SEND in Suffolk

Terms of Reference for SEND (special educational needs and disability) Statutory Panels

**Version details**

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* Responsibility to review: Francesca Alexander, Head of Service for SEND

# Introduction

Arrangements for taking decisions about Education, Health & Care (EHC) Needs Assessments (EHCNAs), Plans (EHCPs) and annual reviews were reviewed in the 2021/22 academic year, and it was agreed that a new set of decision-making arrangements will be put in place. Central to these new decision-making arrangements will be the operation of two sets of EHC Panels, both of which will operate in the three Suffolk Areas (North, South and West):

1. The **County EHC Needs Assessment Panel** responsible for taking decisions about whether to carry out statutory assessments;
2. the **Area EHCP Panel** –amend a plan, cease a plan, adopt a plan, agree a placement; personal budgets, sign-off of health components, LA specialist schools and units, tribunals and
3. the **County Independent Placement Panel** – responsible for taking decisions about non-maintained independent special schools

The terms of reference set out, in parallel, the roles, membership, principles and processes of these three Panels in parallel.

# Part 1: The role of the Panels

## Upholding the strategic vision for SEND in Suffolk

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| **The vision for children and young people with SEND in Suffolk**  Working together, we will support all children and young people with SEND to meet their potential; and live active, healthy, and fulfilling lives as part of their communities. Children, young people, and their families will be listened to, included and empowered, and will have access to the right support at the right time from the right people. |

We will ensure that our Panel processes and decisions have the child and young person at the heart to empower children, young people, and their families to;

* have the opportunity for early identification of needs and support;
* have greater choice and control over the support they receive;
* participate in decision making;
* have support for preparing for transition at the appropriate phases;
* prepare for adulthood, including independent living and employment

We will ensure that we make effective use of resources and provision available to Suffolk children and young people.

We will ensure we use evidence-based information to align provision and resources to the needs of children and young people to achieve their best outcomes.

We will aim to work collaboratively with parent/carers and young people, schools, education, health and social care to identify needs and provide appropriate support. We will ensure that we work together to focus on inclusive practice and removing barriers to learning.

We will ensure that every child and young person has appropriate and suitable education.

We will ensure that the safeguarding of children and young people will be at the centre of all panel decisions.

## The role of the Panels in decision making

The role of the Panels is to ensure that the local authority’s statutory responsibilities for making decisions in relation to the EHC system are fulfilled by providing advice to the officers who have delegated authority to take those decisions, under the Suffolk SEND scheme of delegation. The Panels also ensure that the statutory responsibilities of other partners, such as Clinical Commissioning Groups, can be discharged effectively.

All decisions that come before the Panels should be considered on their own merits. There are not “blanket policies” to be applied, and decisions should be considered in a person-centred manner, informed by the information and evidence about a young person and their needs. In contributing to the Panel’s deliberations, all officers making decisions about EHC needs assessments and plans in Suffolk must have regard to the following national guidance and legislation –

* Children and Families Act 2014 and its associated regulations;
  + Special Educational Needs and Disability Regulations 2014
  + Special Educational Needs and Disability (Personal Budgets) Regulations 2014
  + Special Educational Needs and Disability (Detained Persons) Regulations 2015
  + Special Educational Needs and Disability (First-tier Tribunal Recommendations Power) Regulations 2017
* SEND Code of Practice 0-25 Years (January 2015);
* Tribunal Procedures (First Tier Tribunal) (Health, Education and Social Care Chamber) Rules 2008;
* Children's Act 1989;
* Chronically Sick and Disabled Persons Act 1970;
* DfE Statutory Guidance *- Working Together to Safeguard Children* (July 2018) and *Keeping Children Safe in Education*(September 2022);
* School Admissions Code of Practice;
* Equality Act 2010;
* *DfE Statutory Guidance - Supporting pupils at school with medical conditions*;
* Mental Capacity Act 2005;
* Care Act 2014; and
* The School and Early Years Finance (England) Regulations 2022.

Similarly, all officers making decisions about EHC needs assessments and plans in Suffolk should also have regard to the following local guidance, which sets out the practices and processes that must be consistent across the SEND system in Suffolk –

* Suffolk SEND scheme of delegation [[1]](#footnote-2);
* Suffolk SEND strategy;1
* Suffolk ordinarily available framework;1 [[2]](#footnote-3)
* EHC needs assessment guidance; 1
* Suffolk banding framework;1
* Suffolk EHCP quality-assurance framework; 1
* Suffolk EHCP annual review guidance.1

*Suffolk SEND documents will be available on the Local Offer by March 2023.*

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| **Panel** | **Role and decisions** |
| **County EHC Needs Assessment Panel** | To consider all new requests for EHC needs assessment, and to decide whether to carry out an EHCNA, informed by the Code of Practice and the Suffolk EHC needs assessment guidance document.  To consider requests for re-assessment.  To ratify decision made at Tribunal and any extraordinary decisions made outside of panel (as per Scheme of Delegation) and record outcomes in agenda in relation to placement. |
| **Area EHCP Panel** | To consider –   * whether to issue a new EHCP; * the content and resourcing of proposed new EHCPs[[3]](#footnote-4); * significant changes following annual reviews (defined at changes of 2 or more High Needs Funding bands, or a change of placement type) * the content of EHCPs adopted from local areas if there is not a straightforward equivalent within Suffolk to the provision in the EHCP. * To sign off EHCP Health (Section G) element * if Independent Placement should be considered * proposed placements in relation to tribunal resolution   To ratify decision made at Tribunal and any extraordinary decisions made outside of panel (as per Scheme of Delegation) and record outcomes in agenda in relation to placement. |
| **County Independent Placement Panel** | To consider   * any request for a personal budget, and/or bespoke package of education * an independent and/or out of County education placement and associated funding * proposed placements in relation to tribunal resolution   To ratify decision made at Tribunal and any extraordinary decisions made outside of panel (as per Scheme of Delegation) and record outcomes in agenda in relation to placement. |

# Part 2: The membership of the Panel

## The role of the chairperson

In each area, responsibility for chairing the Panels will be as follows.

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| **Panel** | **Chairperson/Vice Chairperson** |
| **County EHC Needs Assessment panel** | Family Services Operational Manager  Family Services Area Manager (Vice Chair) |
| **Area EHCP Panel** | Family Services Area Manager  (Family Services Area Manager Vice Chair) |
| **County Independent Placement Panel** | Head of SEND Services  Headteacher of Specialist Education Services (Vice Chair) |

If for any reason the nominated chairperson is not available and the meeting should go ahead, the role of the chairperson will be delegated to the nominated vice chair.

The role of the Panel chairperson is to ensure that –

* all cases brought to the Panel are considered appropriately, fairly, and looked at as an individual
* decisions are taken in line with the SEND legislation, informed by the available evidence and in a consistent manner.
* decisions and the reasons for them are recorded fully and accurately.

The chairperson is responsible for the conduct of Panel meetings and will endeavour to reach consensus with the Panel. Where agreement cannot be reached, however, the final responsibility for making decisions rests with the Panel chairperson, in line with the delegated authority that they hold under the Suffolk SEND scheme of delegation. The chairperson must ensure that decisions are taken in the best interests of children and young people, while upholding the effective use of public resources.

## Membership

The membership of each Panel will be as follows.

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| **Panel** | **Members** |
| **County EHC Needs Assessment Panel** | **Family Services Operational Manager \*** (Chair)  **Family Services Area Managers (Vice Chair rota)**  **Deputy/Senior Educational Psychologist (SEP)\*** (To consider evidence, allocate advice if the decision is to assess / agree next steps if the decision is not to assess).  **Head of Service from Specialist Education Service teams\*** to provide an understanding of school / setting context, systems and practices.  **School and setting representatives** (school / setting context, to build understanding of the EHC process amongst school / setting staff).  **Designated Lead from Social Care/Early Help** (to check involvement of social care / consider assessment if “not known”, consider referral to / involvement of early help).  **Designated Health Representative\*\*** (to check involvement of health services / consider assessment if “not known”, signpost, provide consultancy and guidance regarding referrals for medical needs)  **Suffolk County Council Early Years team representative** to provide an understanding of early years provision context, systems and practice. |
| **Area EHCP Panel** | **Area Family Services Managers \*** (Chair/Vice Chair)  **Deputy/Senior Educational Psychologist (SEP)\*** (To provide professional advice and guidance regarding the needs of the child and possible measures of support and intervention).  **Head of Service from Specialist Education Service teams\*** to provide an understanding of school / setting context, systems and practices.  **School and setting representatives** (school / setting context, to build understanding of the EHC process amongst school / setting staff).  **Designated Lead from Social Care** (to check involvement of social care / consider assessment if “not known”, consider referral to / involvement of early help and sign off social care content of EHCP).  **Designated Health Representative\*\*** to review the quality and completeness of the health-related content of EHCP. Any provision over the core commissioned offer must be escalated to the Integrated Care Board (ICB) Designation Clinical Officer (DCO) or commissioner on identification of the needs by the designated health professional.  **Suffolk County Council Early Years team representative** to provide an understanding of early years provision context, systems and practice. |
| **County Independent Placement Panel** | **Head of SEND Services\*** (Chair)  **Headteacher of SES\*** (Vice chair)  **Principle Educational Psychologist (PEP)\* t**o provide professional advice and guidance regarding the needs of the child and possible measures of support and intervention  **School and setting representatives** school / setting context, to provide a perspective on resourcing in a school / setting context, and to build understanding of the EHC decision-making process across schools and settings  **Designated Social Care Officer (DCSO)**to provide advice on escalation to complex cases  **Designated Clinical Officer (DCO) Health Representative\*\*** to provide advice on escalation to complex cases |

\*This designates the core membership who must be present or represented as a minimum in order for the Panel meeting to be quorate. It is, however, essential that there are contributions from education (including colleagues with direct experience in settings and school classrooms), health and care colleagues at each Panel meeting. If one of the other Panel members is unable to attend a meeting, they should nominate a representative who will attend on their behalf and with the delegated authority to provide advice and take decisions on behalf of their service and/or contribute their views virtually. The Local Area are working together to establish the most effective logistics of this if attendance at panel is not always possible. This will remain under review.

\*\*There is commitment across the local area to explore and confirm what the specified health representation shall be for the panels, considering the resources and support required, and to ensure appropriate flexibility to adapt the health representation to the findings of the evaluation process.

The Assistant Director of Inclusion and the Head of SEND Services will have permanent status as a panel member at all panels so that they can attend panel meetings across the county as necessary.

## The role of members

To ensure effective, informed, and timely decision-making through Panel discussions, it will be the responsibility of all Panel members to –

* read papers in advance of panel meetings[[4]](#footnote-5);
* take collective responsibility for helping to reach decisions
* offer advice on requests for assessments, completed assessments, provision and outcomes in line with their specific, specialist areas of expertise.
* offer impartial advice on individual cases, without promoting the interests of any individual service.
* offer advice about the SEND legislative framework to ensure decision-making is robust and compliant with the legislation and the Code of Practice; and
* declare any personal or professional knowledge of individual cases, including any potential conflicts of interest.

## Resource Coordination

Effective resource coordination is crucial to the smooth running of the panels. The resource coordination will be undertaken by Chairs of panels and SCC Officers tasks include –

* confirming dates, times and venues / joining instructions for meetings at least a term in advance;
* pro-actively confirming and managing attendance to ensure meetings are quorate and there is appropriate representation and contributions from the relevant services;
* preparing and distributing the paperwork for Panel meetings at least two working days in advance of the meetings;
* ensure that all paperwork submitted is completed and return to sender any that are not completed in full;
* escalate to Panel Chair where the agenda are not balanced to allow sufficient timely discussion;
* recording the decisions and reasons for decisions taken in the Panel meetings, and capturing any relevant data (for example, quality-assurance scores, data on repeat requests for assessments); and
* ensuring these are logged and communicated to the appropriate colleagues.
* provide updates and budget monitoring on panel decisions
* informing County Independent Panel chair of any extraordinary decisions to be added to the agenda
* provide data analysis of panel decisions to inform planning, reviewing and evidencing outcomes

## SEND Family Services

SEND Family Services are responsible for liaising with families and compiling the evidence to be considered by the Panel.

The allocated Family Services Officer will be required to attend to the County Independent panel, to provide clarification and answer any questions the panel may have to inform decision making.

Family Services will be responsible for sharing the panel decisions with parents / carers and settings.

## Quality assurance

The quality assurance of the panels will be overseen by the SEND Progress and Quality Assurance team and members of this team may attend any panel for observation purposes.

## Panel observers

From time to time, there may be reason for other colleagues who are not members of the Panel to join for all or part of the Panel’s discussions. This may be to improve transparency, seek feedback, ensure consistency across areas, ensure accurate feedback of Panel decisions to settings or families, or offer professional development. These colleagues will have the status of “Panel observers”. Panel observers must abide by Panel rules in relation to confidentiality and data protection. Panel observers may not take part in any elements of the Panel’s discussions of cases.

Any requests to be a Panel observer must be made to the Panel’s chairperson. If someone is to join a meeting as a Panel observer, this must be notified to Panel members in advance of the meeting.

# Part 3: How the Panels will operate

## Preparation required for Panel meetings

Decisions taken at Panel meetings will be based on written evidence provided. It is vital, therefore, paperwork that is provided to inform the Panel’s deliberations is –

* of a consistently high-quality;
* relevant to the decision being considered;
* is compiled and distributed to Panel members in a timely manner in advance of Panel meetings; and
* is read by Panel members in advance of each meeting.

Papers to be considered by the Panel must be received at least two working days in advance of meetings. Papers received after this deadline will normally be deferred until future meetings, unless the Chair decides extraordinary circumstances apply. Similarly, cases with insufficient detail will be deferred to future meetings and followed up with the relevant Manager. The table below sets out the key documentation that should be submitted for any cases to be considered by the Panels.

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| **Panel** | **Documents required** |
| **County EHCNA panel** | * Request for EHC assessment * Contributions from the young person and parents / carers * Other reports / assessments from professionals/ services * Information from educational setting |
| **Area EHCP Panel** | **For proposed new EHCPs**   * Needs Assessment Report/ draft plan * Contributions from the young person and parents / carers. * Professional advice   **For existing EHCPs, including those following an annual review**   * Annual review report * Contributions from the young person and parents / carers   Professional reports and other contributions relevant to the recommendations being considered  **For EHCP from another Local Authority (LA)**   * Current EHCP * Contributions from the young person and parents/carers * Professional advice from previous LA |
| **County Independent Placement Panel** | * EHCP (Final/draft) * Information from area panel regarding what has already been explored * Contributions from the young person and parent/carers * Professional reports and other contributions relevant to the recommendations being considered * Detailed breakdown of the cost of any proposed placements |

## Timing and frequency of Panel meetings

EHCNA and EHCP panel meetings will take place weekly throughout the year – during term-time and during the school holidays.

County Independent Placement panel will meet fortnightly.

## Recording of decisions

All Panel meetings will be documented using a standard Record of Decision format.

Decisions reached through Panel discussions and the reasons for those decisions will be recorded on the individual’s record on the case management system and on the Panel log.

## Communicating Panel decisions

Panel decisions will be communicated to parents / carers and settings by SEND Family Services. This will always be done in writing, but where possible it is recommended that the SEND Family Services speaks directly to the parents / carers and setting to explain the reasons for the decision and the next steps. Response to Families must be sent within 5 working days.

All letters to families should be copied to the school the child is on role at.

# Part 4: Confidentiality

## Confidentiality and data protection

Panel members and observers must treat all information relating to the cases that they are considering as confidential. They must ensure that regulations relating to data protection are upheld.

Panel members must declare an interest in cases in which they have a direct interest or where there may be a conflict of interest. In instances where a Panel member has a direct interest or where the chairperson considers that there is a conflict of interest, that Panel member will not have any involvement in the decision making process and will be excused from the meeting for the agenda item.

# Part 5: Review

## Feedback and reflections

Members of the Panel, those attending Panel meetings as observers, and those receiving feedback about the decisions taken through the Panel discussions are welcome to provide feedback to the Panel chairperson or to the Head of SEND at any time. Minor practical changes that could assist with the smooth running of the Panels and would not alter materially the processes set out in these terms of reference or undermine compliance with the relevant legislation can be made with the agreement of the Panel chairperson and the Head of SEND.

## Review of Panel Terms of Reference

The operation of the SEND Panels and these terms of reference will be reviewed and, if necessary, updated after the initial 6 months. Feedback will be gathered from members of the Panels in each Area, alongside feedback from other stakeholders across the SEND system in Suffolk – settings, schools and colleges, parents, and carers – to inform that review. Responsibility for the review of the Panels and making recommendations regarding the future operation of the Panels and the terms of reference will sit with the Head of SEND and they will lead on any decisions about the future operation of the Panels and the terms of reference.

This document will remain a draft whilst the panel launch is completed and will be finalised in the Spring term 2023.

1. In draft to be completed [↑](#footnote-ref-2)
2. SEND Code of Practice [SEND\_Code\_of\_Practice\_January\_2015.pdf (publishing.service.gov.uk)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf) [↑](#footnote-ref-3)
3. Link to High Tariff Needs Funding where necessary [↑](#footnote-ref-4)
4. All papers should be available 3 working days prior to panel [↑](#footnote-ref-5)