

## **NORTHUMBERLAND SEND Commissioning Panel**

### **Terms of Reference and Guidance June 2018**

#### **Introduction**

Following the introduction of the Children and Families Act in September 2014, Northumberland has been working towards an operational Education, Health and Care (EHC) panel to support the statutory assessment process.

The effectiveness of the Panel's arrangements have recently been reviewed and from September 2018 it is proposed that the Panel will operate as described below.

#### **General Information**

A range of different people and settings can apply to the SEND panel for consideration of additional support for a child or young person. This includes schools, settings, other professionals, parents/carers and the child or young person themselves. However it is usual for applications to be initiated by the school or setting a child or young person attends.

The Commissioning Panel takes place every Wednesday afternoon at 14.30 at County Hall and is usually two hours in length. Depending on the nature of the papers to be discussed it can finish earlier or continue until 17.00. In order to ensure consistency of decision making it is requested that representatives commit to attend a minimum of four consecutive panels. At each panel meeting there can be up to 30 cases to discuss. Members receive a pack of information about each child or young person whose needs are being considered, a week in advance of the meeting. It is expected that members will read the paperwork, which can take up to four hours, before attending. The information contained in the paperwork is strictly confidential and cannot be shared or discussed with anyone.

The panel consists of the following membership:

- SEN Team Manager (Chair)
- Health representative
- Social care representative
- Special School Headteacher/Senior Manager
- Mainstream Headteacher/Senior Manager
- Educational Psychologist
- SEND Support Service Manager

- Admin

In addition there are two CPD slots available for SENCOs, and/or colleagues from health and social care to attend in order to support a better understanding of the SEND process. CPD slots can be arranged by contacting Stephanie Norwood [stephanie.norwood@northumberland.gov.uk](mailto:stephanie.norwood@northumberland.gov.uk)

## **Role of the Panel**

To comply with the Code of Practice 2015, the Local Authority needs decisions around the allocation of additional support to be made based on these key principles:

1. A learner's individual need is significantly greater than learners of the same age, and is likely to be long term. It seems that there is continuing and significant need for support in order to access the curriculum and make progress
2. The graduated response to meeting need has been followed by schools/settings, with evidence of 'Assess, Plan, Do, Review' cycles. Records suggest the need for provision which is over and above what schools/settings would ordinarily be expected to provide from within their own financial and other resources
3. Suitably qualified external specialists have been involved over time in order to advise schools/settings on what could be provided to meet need. The impact of advice on provision and progress has been recorded and is evidence based
4. Settings have used delegated funds in an appropriate way, which is clearly documented and costed. This will include records of targeted interventions and reviews of their effectiveness

The panel exists to ensure that LA decisions around additional funding fit with the principles above. Its role, therefore, is to:

- provide challenge to resource allocation to ensure that the needs of the child or young person are central to decision making
- ensure that SEN resources are allocated in a fair, transparent and equitable way
- advise Northumberland County Council on SEND resource allocation for individual children and young people

To ensure consistency and transparency of decisions being made, decisions can only be made based on the content of the panel paperwork.

The SEN Team review each case and liaise with parents/carers, schools and professionals in advance of the meeting to ensure that the paperwork coming before the panel is as complete as possible.

*NB It is NOT the responsibility of panel members to seek additional information from parents/carers, schools, settings or professionals beforehand.*

## Casework

The SEN Team will work through a checklist for each type of application to ensure that paperwork is complete before being submitted to panel and may contact schools, professionals and settings to seek additional information. The paperwork needs to include sufficient detail to allow careful consideration of the issues identified for each type of application. Schools, settings and professionals are asked to ensure that all information provided to the panel is shared with parents and carers beforehand to ensure that they are aware of all information being presented about their child.

Paperwork submitted is therefore expected:

- To be on headed paper if from a school, setting or professional
- To be dated and signed, clearly stating the designation of the person providing the advice
- To be copied to the parent/carer and discussed where possible

The SEN Team will accept emails with copies of information as attachments providing they have been shared with parents/carers, however **information contained within the body of an email will not be accepted.**

## Roles of Panel Members

All members are expected to read the paperwork before the panel. Decisions are made based on the paperwork received for the panel. While panel members focus on all aspects of the SEND process, it is expected that particular members will focus on different areas as identified below. If an individual is unable to attend it is expected that they will inform Chair/admin and find an alternative representative.

| Who?                     | Role and responsibility   |
|--------------------------|---|
| SEN Team Manager (Chair) | <ol style="list-style-type: none"><li>1. Chairs the meeting and facilitates discussion on the needs of the children and young people being discussed</li><li>2. Is responsible for final recommendations of the panel</li></ol>   |
| Health representative    | <ol style="list-style-type: none"><li>1. Reviews<ul style="list-style-type: none"><li>- the contribution of all health services within the paperwork</li><li>- how health information and evidence is included in proposed EHCPs, cross referring that advice provided is reflected in the plans</li></ul></li><li>2. Identifies best practice and areas for development and shares with the Designated</li></ol> |

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|   | <p>Clinical Officer (Sam Barron, <a href="mailto:samantha.barron@northumberland.gov.uk">samantha.barron@northumberland.gov.uk</a>).</p> <p>3. Contributes to decision making re resource allocation</p>   |
| Social care representative                | <p>1. Reviews:</p> <ul style="list-style-type: none"> <li>- the contribution of all social care services within the paperwork</li> <li>- how social care comment, information and evidence is included in proposed EHCPs, ensuring that advice provided is reflected in the plan</li> </ul> <p>2. Identifies best practice and areas for development and shares with the Designated Social Care Lead for SEND (Fiona Brown, <a href="mailto:fiona.brown@northumberland.gov.uk">fiona.brown@northumberland.gov.uk</a>)</p> <p>3. Contributes to decision making re resource allocation</p> |
| Special School Head Teacher/Senior Leader | <p>1. Reviews the evidence submitted from the school/setting and in particular the way in which the graduated approach to the meeting of need has been applied, providing professional challenge as required</p> <p>2. Contributes to decision making around specialist provision for learners</p> <p>3. Contributes to decision making re resource allocation</p>  |
| Mainstream Head Teacher/Senior Leader     | <p>1. Reviews the evidence submitted from the school/setting and in particular the way in which the graduated approach to the meeting of need has been applied, providing professional challenge as required</p> <p>2. Contributes to decision making re resource allocation</p>  |
| Educational Psychologist                  | <p>1. Considers the evidence submitted from the school/setting and the implementation of the graduated approach</p> <p>2. Reviews evidence of interventions implemented and their impact</p> <p>3. Quality assures the contributions of advice from EPs</p> <p>4. Contributes to decision making re resource allocation</p>   |
| SEND Support Service Manager              | <p>1. Reviews paperwork submitted by SEND Support Services relating to COSA and proposed EHCPs</p>  |

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|   | <ol style="list-style-type: none"> <li>2. Quality assures reports provided by SEND Support Teams, particularly around outcomes</li> <li>3. Provides feedback to relevant Team Manager</li> <li>4. Reviews how specialist advice is included in proposed EHCPs</li> <li>5. Contributes to decision making re resource allocation</li> </ol>   |
| Parent Carer representative (not yet in place)  | <ol style="list-style-type: none"> <li>1. Provides challenge to ensure the voice of the child, young person and their family is consistently represented within the SEND process and paperwork.</li> <li>2. Contributes to decision making re resource allocation</li> </ol>   |
| Early Years SEND Consultant (when requests/proposed plans for EY learners are being presented to Panel) | <ol style="list-style-type: none"> <li>1. Reviews the contribution of EY providers within the paperwork, including evidence of the graduated approach in EY</li> <li>2. Ensures that the provision stated in proposed plans reflects best EY practice</li> <li>3. Identifies best practice and areas for development, and shares with the EY Team</li> <li>4. Contributes to decision making re resource allocation</li> </ol> |
| CPD observation places Education/Health/Social Care   | Papers are provided on the day for reference and will be destroyed afterwards  |
| Admin   | <ol style="list-style-type: none"> <li>1. Ensures that panel members have the paperwork one week before each meeting</li> <li>2. Records decisions made within the panel</li> <li>3. Ensures information is communicated to SEN Team caseworkers</li> <li>4. Ensures 2 copies of bundle are available for observing attendees</li> <li>5. Coordinates rota for panel attendance and CPD places</li> </ol>                      |

## Functions of the Panel

Panel will consider individual cases within the following four categories:

- Short Term Additional Resource (STAR) - additional resources to meet short term needs
- Consideration of Statutory Assessment (COSA) - applications to determine if needs are such that an assessment for an EHCP is required

- Decision to Issue a Plan (DIP) - the panel will review the assessments from schools/settings and other professionals as part of statutory assessment to determine whether an EHCP is required to meet identified needs
- Annual review (AR) - comes before the panel **when a change of resource allocation is being considered**. This may be a change in level of funding required or when the suitability of a placement is being questioned.

At times, there will be requests for 'reconsideration' of a decision, where a setting or parent/carer has requested the panel reconsider their initial decision. In these circumstances, panel will expect further information to have been submitted.

Each child and young persons needs and circumstances are individual and while it is expected that the majority of applications will fit within these categories, there will be other circumstances where the needs and situation of the child and young person require individual consideration.

The following sections detail how decisions are made for each of the applications.

## **Short Term Additional Resourcing (STAR)**

These are applications for additional resources to meet **short term** needs. The purpose of the funding is to support time limited interventions which are likely to eliminate or significantly reduce a special educational need so that it can be supported from within the schools resources. Please note that evidence of the effective use of a graduated approach and delegated funding by school/setting will still be required.

Information presented to the panel will consist of:

- Views of child and young person
- Views of parent/carer
- STAR application form, completed in full with all evidence listed on the form. This includes a timetable of support being provided in the school/setting indicating group sizes, evidence of the financial resources being used, and reports from specialists whose advice has been sought and implemented

NB at this stage, schools/settings should not approach health and social care professionals to request a report specifically for this purpose. The school/setting need to demonstrate there is *educational* need that is over and above that which can be met by the services available through the Local Offer. Health and social care reports that parents/carers/ schools have received over time as part of routine support may be submitted with the application form.

Issues to consider in order to inform decision:

- Have the views and aspirations of the child, young person and their family been sought and embedded within SEN Support?
- Are the needs of the child or young person clearly articulated?
- What progress has the child or young person made over time?
- Is there evidence of a graduated approach?

- Has the setting sought specialist advice where appropriate? (from education, health or social care)
- Have the recommendations of specialist advice been implemented?
- Have there been two cycles of assess, plan, do, review? Or evidence of extenuating circumstances?
- Have the interventions been focussed on supporting the child or young person's needs?
- What impact has the additional support identified within the SEN Support Plan had?
- Is there evidence that the school has utilised £6k funding?
- Is the area of need identified likely to be short term?

Possible outcomes of Panel:

- STAR allocated for a specified period of time
- No funding allocated, conclusion that needs can be met effectively from within the Local Offer. In this event, recommendations will be made to school/setting to support them regarding the continuation of the graduated approach and the Local Offer services available for the child/young person

Schools will be notified of the outcome of the panel discussions within 5 working days of the meeting.

## **Consideration of Statutory Assessment (COSA)**

Applications made to determine if needs are such that an assessment for an EHCP is required.

Information presented to panel will consist of:

- Views of child and young person
- Views of parent/carer
- COSA application form completed in full and accompanied by all evidence listed on the form. This includes, but is not limited to a timetable of support currently being provided in the school/setting indicating group sizes, a costed provision map, reports from health and social care professionals where they are available

NB at this stage, schools/settings should not approach health and social care professionals to request a report specifically for this purpose. The school/setting need to demonstrate there is *educational* need that is over and above that which can be met via services available through the Local Offer. Health and social care reports that parents/carers/schools have received over time as part of routine support may be submitted with the application form.

Issues to consider:

- Have the views and aspirations of the child, young person and their family been sought and embedded within SEN Support?
- Are the needs of the child and young person clearly articulated?
- What progress has the child or young person made over time?

- Is there evidence of a graduated approach?
- Has the setting sought specialist advice? (from education, health or social care)
- Have the recommendations of specialist advice been implemented?
- Have there been two cycles of assess, plan, do, review?
- Have the interventions been focussed on supporting the child or young person's needs?
- What impact has the additional support identified within the SEN Support Plan had?
- Is there evidence that the school has utilised £6k funding?
- Is this likely to be a long term need?

Possible outcomes of panel:

- Agree assessment
- No assessment, needs can be met from within the Local Offer. In this event, schools will be notified of the decision and advised to seek further help from the resources they currently have open to them ie specialist support services as necessary. This should support the continued meeting of needs from within the schools notional budget.

Schools will be notified of the outcome of the panel discussions within 5 working days of the meeting.

## **Decision to Issue a Plan**

Once an assessment has been agreed, it is carried out. Advice is requested from all professionals involved with the child/young person. The SEN Team construct a proposed support plan which is presented to panel. This plan, along with assessments and advice from schools, settings and the views of parent/carer and young person is reviewed. The additional advice from health and social care will be considered in order to determine whether an EHCP is required to meet identified needs.

Information presented will consist of:

- The proposed support plan including all appendices

The EHCP Coordinator/Officer will have prepared the proposed support plan and discussed it with the learner/family in advance of it returning to Panel at a multiagency meeting.

Issues to consider:

- Have the views and aspirations of the child, young person and their family been sought and embedded within SEN Support?
- Are the needs of the child and young person clearly articulated?
- What progress has the child or young person made over time?
- Has there been evidence of a graduated approach?



- Has the setting sought appropriate specialist advice? (from education, health and/or social care)
- Is there evidence that the school has utilised £6k funding?
- Does the draft plan match the needs identified in the paperwork?
- Have health and social care views been included in the draft plan?
- Are there any amendments required to the plan?

Decisions that can be made:

- EHCP issued stating resources required to meet identified need
- EHCP not issued - needs can be met from within the Local Offer. In this event, information will be passed to the school/setting advising them of the outcome and the reasons why the decision has been made.

Schools will be notified of the outcome of the panel discussions within 5 working days of the meeting.

## **Annual Review**

Routinely, when provision is well matched to need and a child/young person is therefore making good progress, annual reviews will be managed by the school and paperwork overseen by the SEN Team. However, where schools/settings/parents/carers feel that the existing educational provision is not meeting a child or young persons identified needs or when there is a transition, an early annual review should be held and paperwork should be submitted to the panel.

Information presented to the panel will consist of:

- Views of child and young person
- Views of parent/carer
- Annual review form completed in full by setting
- Timetable of support currently being provided, with an indication of group sizes
- Costed provision map
- Reports from education, health, social care professionals where services are involved

Issues to consider

- Have the views and aspirations of the child, young person and their family been sought and embedded within SEN Support being provided as stated in the EHC Plan?
- Are the needs of the child and young person and their parents/carers clearly articulated through the annual review meeting notes and written contributions?
- What progress has the child or young person made towards the outcomes specified in their Plan over time?
- Is there evidence of the provision stated in the Plan?
- Where there are specialists involved, has the setting/school implemented advice provided?
- Have there been ongoing cycles of assess, plan, do, review?

- Have the interventions been focussed on supporting the child or young person's needs?
- What impact has the additional support identified within the EHCP had?

Decisions that can be made

- Revised EHCP issued reflecting amendments required to meet identified need
- Needs can now be met from within the Local Offer services, and the Plan can cease

## **Communicating outcomes of panel**

The recommendations of the panel are shared with the SEN Team via a standard proforma completed at the meeting. SEN Team Caseworker will contact the SENCo via email or phone to inform of the outcome of panel. As highlighted above, outcomes will be communicated within 5 working days of the panel meeting.

## **Confidentiality**

Panel representatives must uphold confidentiality in all cases considered and act in accordance with the data protection duties of the local authority and working together to safeguard children.

Any member who has personal knowledge of a case will be asked to leave the room during discussion to ensure that personal knowledge or bias does not influence decision making.

## **Mediation and Dispute**

Where parents and carers have concerns about the recommendations and decisions of the panel, the following routes of redress are available:

1. Contact SEN Team
2. Contact mediation
3. Contact tribunal

Where schools do not agree with the outcome of the panel, they should discuss with the SEN Team initially. Paperwork may be resubmitted for 'reconsideration' within any category, as described above.