel will summarise the decision to be

recorded by the person taking the notes. The Chair of Panel is the Duly Authorised LA officer with delegated budget responsibility for SEN and the LA designated officer for LA decisions on Education, Health and Care needs assessments and Plans.

Supporting information for panel

- supporting information required
 - from parents and carers
 - from children and young people
 - from schools, colleges or early years settings and
 - from other professionals supporting the family
- where the Panel is asked to advise on a special education matter, the SEND Case Officer will prepare the relevant written documentation and a summary of the case within the front sheet
- where recommendations on care packages are to be considered, the Social Worker will prepare the relevant written documentation e.g. core assessment and will provide a summary of the case specifying the recommendations and cost
- where the Panel is asked to advise on an allocation of support for a pre-school child, the referrer will provide a copy of the agreed request form and copies of any supporting evidence with a summary specifying the recommendation and cost
- Early Years Inclusion Fund forms will be presented to the SEND Panel by the EY Area SENDCo as per instruction on this form.
- where recommendations on other matters are to be considered, the relevant officer will prepare the written documentation and provide a summary of the case
- all paperwork will be distributed electronically to Panel members at least three working days in advance unless there are exceptional circumstances

RECORDS

- the recommendations and action points for each child/young person will be recorded on the summary record sheet which is distributed to all panel members and SEND officers the same day of the Panel.
- the Chair of the Panel can, as a duly authorised officer, make a different decision to that recommended by the Panel or make a provisional decision prior to authorisation via the panel. This will be only in exceptional circumstances and the reasons will be recorded on the summary record sheet, and discussed at the next panel date

- On occasions where the chair of Panel has to make a decision out of this forum, the case will be presented to the following SEN panel for formalisation of the decision and it will be recorded in the summary record sheet
- the Practice Manager will record Social Care decisions on ICS
- parents/carers will be informed of recommendations and subsequent decisions of the Panel by the SEN Case Officer, Social Worker or Early Years professional, depending on the specific circumstances; they will also be informed of their rights if they wish to challenge the recommendations and the associated decisions taken by the Local Authority.

Annual Review process.

Outcomes from annual reviews will not be routinely discussed at Panel providing the revised Plan is within or less than the identified Top Up budget.

ANY request for change in Top Up Banding, Change in Place/Provision or failure to make appropriate Education progress must also be reported to the panel. By presenting the completed paperwork and evidence to this Panel.

In such cases the relevant SEND Officer will request that this case is added to the next Panel's agenda

Please note the process diagram informing this process and the statutory twenty week timeline for EHCP.