



Education, Health and Care Plans - A guide to the decision-making processes

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## 1.0 Introduction

### 1.1. Purpose and function

This is an operational guidance for parents, carers, young people, educational settings, and practitioners from educational, health and care. It aims to support the decision-making process so that these are consistent, transparent and robust.

The guidance outlines practical arrangements related to the South Gloucestershire's SEND decision making processes, specifically the decision to:

- Initiate an Education, Health and Care Needs Assessment (EHCPNa)
- Issue an Education Health and Care Plan
- Amend an Education Health and Care plan.

The guidance should be considered together with key national statutory documents such as the SEND Code of Practice 2015, the Equality Act 2010 and other relevant statutory instruments, which outline duties on local authorities, schools, settings and colleges related to inclusion, equality and disability.

The Code of Practice states (9.16) *Local Authorities may develop criteria as guidelines to help them decide when it is necessary to carry out an EHNC assessment.*

The local authority considers all the needs of children and/or young people **individually** and will depart from the guidelines where there is a compelling reason to do so,

Developing such guidelines is a dynamic process. The local authority together with educational settings across all age groups, parents and carers will work together to monitor the effectiveness of these guidelines and will make adjustments where necessary.

### 1.2 The Local Authority's Commitment to Co-production

Co-production with parents and children and young people (CYP) is key to all decision making. Having users at the heart of decision-making helps to bring children and young people, parents and services together to form a shared vision of a child's needs, make the most appropriate provision and gaining the best possible outcomes. All decisions should be informed by ongoing, detailed analysis of the hopes and aspirations of children, young people and parents.

This means that when education settings and advice providers are contributing evidence as part of the EHC process this must show how parents and children and young people have been engaged and included.



To formalise the commitment to co-production and the way the local authority works, a Co- production charter has been developed: this can be found on the South Gloucestershire Local offer [link to local offer](#)

## 2.0 What are Special Educational Needs (SEN)?

The Children and Families Act 2014 defines when a child or young person has Special Educational Needs (SEN). This is a two-part test and says a child or young person has SEN if:

- 1.) they have a learning difficulty or a disability, and
- 2.) this calls for special educational provision to be made for them.

### Learning difficulty or disability

- For children of compulsory school age or young people, they will have a learning difficulty if they have a significantly greater difficulty in learning than the majority of others of the same age.
- For children of compulsory school age or young people, if they have a disability (as defined in section 6 of the Equality Act 2010), which prevents or hinders them making use of educational facilities of a kind generally provided for others of the same age in mainstream schools or post 16 institutions, and this calls for special educational provision to be made for them then they also meet this definition.
- For children under compulsory school age, they have a learning difficulty or disability if they are likely to have a learning difficulty or a disability having such an impact when of compulsory school age (or would be likely, if no special educational provision were made).

### Special educational provision

- For children aged 2 and over and all young people, this is educational or training provision that is different from or additional to that normally available to children and young people of the same age in mainstream settings, or
- For children under 2 years old, it is educational provision of any kind, and
- For all children or young people, it is health care provision or social care provision which educates or trains the child or young person.

Children reach compulsory school age on 31 December, 31 March or 31 August following their fifth birthday - whichever comes first. If their fifth birthday is on one of those dates, then they reach compulsory school age on that date.

Compulsory school age ends on the last Friday in June which falls in the academic year in which they turn 16. After this point, they are “young people” and remain so until the age of 25 years.

## 2.1 What action should be taken when a special educational need is identified?

Once the special educational need is identified it is very important that special educational provision is made. The provision should be evidence based, focused on the identified need and its impact should be monitored over time.

The assessment process and information gathering should include early discussion with the child or young person and their family.

This additional support is known as SEN Support. School will deliver this via a Graduated Approach which will include 4 stages: Assess – Plan – Do – Review.



**Assess** - clear analysis is made of needs based on:

- views of the child/young person and their parents/carers
- teacher assessments and observations
- pupil's current attainment
- pupil's previous progress and attainment
- tracking of progress and comparisons with national data
- assessments by external agencies if appropriate

**Plan** - following assessment, the teacher, SENCO, parent/carers and pupil, agree on a plan of action to include:

- time limited outcomes for the pupil
- the adjustments, support and interventions to be put in place
- a date for review.

All planning must be pupil centred and outcomes focussed and recorded

**Do** - all the pupil's teachers and support staff are made aware of the plan and implement the adjustments, support and interventions. Teachers are responsible for:

- differentiating and personalising the curriculum
- delivery of 'additional and different' provision for a pupil with SEN
- planning, support and impact measurement of all group and one-to-one interventions delivered by support staff
- linking interventions to classroom teaching

The SENCO supports teachers in the effective implementation of provision.

**Review** - the quality, effectiveness and impact of provision is evaluated by the review date.

This includes sharing information with pupil and parent/carers and seeking their views.

The cycle then starts again at assess with the updated needs of the pupil being considered before planning a continuation of or change to provision.

[South Glos Way](#) provides detailed guidance and support on how to identify SEN and what provision should be ordinarily available in educational settings in the local area. [Link to South Glos Way](#)

## 2.2 What is not special educational need but could impact on the child/young person ability to learn?

Early years settings, schools and colleges have a duty to monitor progress of all children and young people. Sometimes lack or slow progress becomes a cause for concern. A delay in learning may not indicate that a child or young person has special educational need that calls for special educational provision. Quality of teaching and learning should always be considered as a possible reason for unexpected slow progress and widening gaps in attainment.

Educational settings should also carefully consider if issues other than special educational need impact on progress and/or attainment. They may include:

- Disability (the code of practice outlines the reasonable adjustment duty for all settings schools and colleges provided under the Disability Equality legislation; these alone do not constitute SEN)
- Attendance and punctuality. (Although it is important to remember this may be an indicator of unmet need)
- Medical needs
- Welfare needs
- English as additional language

### 2.3 Children with medical needs and no special educational need

Children or young people may have medical needs but no special educational needs. Their support should be put in place and monitored in partnership with parents/career and must be informed by the advice from the relevant medical professionals.

The national statutory guidance on supporting children is available

<https://www.gov.uk/government/publications/supporting-pupils-at-school-with-medical-conditions--3>

Local guidance, process and the relevant forms and templates can be found in the [South Glos Toolkit Section 6.19](#)

Children or young people with medical needs and no special educational needs should not be referred for an Education, Health and Care Needs assessment.

## 3.0 Decision as to whether an EHC needs assessment is necessary

The vast majority of children or young people will have their needs met by the school without the need for an EHC needs assessment.

The local authority will decide whether to carry out an EHC needs assessment either following a request, as set out at paragraph 4.2, or on becoming responsible for particular child or young person. The local authority will make its decision in accordance with paragraph 4.0.

In making its decision as to whether to carry out an EHC needs assessment, the local authority will consider all the evidence. Factors the local authority may consider are (not excluding other relevant factors and individual circumstances):

- if 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,
- 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 SEN,
- evidence of the action already being taken by the early years provider, school or post-16 institution to meet the child or young person's SEN,
- 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, and
- 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.

When looking at progress, the local authority will consider progress in areas other than attainment – for instance where a pupil needs to make additional progress with wider development or social needs in order to make a successful transition to adult life. The local authority will not assume that attainment in line with chronological age means that there is no learning difficulty or disability. Some learning difficulties and disabilities occur across the range of cognitive ability and, if left unaddressed may lead to frustration, which may manifest itself as disaffection, emotional or behavioural difficulties.

Where a young person is aged over 18, the local authority must consider whether the young person requires additional time, in comparison to the majority of others of the same age who do not have special educational needs, to complete their education or training. Remaining in formal education or training should help young people to achieve education and training outcomes, building on what they have learned before and preparing them for adult life.

### **Individual circumstances**

In some instances when the above evidence is not available an EHC needs assessment is still appropriate. For example, this could be when the child or young person develops severe and complex needs as a result of an illness or accident or when they move into South Gloucestershire having not previously had access to an EHC needs assessment.

### **3.1 What happens once an EHC Needs assessment request is received?**

When an EHC needs assessment request is received by the Education Health and Care Plan Co-ordination Team it will be considered at the weekly New Assessment panel.

A representative of the Access and Response Team will confirm receipt of the request.

The local authority must make a decision as to whether to go ahead with an EHC needs assessment within 6 weeks from receiving a request.

Following the decision, a representative of the LA will communicate with parents/carers and educational settings giving a formal notification.

### **3.2 Who decides whether an EHC needs assessment takes place?**

The decision whether to start an EHC needs assessment is made by the Chair of the SEN panel. For more information about the Panel, please refer to Appendix C of this guidance (SEN Panel, terms of reference). Decisions are based on the written evidence presented to the members of the Panel.

Parents and educational settings are informed of the Panel's decision by their EHCP Coordinator Officer. A formal letter is then sent to confirm the decision:

- If the EHC needs assessment is agreed the EHCP Coordinator will write to request the relevant assessments and will coordinate the process. The coordinator will also be a single point of contact throughout the assessment.
- If an EHC needs assessment is not agreed, the letter will state any reasons why. The EHCP Coordinator will offer the opportunity to speak with the parents and/or educational settings to discuss the reasons for the decision and the way forward for the individual child or young person. The letter will also provide information about independent advice and support and the route to appeal.

### **3.3 Who can support young people and parents/carers with EHC needs assessments?**

The SEND Code of Practice requires local authorities to offer impartial information, advice and support that must be available to young people/parents/carers throughout the EHC assessment and planning process.

The local authority commissions *Supportive Parents*, a local organisation, to provide a SEND Information, Advice and Support Service (SENDIASS) for parents and young people. Further details of the range of services they provide can be found on their website. [Link to Supportive Parents website](#).

Further information about this service can be found on the local authority's SEND Local Offer at [South Gloucestershire Local Offer](#)

## 4.0 Education, Health and Care Needs Assessment

The majority of children or young people who have SEN, will have their needs met through the additional and different provision provided at SEN Support/Graduated Approach in their early years setting, school or college. Please see the South Gloucestershire Toolkit: [The Graduated Approach](#).

A person-centred approach must be taken and the 'assess, plan, do, review' cycle used.

Every educational setting in South Gloucestershire should provide [high quality teaching](#) that is differentiated, personalised and age appropriate for all children and young people, including those who have SEN. It is important that the educational setting should be able to evidence support delivered to meet needs through record keeping e.g. using [My Support Plan](#).

Where there is evidence that a child or young person has, or may have, special educational needs, and there is evidence it may be necessary for special educational provision to be made for them in accordance with an EHC plan, then an EHC needs assessment will be carried out.

### 4.1 Who can request a statutory EHC needs assessment?

- A person acting on behalf of an educational setting e.g., special educational needs co-ordinator (SENCO). This should be with the knowledge and agreement of the parent/carer or young person where possible.
- A child's parent or carer, when the child is under 16 or over 16 if the young person is unable to do so.
- A young person over the age of 16 but under the age of 25.
- Other people who know the child/young person well, e.g., health and social care professionals, early years practitioners, members of youth offending teams, probation officers, family friend. This should be with the knowledge and agreement of the parent/carer or young person where possible.

Most requests for EHC needs assessments are made by the educational setting, school or college.

### 4.2 How can an EHC needs assessment be requested?

#### **By educational settings**

Educational settings in partnership with the young person and/or their parents or carers, can request an EHC statutory assessment by completing the Education Health and Care Needs Assessment request form and appending relevant up-to-date evidence. Requests for an EHC needs assessment made by educational settings may be considered via other formats in some circumstances.

This form can be found in section [6.4](#) of the South Glos Toolkit.

Such requests should be discussed at the review meeting of the *Assess Plan Do Review* cycle. It is very likely that other professionals would be invited and take part in this discussion.

Early years settings/schools/colleges must ensure that the parent signing the form has parental responsibility and that they have given informed consent for the request to be made. Forms that are not signed will be returned.

#### **By the young, person, their parent or carers and other people who know the child or young person**

The young person, their parent or carers and other people who know the child or young person may request an EHC needs assessment in writing, by post or email, to the address below:

Access and Response

PO Box 1955 Bristol BS37 0DE

Accessandresponse@southglos.gov.uk

Tel. 01454866000

It is very helpful to give reasons why an EHC needs assessment is necessary.

It is always best to discuss such request with the educational setting as education setting will always be asked to provide advice even if a child or young person or parent makes the initial request.

Parents/Carers and young people may find it helpful to use this form: [Parent/carers/young person request form](#)

### 4.3 What happens during an EHC Needs Assessment?

An EHC needs assessment is an opportunity for multiple agencies to assess and define an individual's needs and, if required draw up an EHC plan.

As part of the EHC needs assessment, the local authority will seek advice and information from parents and relevant professionals to ascertain:

- what needs the child or young person has,
- what provision might be required to meet those needs, and
- what outcomes are expected to be achieved by the child or young person as a result of receiving that provision.

This information and evidence will be considered by the local authority to determine whether the child or young person requires special educational provision in accordance with an EHC plan.

The EHC needs assessment process may or may not result in the local authority issuing an EHC plan.

### 5.0 What is an EHC plan?

An EHC plan is a legal document which is issued when it is necessary for special educational provision to be made in accordance with an EHC plan. The EHC plan will be drafted on the basis of the views of the child and their parents, or the young person, and the information and advice gathered during the EHC needs assessment process. All EHC plans must specify:

- all the child's or young person's special educational needs;
- all the outcomes sought for him or her;
- all the special educational provision required by him or her;
- any health care provision reasonably required by the learning difficulties and disabilities which result in him or her having special educational needs;
- in the case of a child or a young person aged under 18, any social care provision which must be made for him or her by the local authority as a result of section 2 of the Chronically Sick and Disabled Persons Act 1970; and
- any social care provision reasonably required by the learning difficulties and disabilities which result in the child or young person having special educational needs, to the extent that the provision is not already specified in the plan.

An EHC plan may also specify other health care and social care provision reasonably required by the child or young person. For more information about the EHC Plans, please see [South Glos Local Offer EHCPs](#).

## 5.1 Deciding whether to Issue an Education Health and Care Plan

The local authority will look at all the evidence gathered during the EHC needs assessment when deciding whether or not to issue an EHC plan. An EHC plan will be issued if, 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.

If that is the case, the local authority will secure that an EHC plan is prepared for the child or young person, and once an EHC plan has been prepared, it will maintain the plan.

### Deciding about suitable placement

Parents, carers and young people can request the following settings:

- a maintained school or nursery (mainstream or special)
- an Academy (mainstream or special)
- an institution in the Further Education sector
- a non-maintained special school
- a section 41 setting (you can check here: <https://getinformation-schools.service.gov.uk/>)

The local authority will agree to this request unless:

- the setting is unsuitable for the age, ability, aptitude or SEN of the child or young person; or
- the attendance of the child or young person would be incompatible with the provision of efficient education for others; or
- the attendance of the child or young person would be incompatible with the efficient use of resources.

The local authority cannot refuse a mainstream education setting on the grounds that it is not suitable.

Parents, carers and young people may ask for a setting not on the above list, such as a wholly independent setting. However, the local authority is not under the same conditional duty to agree these placements.

As these providers are not subject to the same duty to admit a child or young person when named in an EHC Plan, in addition to the above, the local authority must also be satisfied that the institution would admit the child or young person before naming it in the EHC Plan.

In deciding whether to name such a setting, the local authority will consider:

- whether it is appropriate, in respect of the child or young person's SEN and required special educational provision;
- the general principle that pupils are to be educated in accordance with the wishes of their parents, so far as that is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure; and
- the views, wishes and feelings of the child and their parents, or of the young person.

### What happens following a decision to issue an EHCP plan?

Once the decision to issue an EHC Plan is made, the local authority will send a letter of confirmation to the parents of the child confirming this decision.

The local authority will then prepare a draft EHC Plan based on the information and evidence obtained during the assessment process and a copy of the draft EHC Plan will be provided to parents and carers for their review. The draft EHC Plan will not name a school or other institution at that point. Information will be provided so that parents, carers or young people can access details of schools and colleges.

The local authority will provide the draft EHC Plan to parents, carers or young people giving at least 15 days for comments to be made on the plan and to request a particular school or college. Parents, carers and young people may request a meeting to discuss the content of the draft EHC Plan.

The Local Authority will consider the representation made by parents, carers and young people on the draft EHC Plan, and the plan will be refined and finalised.

### **Best Practice in writing Outcomes**

The local authority wants the best possible long-term outcomes for all children and young people with SEN. Therefore, expressing the intentions for a child with SEND in terms of outcomes allows the local authority to maintain its focus on what is important **to** and important **for** the child.

Outcomes must address the special educational needs identified and inform the provision to be implemented to meet those needs.

In brief, Outcomes need to:

- be aspirational: move the child's learning towards a future they and their family want.
- be SMART: Specific, Measurable, Achievable, Relevant and Time-bound.
- offer a range of outcomes focussing on the needs of the whole life of the child.
- be forward thinking.
- be based on what the child or young person can control and influence.
- be something that everyone can clearly visualise.
- demonstrate what "Difference/Benefit/ Change" is expected.

### **If the decision is made not to issue an EHC Plan**

The case officer will contact the child or young person's parents/carers and school/educational provider to inform them of the decision of the panel and provide copies of all reports obtained throughout the assessment process.

Parents/carers will be advised of their route to appeal the decision.

The information within the assessment will then be shared with school/educational provider to inform the approach they should take to provide SEN Support, where necessary.

Details of the range and type of support offered at SEN Support is detailed within the [South Glos Toolkit](#).

## **6.0 What is an annual review?**

Reviews must take place annually and will generally be arranged at the school or institution attended by the child or young person. The review will focus on the child or young person's progress towards achieving the outcomes specified in the EHC plan. The review must also consider whether these outcomes and supporting targets remain appropriate and review the special educational provision to ensure it is being effective in ensuring access to teaching and learning and making progress.

The review will also consider the continuing appropriateness of the EHC Plan in light of the child or young person's progress during the previous year or changes in circumstance. This could include changes to the education establishment or whether the plan is still required.

If there is evidence of a change in need or the child or young person is at risk of placement breakdown, an annual review will be held or brought forward.

[Annual review paperwork can be found here.](#)

An annual review, sometimes called an SEN review must:

- Focus on a child or young person's progress towards their outcomes and longer-term aspirations, as specified in EHC plan.
- Consider how the young person is being supported to move on to their next stage of education, (transition) being prepared for adulthood or future employment.
- Identify any change in circumstances.
- Consider whether the existing description of needs, outcomes, longer term aspirations and supporting provision remain appropriate.
- Be undertaken in partnership with the child or young person and their parent, taking account of their views, wishes and feelings.
- Consider whether any changes to provision or the educational setting are to be recommended.
- Consider whether the EHC plan should be discontinued.
- Include written contributions from all professionals involved with the child.

It is important that the annual review meeting considers evidence from the child or young person, the parents/carers, the school/educational setting and all professionals currently involved.

## 6.1 Decisions following annual reviews

Within four weeks of the date of the annual review, the local authority will decide whether to:

- Maintain the EHCP with no change, or
- Maintain the EHCP with changes, or
- Cease the EHCP, or
- Carry out a reassessment of needs.

If the local authority proposes to amend the EHC Plan, the process will be followed as set out at paragraph 5 above, which will allow parents, carers and young people to comment on the draft amended EHC Plan before finalising.

### **Amending the EHC Plan**

When writing an EHC Plan, it is usually expected that outcomes will be sustained over the following key stage. However, changes to an EHC Plan may be needed more frequently for younger children whose needs can change more rapidly than those of older children.

Minor changes related to small steps progress will not normally indicate the need to change the wording of the EHC Plan.

Should significant changes to the EHC Plan be proposed, the local authority will require evidence of assessments, contributions or reports relevant to the requested change. For example, a request for a change in the level of need or provision related to speech and language will normally require evidence from a speech and language therapist to support the proposal.

Requests for significant increases in the level of support or a change to the type of placement will be referred to the Resource Panel which will consider the request in light of evidence provided through the annual review process.

The local authority will consider making amendments to the EHC Plan where the proposed amendments demonstrate:

- a detailed analysis of need including the impact of SEN on the child or young person's learning;
- evidence that the current school/educational setting has taken all possible steps and made reasonable adjustments and implemented advice from appropriate professionals.

## **Appendix A - Evidence guidance to consider when deciding whether the Local Authority should conduct an Education Health and Care Plan Needs Assessment.**

In making its decision as to whether to carry out an EHC needs assessment, the local authority will consider all the evidence.

Each request for a statutory EHC needs assessment is considered individually. Factors the local authority may consider are (not excluding other relevant factors and individual circumstances):

- if 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,
- 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 SEN,
- evidence of the action already being taken by the early years provider, school or post-16 institution to meet the child or young person's SEN,
- 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, and
- 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.

Where a young person is aged over 18, the local authority must consider whether the young person requires additional time, in comparison to the majority of others of the same age who do not have special educational needs, to complete their education or training. Remaining in formal education or training should help young people to achieve education and training outcomes, building on what they have learned before and preparing them for adult life.

The local authority must have regard to the views of parents, children and young people and ensure that they have access to impartial information, advice and support so that they can take part in the assessment and planning process.

Written evidence is presented to the members of the New Assessment Panel to ensure consistency and transparency of decision-making.

In line with the requirements set out in the SEND code of Practice (9.14), the decision to undertake statutory assessment is informed by these principal considerations:

- The severity, complexity and long-term nature of the special educational need
- Despite relevant, purposeful, evidence-based support and making reasonable adjustments the child/young person is not making progress

### **Consideration 1. The severity, complexity and long-term nature of the special educational need**

A consideration will be whether the severity of child/young person's difficulties will prevent them accessing learning.

#### **Severity**

The severity of need will be considered within the context of:

- (i) Standardised tests and teacher/practitioner assessment levels which provide objective evidence about attainment and progress (Appendix A).
- (ii) The percentage of the population achieving the same level or below.
- (iii) Observations and assessments over time (typically at least six months).

It is essential that when describing need that this description benefits from considerable analysis and exploration. That context, frequency, and implications on the child's ability to learn is evaluated and described and that the identification of needs is informed by and impacts upon the support the child has been given.

The local authority will not assume that attainment in line with chronological age means that there is no learning difficulty or disability.

### Complexity

Some children and young people have needs that span across two or more areas of SEN. It may be possible for a number of less severe special educational needs to have a significant cumulative effect on a child/young person's progress and an EHC needs assessment may be appropriate.

Please see below for further information on the broad areas of SEN.

### **Consideration 2. Despite relevant, purposeful, evidence-based support and making reasonable adjustments the child/young person is not making progress.**

The SEND Code of Practice requires educational settings to implement relevant, purposeful and evidence-based support and to make reasonable adjustments for a child/young person who is not making progress.

The local authority will usually expect schools to have implemented the actions set out in the [South Glos Toolkit](#) and to have evaluated and monitored the impact of these over a reasonable period of time before requesting an EHC needs assessment.

When considering whether the school has made relevant and purposeful activity it is important to consider if the educational setting has:

- Correctly identified SEN?
- Selected evidenced based intervention matching the type of need and is proportionate to the severity of need?
- Deployed best practice as described by the education endowment foundation?
- Engaged relevant specialist agencies? It is expected that any advice from specialists has been implemented and given time to support the learner and show progress.

It is important to identify any additional factors that may be impacting on a child or young person's progress, such as school attendance, and for school to show how they have addressed any such factors.

### **Consideration 3. Progress over time**

In some cases, despite consistent application of high-quality teaching and appropriate, focused additional support, the child or young person will make less than expected progress given their age and individual circumstances.

Concerns about progress can be characterised by progress which:

- Is significantly slower than that of peers starting from the same baseline
- fails to match or better the child's previous rate of progress
- fails to close the attainment gap between the child and their peers, or the gap widens.

### **Consideration 4 - Other circumstances**

It may be necessary to request a statutory assessment without the evidence of actions taken by the early years setting, school or college.

These circumstances include:

- A child/young person, previously not known to the LA or educational setting (for example mover in from abroad or a different local authority who has been in receipt of a very high level of support without the requirement of an EHC plan) whose learning difficulties are so severe that they are likely to require

immediate specialist support, aid or adaptations over and above that normally available through the graduated response at SEN support.

or

- An unexpected/sudden and significant special educational need which occurred as a result of a medical condition or an accident.

### **Broad areas of SEN**

(SEND Code of Practice 6.28 – 6.35)

Some children and young people have needs that fit into one discrete area, some have needs that span two or more areas and for a small number of children and young people the precise nature of their need may not be clear. The local authority will normally expect a graduated approach to be used and the 'assess, plan, do, review cycle' to be implemented. It may be necessary to test out interventions as part of this process, to judge their effectiveness for the child or young person, as this will provide further information about the precise nature of their needs. In exceptional circumstances, it may be possible for a number of less severe special educational needs to have a cumulative effect on a child or young person's educational progress and an EHC needs assessment may be appropriate even though any one need may not be at the level that would usually be considered to require an EHC needs assessment.

The SEND Code of Practice describes Special Educational Needs (SEN) in four broad areas of need:

#### **1. Communication and Interaction**

- Autistic Spectrum Disorder (ASD)
- Speech, Language and Communication Needs (SLCN)

#### **2. Cognition and learning**

- Moderate learning difficulty (MLD)
- Profound and multiple learning difficulty (PMLD)
- Severe learning difficulty (SLD)
- Specific learning difficulty (SpLD)

#### **3. Social Emotional and Mental Health**

#### **4. Sensory and/or Physical Needs**

- Hearing impairment (HI)
- Multi-Sensory impairment (MSI)
- Physical disability (PD)
- Visual impairment (VI)

### **Communication and Interaction**

Children and young people with communication and interaction needs have difficulty in communicating with others. This may be because they have difficulty expressing themselves, understanding what is said to them and / or they do not understand or use the social rules of communication. They may have difficulty with one, some or all of the different aspects of speech, language or social communication at different times of their lives. Children and young people with autism are likely to have particular difficulties with social interaction, communication and imagination which can impact on how they relate to other people.

<b>Possible indicators of need</b>
In the Early Years – tracked progress <sup>16</sup> indicates a significant developmental delay, which could be 1 year behind at 24 months, 2 years behind at 48 months. In the Early Years or school a speech and language therapist identifies severe language disorders affecting vocabulary, phonology and a range of significant

and complex communication difficulties including expressive and receptive language, semantics and pragmatics. The child or young person presents with frequent and intense social interaction difficulties which severely impact on their access to the curriculum eg severe difficulties in following instructions, highly atypical behaviours, significant resistance to changes in routines, highly inappropriate social behaviour leading to social isolation.

**Additional indicators which may be present**

Associated social, emotional and / or mental health difficulties and / or speech and language difficulties affecting self-esteem, social skills and relationships and / or involvement from a wider multidisciplinary team is required to plan and monitor progress and / or requires additional support from social care where the child / young person's disability has a substantial or critical impact on the quality of the child / young person's life and / or information from health and / or social care professionals indicates continuing health care needs or that a continuing health care needs assessment is necessary.

**Cognition and learning**

Children and young people with cognition and learning difficulties learn at a slower pace than their peers, even with appropriate differentiation. Learning difficulties cover a wide range, including:

- moderate learning difficulties (MLD)
- severe learning difficulties (SLD) - associated mobility and communication difficulties and support is needed in all areas of the curriculum.
- profound and multiple learning difficulties (PMLD) - severe learning difficulties as well as a physical disability or sensory impairment
- specific learning difficulties (SpLD) - one or more specific aspects of learning are present as in dyslexia, dyscalculia and dyspraxia.

**Possible indicators of need**

In the EY the progress check at age 2 indicates that there is a concern the child may have a developmental delay. The delay could be

- Foundation Stage 1 at or below 18 - 24 months
- Foundation Stage 2 at or below 24 - 30 months with progress towards the Early Learning Goals being significantly slower than for other children of the same age. In school or further education attainment in key areas of the curriculum is well below age-related expectations with significant difficulties with most aspects of learning, for example:
  - acquiring concepts
  - developing and applying learning skills
  - processing and retaining information.
  - generalising learning, concepts, skills
  - acquiring specific skills

**Additional indicators which may be present**

Associated social, emotional and / or mental health difficulties and / or involvement from a wider multidisciplinary team being required to plan and monitor progress and / or requires additional support from social care where the child / young person's disability has a substantial or critical impact on the quality of the child / young person's life and / or information from health and / or social care professionals indicates continuing health care needs or that a continuing health care needs assessment is necessary, and / or has a condition which may severely affect cognition and learning over time

**Social, emotional and mental health difficulties**

Children and young people with social, emotional and/or mental health needs may become withdrawn or isolated or display challenging, disruptive or disturbing behaviour. These behaviours may reflect underlying difficulties such as anxiety or depression, self-harming, substance misuse, eating disorders or physical symptoms that are medically unexplained. Other children and young people may have disorders such as attention deficit disorder (ADD), attention deficit hyperactive disorder (ADHD) or attachment disorder (AD).

Schools and colleges should have clear processes to support children and young people, including how they will manage the effect of any disruptive behaviour, so it does not adversely affect other pupils. Schools and educational settings should have regard to the DfE guidance on Mental Health and Behaviour in Schools.

<p><b>Possible indicators of need</b></p> <ul style="list-style-type: none"> <li>• Displays emotional and / or social difficulties which are barriers to the individual's own learning and or that of the group eg emotional and behavioural difficulties of considerable duration and frequency in a variety of situations in the educational setting</li> <li>• clear evidence that an individualised behaviour support programme has been implemented (outlining outcomes and interventions) and of appropriate modifications to the learning environment that have not significantly impacted upon the child or young person's needs.</li> <li>• little measurable improvement despite a carefully designed series of interventions involving outside agencies as part of the assess, plan, do review cycle.</li> <li>• a wider multidisciplinary team is involved in planning and monitoring the child / young person's needs and progress.</li> </ul> <p>Under the Equality Act 2010 if a child or young person has a recognised medical condition (including a mental health condition) educational settings are expected to provide effective support to enable them to access and enjoy the same opportunities as other children and young people.</p>
<p><b>Additional indicators which may also be present</b></p> <p>Requires additional support from Social Care because disability has a substantial or critical impact on quality of life and / or information from health and / or social care professionals indicates continuing health care needs and / or that a continuing health care needs assessment is necessary and / or the child or young person has a condition significantly affecting their social, emotional and mental health.</p>

**Sensory and/or physical needs:**

Some children and young people require special educational provision because they have a disability which prevents or hinders them from making use of the educational facilities generally provided. These difficulties can be age related and may fluctuate over time. Many children and young people with visual impairment (VI), hearing impairment (HI) or a multi- sensory impairment (MSI) will require specialist support and/or equipment to access their learning, or habilitation support. Children and young people with an MSI have a combination of vision and hearing difficulties. Some children and young people with a physical disability (PD) require additional ongoing support and equipment to access the full curriculum.

<p><b>Possible indicators of need</b></p> <ul style="list-style-type: none"> <li>• Evidence of physical disability and / or sensory impairment that is complex, severe and long-term.</li> <li>• evidence from a specialist that the level of need is above that which is provided at SEN support</li> <li>• has an individual healthcare plan, drawn up in partnership with parents and relevant health care professionals.</li> </ul> <p>If a child / young person has a recognised medical condition, schools are expected to provide effective support to enable access to the same opportunities at school as other pupils.</p>
<p><b>Additional indicators which may be present</b></p> <p>Adaptations made to the school environment to meet duties under the Equality Act 2010 and / or associated social, emotional and / or mental health difficulties and / or involvement from a wider multidisciplinary team is required to plan and monitor progress and / or requires additional support from social care because a disability has a substantial or critical impact on quality of life and / or information from health and / or social care professionals indicates that the individual has continuing care needs or that a continuing care needs assessment may be necessary and /or the child or young person has a degenerative condition.</p>

## Appendix B - Checklists and support materials

### 1. Good Practice - what research tells us?

The Education Endowment Foundation (EEF) is an independent charity dedicated to breaking the link between family income and educational achievement. As such it evaluates, and research approaches and offers advice to education professionals. In its 2020 report *Special Education in Mainstream Schools* the EEF makes five evidence-based recommendations to support pupils with SEND, providing a starting point for schools to review their current approach and practical ideas they can implement.

When considering evidence presented as a request for assessment as part of a needs assessment it is important that the panel members feel confident that the following recommendations have been applied by the school. This will ensure that panel are confident that relevant, purposeful, evidence-based support and making reasonable adjustments have been made:

#### NB Working with parents.

All decisions regarding the provision made to meet children's special educational needs must be as a result of both co-production with parent and child and be conducted in a person-centred manner.

<b>Create a positive and supportive environment for all pupils without exception.</b> An inclusive school removes barriers to learning and participation, provides an education that is appropriate to pupils' needs, and promotes high standards and the fulfilment of potential for all pupils.		
<b>Is there evidence that the school has considered....?</b>		<b>Yes/ No Comments</b>
Promoted positive relationships, active engagement, and wellbeing for this pupil?	Is the child included whenever possible in the activities of the school/class? Have staff taken steps to build a relationship with the child e.g., check in time with the teacher, assigning consistent support, access to therapeutic approaches, ELSA Have staff taken steps to build a relationship with the family? E.g., Regular meetings with the family, co-production of support access to a family link worker. Have staff taken actions to build relationships with other children? E.g., circles of friends, social skills group, lunch and extra curricula groups.	
Ensure all pupils can access the best possible teaching	Has the class teacher taken an active part in the provision for this child is there input evident in APDR? Has the SENCO supported and monitored class teaching? Has the class teacher received training in the needs this child experiences? Does the child receive explicit teaching of learning behaviors appropriate to their needs?	
The school adopts a positive and proactive approach to behavior.	There is evidence of: <ul style="list-style-type: none"> <li>• Input from the child</li> <li>• Small steps of progress which result in building self-esteem</li> <li>• Positive feedback/rewards are used consistently and appropriately</li> <li>• The young person is increasingly able to note their own progress</li> </ul>	
<b>Build an ongoing and holistic picture of your pupils and their needs.</b>		
<b>Is there evidence that the school has considered the elements below?</b>		<b>Yes/ No Comments</b>
Schools should aim to understand individual pupil's learning needs using the graduated approach of the	Assessment is regular and purposeful rather than a one-off event and should seek input from parents and carers as well as the pupil themselves and specialist professionals. Assessment informs decision making, its impact can be seen in design of the programme and the progress of the child. This is evidence in APDR. The class teacher's assessment informs the next steps for the child.	

'assess, plan, do, review' approach	Assessment is reflective of the range of learning needs. Analysis of needs and their impact on learning informs next steps.	
<b>Ensure all children have access to high quality teaching</b>		
Is there evidence that the school has considered the elements below What might this look like for this child? What do we need to ask to find out what is effective for this child?		Yes/ No Comments
Has the teacher developed a repertoire of strategies that they can use flexibly in response to the needs of the pupil?	This may include <ul style="list-style-type: none"> <li>• flexible grouping.</li> <li>• cognitive and metacognitive strategies.</li> <li>• explicit instruction.</li> <li>• using technology to support pupils with SEND; and</li> <li>• Scaffolding pupils learning e.g., supportive learning environments, aids and equipment e.g., writing slopes, visuals, sensory aids, number lines, learning prompts, sentence starters.</li> </ul>	
<b>Compliment this teaching with carefully selected small group and 1-1 intervention</b>		
Is there evidence that the school has considered...?		Yes/ No Comments
Small-group and one-to-one interventions can be a powerful tool but must be used carefully. Ineffective use of interventions can create a barrier to the inclusion of pupils with SEND.	Has the selection of actions and intervention been based on the advice from professionals and precise assessment of need? Have the actions of the school been delivered with fidelity to design of the intervention programme? Were they delivered at required frequency? By trained/qualified staff? Were they delivered in a suitable environment/grouping? Is this reflected in the feedback from the child and parents?	
High quality teaching should reduce the need for extra support, but it is likely that some pupils will require high quality, structured, targeted interventions to make progress.	How do interventions fit with class teaching?  How are interventions structured so that class teaching is not missed or compromised?	
The intensity of intervention (from universal to targeted to specialist) should increase with need.	This is evidenced through APDR	
Interventions should be carefully targeted through identification and assessment of need.	<ul style="list-style-type: none"> <li>• Precise identification of need (entry and exit data are also good indicators)?</li> <li>• Be reviewed and amended.</li> <li>• An evidence base – see Education and Endowment Foundation for evaluation of approaches.</li> <li>• A well-designed cycle of assess, plan, do and review that indicates refinement and adaptation in response to learning?</li> <li>• Been based on Person centred planning?</li> <li>• Or recommendation from external professionals.</li> </ul>	
Interventions should be applied using the principles of effective implementation	<ul style="list-style-type: none"> <li>• Treat implementation of an intervention as a process, not an event; plan and execute it in stages. Allow enough time for effective implementation, particularly in the preparation stage; prioritise appropriately</li> </ul>	

described in the EEF's guidance report <a href="#">Putting Evidence to Work: A School's Guide to Implementation</a> .	<ul style="list-style-type: none"> <li>• Create a leadership environment and school climate that is conducive to good implementation. Set the stage for implementation through school policies, routines, and practices.</li> <li>• Define the problem you want to solve and identify appropriate programmes or practices to implement.</li> <li>• Create a clear implementation plan, judge the readiness of the school/teacher/TA to deliver that plan, then prepare staff and resources</li> <li>• Support staff, monitor progress, solve problems, and adapt strategies as the approach is used for the first time.</li> <li>• Plan for sustaining and scaling an intervention from the outset and continuously acknowledge and nurture progress.</li> </ul>	
<b>Work effectively with teaching assistants.</b>		Yes/ No Comments
Effective deployment of teaching assistants (TAs) is critical. School leaders should pay careful attention to the roles of TAs and ensure they have a positive impact on pupils with SEND.	The programme includes: Opportunities to work with the teacher and with peers. Direct teaching of metacognitive strategies. Precise direction of the teaching assistant to learning goals. A focus on building independence. Support that promotes wellbeing, social connection and relationships.	
TAs should supplement, not replace teaching from the classroom teacher	TA led interactions are designed to ensure that the child remains part of the class. Class teacher delivers key elements of learning. Evidence of joint planning and liaison.	

## 2. Checklist for educational settings before submitting an EHCNA referral

Please use this checklist to ensure that:

- the request is appropriate
- attached evidence is supporting all 3 considerations outlined in the guidance
- ensure that all sections of the application are fully completed, and relevant evidence is attached

**Please note that failure to provide appropriate documentation may result in unnecessary delays.**

Criteria	Evidence - review and list the evidence provided as part of your application and its relevance to the criteria set out in the guidance. <b>For example:</b>	Attached Yes/No
<b>Consideration 1</b> - The severity, complexity and long-term nature of the special educational need and evidence of how school has identified the implications for the individual child's learning/well-being/future.		
<b>Cognition and learning</b>	<i>E.g., Cognitive assessments, summary of teacher assessments/observations</i>	
<b>Communication and interaction</b>	<i>E.g., Speech and Language Assessments/Reports Sensory questionnaires</i>	
<b>Social Emotional and Mental Health</b>	<i>E.g., = ABC records, SDQ, Boxall Profile</i>	

<b>Visual impairment</b> (only if relevant)	E.g., Ophthalmological report, specialist VI teacher assessment	
<b>Hearing Impairment</b> (only if relevant)	E.g., Audiological reports, specialist HI teacher assessment	
<b>Physical development</b> (only if relevant)	E.g., Medical advice	
<b>Consideration 2</b> - Despite relevant, purposeful, evidence-based support and making reasonable adjustments, it is not possible to meet the special educational needs within existing/delegated resources		
<b>Analysis of the rate of progress</b>		
This may include <ul style="list-style-type: none"> <li>- My Support Plans</li> <li>- progress data</li> <li>- specific interventions that escalated progress,</li> <li>- contextual background information</li> <li>- explanation of any inconsistencies in assessment results</li> </ul>		
<b>Consideration 3</b> - Despite relevant, purposeful, evidence-based support the child/young person is not making expected progress over time		
<b>Person centred planning</b>	E.g., Evidence of child/young person and family's contribution	
<b>Focus on outcomes/targets</b>	E.g., Clear link with assessed need and support Outcomes focus on the needs of the whole child are SMART and detail benefit to the child And are produced in co-production with parents	
<b>Differentiated quality first teaching</b>	E.g., Examples of how who school/class approach to learning has been differentiated	
<b>Graduated approach assess-plan- do- review</b>	E.g., Evidence based strategies in place, evidence of regular reviews (at least 2 cycles over min 6 months), support relevant and proportionate to the assessed needs, impact monitored and evaluated, relevant reports outlining specific recommendations monitored over time	
<b>Application made under exceptional circumstances</b>	Provide detail on Individual/exceptional circumstances and reasons why the usually expected cycle of assess- plan – do – review cannot be followed before the application is made under the 3 considerations set out above.	

### 3. Checklist for panel members

The checklist below is designed to inform the decision-making processes of the New Assessment Panel.

Each case must be considered on its own individual merits and the panel may depart from these criteria where individual circumstances warrant and where there is a compelling reason to do so.

Evidence:	Yes/no
Evidence demonstrating that the child has accessed high quality teaching as detailed in the South Gloucestershire SEND Toolkit.	
Evidence draws on the teacher's assessment and experience of the pupil, their previous progress and attainment, as well as information from the school's core approach to pupil progress, attainment, and behaviour?	
Consideration of any cycles of <i>assess plan do and review</i> through an individual plan at SEN Support e.g., through My Support Plan.	
Evidence communicating the voice of the child and parents in co-production of the child's My Support Plan?	
Planning and progress are expressed and measured through SMART person-centred outcomes.	
Each element of the assess, plan do, review cycle is thorough, detailed and informs the next cycle of support.	
This evidence incorporates and builds upon advice from relevant professionals e.g., Educational Psychologist, Speech and Language Therapist, Inclusion Support Coordinators?	
Identification of type and severity of need.	
There is 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?	
This is demonstrated through a costed provision maps or costed My Support Plans.	
The school has demonstrated that it has taken steps to identify the needs of the child accurately?	
There is 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 SEN.	
There is evidence that includes information as to the severity, complexity and long-term nature of the special educational need.	
There is evidence of the child or young person's physical, emotional and social development and health needs? This draws on relevant evidence from clinicians and other health professionals.	
If it is thought housing, family or other domestic circumstances may be contributing to the presenting behaviour, a multi-agency approach, supported by the use of approaches such as the Early Help Assessment, has been adopted. And despite this action the child still has significant needs.	
There is evidence that indicates that the young person requires additional time, in comparison to the majority of others of the same age who do not have special educational needs, to complete their education or training.	
There is evidence that remaining in formal education or training should help young people to achieve education and training outcomes, building on what they have learned before and preparing them for adult life.	

## Appendix C – SEN Panel – Terms of reference

**Where the term ‘child’ is used throughout this document it refers to children within the Early Years sector and of statutory school age and the term ‘young people’ refers to those in further education, training or apprenticeships up to 25 years old.**

### Contents

1. Context
2. Role of the panel
3. Membership
4. Confidentiality
5. Process and procedure
6. Monitoring and evaluation
7. Review arrangements

### 1. Context

The Special Educational Needs and Disability Code of Practice 2014 require local authorities to make decisions in a transparent way. It states ‘It is helpful for local authorities to set up moderating groups to support transparency in decision – making. Such groups can improve the consistency of decision making about whether to carry out an EHC needs assessment and whether to issue an EHC plan’ (9.60, SEND Code of Practice).

Terms of reference of the SEND Panels should be read as part of the full Council’s Scheme of Delegation for SEND and High Needs funding. The Scheme of Delegation outlines all relevant national legislation and local guidance.

In the spirit of the new SEND Code of Practice, South Gloucestershire Local Authority is committed and aims to ensure that the following principles are met throughout the decision-making process:

- The participation of children, their parents and young people in decision making
- Aspirational and person-centred approach
- Focus on inclusive practice and removing barriers to learning
- Ensuring high quality provision to achieve good and outstanding progress
- Evidence based decision making, proportionate to identified need and agreed outcomes
- Efficient use of resources

### 2. Role of the SEN panels

There are two types of SEN panels:

- EHC Needs Assessment Panel
- Resource Allocation Panel

The key purpose of the EHC Needs Assessment Panel is to:

- consider requests for Education Health and Care needs assessments (EHCna)

The key purpose of the Resource Allocation Panel is to:

- consider whether to issue the draft Education, Health and Care Plan (EHCP)
- allocate appropriate funding to meet the provisions identified within the EHCP
- identify appropriate educational placement

- provide a 'joint sign off' of EHCPs from all agencies i.e., Education, Health and Care in terms of content and quality
- consider significant changes to EHC Plans that may result in additional costs

Any potential joint funding arrangements with health and/or social care, which sit outside normally commissioned services should be referred to the Multi Agency Resource Panel.

### **3. Membership**

Panel members are equal participants, whose professional views are equally valued and considered. They offer advice and recommendations that enable the LA decisions to be made by the Chair. Every effort is made to reach agreement on each case. Final responsibility for decisions is with the LA through the Chair of the Panel. To enable effective and informed decisions a minimum of three members are required for the Panel to be quorate and this should include a representative from health, social care and an educational psychologist.

Members work to principles set out above and:

- Provide expertise in their own specialist area and offer impartial advice on individual cases without promoting the interest of their service or setting
- 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 with SEN age 0-25
- Offer relevant advice about legislation, codes of conduct, reforms and priorities in education setting, services and organisations
- Provide a moderating function by seeking to ensure consistent decision making across all cases

Members of the Panel are required to read all relevant papers in advance of the meeting. They make recommendations to the Local Authority Officer (the Chair of the Panel) who will make final decisions on a case-by-case bases.

EHC Needs Assessment Panel members include representatives from:

- Senior Case Officers (EHCP Coordination Team)
- Educational Psychology Service
- Cluster Lead SENCO
- Children's/Adults Social Care representative
- Health services representative (DCO)
- Early Years Team

Resource Allocation Panel members include representatives from:

- Educational Psychology Service
- SEN Support Service Representatives
- SLT representatives from mainstream, special schools and FE
- Children's/Adults Social Care representative
- Health services representative (DMO/DCO)
- A head teacher from a mainstream school
- A head teacher from a special school or specialist setting

EHC Case Coordinators participate in parts of the panel meetings relevant to the cases they are involved in.

Other agencies or services may be invited as required.

### **The Chair of the SEND Statutory Panel**

The SEND Panels are chaired by the EHCP Coordination Team Manager or Senior Case Officer. The Chair is the responsible Local Authority Officer who makes final decisions on all issues referred to the Panel.

The Chair must ensure:

- All cases are dealt with fairly and decisions are reached consistently
- Panel members are aware of the purpose of the meeting

- Panel members are aware of the statutory provisions and national and local guidance which must be applied in each case
- Each panel member has been given the opportunity to express their views
- The decision including reasons and actions (if relevant) are recoded accurately and that sufficient information is available for case officers as a result of the Panel meeting
- Data is collated and analysed to provide reports as required

### Observers

In order to promote continuing joint working, joint understanding and workforce development, observers are welcome to attend Panel at the discretion of the Chair. They will need to request attendance in advance with the Panel Administrator, observe strict confidentiality. Observers should not take part in any elements of the Panel discussion and should not be present during cases which they are directly involved in.

Role	Role on Panel	Decision Maker	Authoriser
LA EHCP Coordination Team Manager Education (and/or Senior Case officer)	<b>Panel Chair</b> - Responsible LA Officer for decisions on requests for EHC needs assessment, agreement to draft an EHCP issuing EHC Plans and allocating resources for EHC plans. Compliance with statutory duties.	✓	✓
LA Educational Psychologist	Advice on psychological needs of child/family and interventions, compliance with statutory duties.	✓	
Head Teacher/College/ EY Practitioners (Mainstream or Special)	Advice from schools and settings perspectives in relation to appropriate school-based interventions. Advice on general school improvement and school duties relating to SEND.	✓	
Advisory services/ specialist teachers	Advice relevant to their areas of expertise.	✓	
Designated Clinical Officer	To provide health advice and sign off on the health elements of Education, Health and Care Plans.		✓
Social Care	To provide advice and 'sign off' of the social care element of Education, Health and Care Plans.	✓	✓
Panel Administrator	To ensure all relevant information is circulated in advance, compiles and maintains the list of attendees and observers, panel decisions are accurately recorded, actions arising are cascaded to the relevant persons for further action if required.		

### 4. Confidentiality

Panel representatives must uphold confidentiality in all cases considered at Panel and act in accordance with the Data Protection duties of the LA and working together to safeguard children.

Panel members should not advise on decisions about cases which they are directly involved in or where there may be a conflict of interest.

### 5. Process and procedure

#### Frequency and structure of Panels

Both SEN panels meet weekly throughout the year.

## Pre-panel preparation

The EHC Casework Officers act as a keyworker for children, their families or young people. They are in regular contact with parents or young people and take responsibility for ensuring that all contributions, representations, views, wishes and professional assessments and reports are available to the Panel Members.

Case officers must complete a panel sheet (Appendix A) and outline:

- What decision is requested
- Ensure that the panel pack reflects the evidence necessary to make that decision, e.g., a request to issue EHCP must include all appendices, a request for change of placement must include all relevant evidence and options including availability of places and transport costs

This information must be submitted to the panel administrator so that papers can be circulated in advance of the Panel meeting. In exceptional circumstances, new or additional information can be presented at the panel meeting.

It is important that information and evidence presented to the Panel is up to date and relevant. **Cases with insufficient evidence will be deferred.**

## Administration details

- Required paperwork must be sent securely to ART by all partners
- Agenda and paperwork are circulated to all Panel members by Friday of the preceding week
- Following the discussion, the Chair, who is the officer with designated Local Authority decision making responsibility makes the decision and explains the reasons
- The Panel Administrator records the decision, reasons for the decision, any relevant actions and QA mark for the EHCP
- Decision is signed by the Chair

## Post Panel arrangements

Following the panel meeting, the EHCP Casework Officer:

- Informs parents and/or young person, the educational settings and other service involved (as appropriate and relevant) of the decision and the reasons for the decision
- Confirms all decisions in writing
- If appropriate, a meeting with the family, young person and/or educational provider is offered to discuss the implications of the decision
- The relevant case records including resource implications (electronic or file) must be updated
- Data recording systems are updated including the provision on Mosaic

## Review arrangements

These terms of reference will be reviewed by the EHCP Coordination Team Manager annually. Changes will be presented to the 0-25 Partnership Board for governance and final sign off.

## [Appendix 4 Reading panel papers Advice for new panel members](#)

Reading panel papers may seem daunting at first. Here are some tips from established panel members that will support you. When you are reading paperwork, it is important to bear in mind the questions outlined in the checklist on page 27.

- First make a note of the purpose for the paperwork (Panel log) being submitted to panel contained within the panel agenda. Is this a request for an assessment? A completed assessment where panel have to decide whether to issue a plan? A request for change of placement or funding?
- When reading reports, it is often helpful to read the conclusion or summary first overview first, particularly the EP and S&LT reports and then compare this to APDR submitted by the school.

- Allocate enough time for reading.
- Break up the task.
- Focus on the decision you are being required to make - Note key information that will inform your decision and any information that presents discrepancies or gaps in the information submitted.
- The decision as to whether to issue a plan at the end of the assessment or whether to start the assessment in the first place needs to be guided information detailed in appendix 2. The questions contained in the checklist will support you with this.
- The panel's strength is its multi-disciplinary composition this means that each member contributes their own area of expertise. Head teachers are advised to read the school reports first.

### **Your contribution at panel**

The chair of the panel will run the meeting and will ensure that all members contribute although free discussion of significant elements is positively encouraged.

The panel is an advisory body, decisions will be made by the chair of panel though they will be informed by your contributions.

### **Feeding back to your service**

Panel members are responsible for feeding back to their services so that improvements can continuously be developed.

### **Making a judgement as to the Quality assurance of Plans**

When reading the plan panel members must consider the wording from the perspective of their own areas of expertise. Detailed guidance is given as part of our quality assurance policy but broadly speaking.

- Do needs, outcomes and provision build a coherent plan?
- Are technical terms communicated in an accessible manner?
- Are needs, outcomes and provision in the correct location?
- Are parents and child's voice communicated?