

SEND in Suffolk

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

Version details

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- Updated by: Jen Beaton, Lucy Jacobs, Gillian Tate, Gabby Thompson & Joanna Howell,
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- Responsibility to review: Joanna Howell, Panel Resource Manager

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 **Decision to Issue Panel** – Following statutory assessment this panel reviews assessment information and makes the decision on whether to issue an Education Health Care Plan (EHCP) or not.
3. The **Area EHCP Panel** – makes local based decisions on whether to consult to local specialist schools, looks at requests for full or partial re-assessments and whether to cease an EHC plan
4. The **County Independent Placement Panel & Specialist placement consult outcomes**– responsible for taking decisions about non-maintained independent special schools, agreement of placement and funding for special schools and specialist independent schools.
6. The **Funding Panel** - responsible for making decisions about funding related to education personal budgets, and funding for alternative provision requests

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

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;
- Suffolk SEND strategy;¹
- Suffolk Mainstream Inclusion Framework (SMIF); ²
- Staff manual and process maps
- Suffolk banding framework (high needs funding);¹
- Suffolk EHCP quality-assurance framework;(currently under review) ¹

Panel	Role and decisions
County EHC Needs Assessment Panel	<p>To consider all <u>new requests</u> 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.</p> <p>To consider requests for re-assessment.</p> <p>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.</p>
Decision to Issue	<p>To Consider-</p> <ul style="list-style-type: none"> • whether to issue a <u>new EHCP</u> • the content and resourcing of proposed new EHCPs³; • the content of EHCPs adopted from local areas if there is not a straightforward equivalent within Suffolk to the provision in the EHCP.
Area EHCP Panel	<p>To consider –</p> <ul style="list-style-type: none"> • significant changes following <u>annual reviews</u> (defined as changes of 2 or more High Needs Funding bands, or a change of placement type) • If local offer special placement should be considered • Request to cease • Request for full or partial reassessment • Request for Inclusion facilitator support

¹ Currently under review

² SEND Code of Practice [SEND Code of Practice January 2015.pdf \(publishing.service.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/426273/SEND_Code_of_Practice_January_2015.pdf)

³ Link to High Tariff Needs Funding where necessary

County Independent Placement Panel & SPCO	<p>To consider</p> <ul style="list-style-type: none"> • an independent and/or out of County education placement and associated funding • proposed placements in relation to tribunal resolution • agreement of placements for special school and specialist independent schools. • Review of IPA <p>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.</p>
Funding Panel	<p>To Consider</p> <ul style="list-style-type: none"> • any for a personal budget, and/or interim package of education • Requests for SaLT & OT assessments • Requests for independent assessments

Part 2: The membership of the Panel

The role of the chairperson

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

Panel	Chairperson/Vice Chairperson
County EHC Needs Assessment panel	Family Services Deputy Head of SEND SEND Practice Manager (Vice Chair)
Decision to Issue	Family Services Deputy Head of SEND SEND Practice Manager (Vice Chair)
Area EHCP Panel	Family Services Area Manager (Chair) Rota (Family Services Area Manager (Vice Chair) Rota)
County Independent Placement Panel & SPCO	Deputy Head of SEND Services (Chair) Deputy Head of SEND Services (Vice Chair)
Funding Panel	Deputy Head of SEND Deputy Head of SEND (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.

Panel	Members
County EHC Needs Assessment Panel	<p>Deputy Head of SEND* (Chair)</p> <p>SEND Practice Manager (Vice Chair)</p> <p>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).</p> <p>Specialist Education Service teams* to provide an understanding of school / setting context, systems and practices.</p> <p>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).</p> <p>Designated Health Representative** (to check involvement of health services / consider assessment if “not known”, signpost, provide consultancy and guidance regarding referrals for medical needs)</p> <p>Suffolk County Council Early Years team representative to provide an understanding of early years provision context, systems and practice.</p>
Decisions to Issue	<p>Deputy Head of SEND* (Chair)*</p> <p>SEND Practice Manager (Vice Chair)*</p> <p>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).</p> <p>Designated Health Representative** (to check involvement of health services / consider assessment if “not known”, signpost, provide consultancy and guidance regarding referrals for medical needs)</p> <p>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).</p> <p>Specialist Education Service teams* to provide an understanding of school / setting context, systems and practices.</p> <p>Suffolk County Council Early Years team representative to provide an understanding of early years provision context, systems and practice.</p>
County Area EHCP Panel	<p>Area Family Services Managers (rota) * (Chair/Vice Chair)</p> <p>Deputy/Senior Educational Psychologist (SEP)* (To provide professional advice and guidance regarding the needs of the child and possible measures of support and intervention).</p>

	<p>Designated Lead from Social Care (to check involvement of social care / consider assessment if “not known”, consider referral to / involvement of early help.</p> <p>Specialist Education Service teams* to provide an understanding of school / setting context, systems and practices.</p> <p>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.</p> <p>Suffolk County Council Early Years team representative to provide an understanding of early years provision context, systems and practice.</p>
<p>County Independent Placement Panel & SPCO</p>	<p>Deputy Head of SEND Services* (Chair)</p> <p>Deputy Head of SEND Services * (Vice chair)</p> <p>Educational Psychology Service* To provide professional advice and guidance regarding the needs of the child and possible measures of support and intervention</p> <p>Designated Social Care Officer (DCSO) to provide advice on escalation to complex cases</p> <p>SEND Practice Lead to provide support and follow up on casework</p> <p>SEND Practice Lead</p> <p>Panel Resource Team member*</p> <p>Transport</p> <p>Tribunal Team</p>
<p>Funding Panel</p>	<p>Deputy Head of SEND (Chair)*</p> <p>Deputy Head of SEND (Vice Chair)*</p> <p>CYP Specialist Provision Manager*</p> <p>CYP Funding and Policy Manager</p> <p>Panel Resource Manager*</p> <p>SEND Practice Lead</p> <p>Health</p>

*This designates the ideal core membership who should be present or represented. It is, however, ideal from multi-agency working 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 –

- 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.

Panel	Documents required
County EHCNA panel	<ul style="list-style-type: none"> • Request for EHC assessment • Contributions from the young person and parents / carers • Other reports / assessments from professionals/ services • Information from educational setting
Decision to Issue	<p>For proposed new EHCPs</p> <ul style="list-style-type: none"> • Needs Assessment Report/ draft plan • Contributions from the young person and parents / carers. • Professional advice
Area EHCP Panel	<p>For existing EHCPs, including those following an annual review</p> <ul style="list-style-type: none"> • Annual review report • Contributions from the young person and parents / carers

	<ul style="list-style-type: none"> Professional reports and other contributions relevant to the recommendations being considered <p>For EHCP from another Local Authority (LA)</p> <ul style="list-style-type: none"> Current EHCP Contributions from the young person and parents/carers Professional advice from previous LA
County Independent Placement Panel & SPCO	<ul style="list-style-type: none"> 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
Funding Panel	<ul style="list-style-type: none"> Personal budget request form to include a breakdown of costs and link to Section F of the EHC plan, or Provider offer form Panel request sheet, including summary information of CYPs journey to date Draft, Final or draft amended plan and AR as appropriate Contributions from the young person and parent/carers Professional reports and other contributions relevant to the recommendations being considered

Decisions made outside of panel

In exceptional circumstances decisions may be made outside of panel by the Chair. These are decisions that need to be made in the moment, due to exceptional time or other circumstances. In these instances, if it is agreed it will be added onto the next agenda to be ratified in the panel.

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 review is completed and will be finalised in the summer term 2025.