

London Borough of Sutton SEN Panel Terms of Reference

1. OBJECTIVES

1.1. To support the Local Authority in making consistent and appropriate decisions within the statutory framework (specifically the Children and Families Act 2014 and the Special educational needs and disability code of practice: 0 to 25 years) for special educational needs and disability (SEND) from ages 0-25, including, but not restricted to, the following:

- whether or not to carry out an Education, Health and Care Needs Assessment
- whether or not to issue an Education Health and Care (EHC) Plan;
- the provision to be specified in an EHC Plan including
 - the type of provision appropriate to meet the child or young person's needs
 - the education, health and care elements of provision,
 - the name and/or type of the appropriate school, -post-16 institution or other educational setting to be attended by the child or young person;
- the level of funding for the special educational provision in the Plan.

1.2. Additionally, unless or until otherwise agreed by the local authority, the SEN Panel will advise the local authority Designated Officer, who will then make a decision, on requests regarding

- Additional Support Contracts - This means that the LA transfers a recommended level of additional funding into school / setting / college's account.

1.3. Additionally, unless or until otherwise agreed by the local authority, the SEN Panel will advise the local authority Designated Officer, who will then make a decision, upon requests or required amendments regarding:

- Reviews of EHCPs
- Re-assessments of needs for EHC Plans transferred from other local authority areas.

1.4. Additionally, unless or until otherwise agreed by the local authority, the SEN Panel will hold discussions on additional resources not specified in the plan (e.g. OT equipment) and where needed, the LA Designated Officer will discuss with the responsible commissioner (school / LA and / or CCG) to identify the source of funding.

1.5. In all cases the Panel will have regard to relevant legislation, statutory frameworks, Codes of Practice and non-statutory guidance where relevant, and the Local Authority policies and agreed procedures.

1.6. Each case will be considered on the basis of the evidence provided; it will be assumed that all relevant information will have been gathered and collated prior to presentation at the Panel

1.7. The Panel will have due regard to the efficient use of resources and provision of value for money, consistent with meeting the needs of the child or young person.

1.8. All considerations and decisions will relate to the individual circumstances of the child or young person and will be reached in a way that supports the best interests of the child or young person.

1.9. The Panel is advisory and is unable to take decisions. The Panel will make recommendations which the Chair of the Panel will consider as a Designated Officer of the Local Authority with delegated decision-making responsibilities on behalf of the Council.

1.10. Where health or social care provision outside the provision available within the Local Offer is recommended or where there are costs not solely due to educational reasons, the case will be discussed at the Joint Placements Panel or equivalent (Terms of Reference attached as appropriate), or agreed between Assistant Directors and Commissioners of the relevant services.

2. FREQUENCY AND TIMINGS OF PANEL MEETINGS

2.1. The Panel will meet every week all year round, with exceptional cancellations due only to insufficient cases or the absence of a Designated Officer.

2.2. There will also be instances where a reduced number of professionals is able to attend (for example, during holiday periods). Where this is the case, the Chair of the Panel will decide whether the Panel proceeds, and will ensure that any still-attending professionals are informed of the cancellation with as much notice as possible.

2.3. Meetings will take place in the Cognus Offices, 24 Denmark Road Carshalton, or elsewhere by arrangement.

2.4. The SEN Panel will be held on Wednesdays at 1:30 pm.

3. MEMBERSHIP

3.1. The Panel will usually be chaired by the Head of SEND, and exceptionally, by the team manager of the SEND Service, the Assistant Director for Education or another London Borough of Sutton or Cognus education professional with appropriately delegated authority.

3.2. In addition to the Head of the SEND and/or a manager from the SEN Service, the Panels will normally comprise the following officers or representatives from the following services:

- Educational Psychology Service
- Representatives from Therapies Service
- Headteacher or SENCO
- Designated Medical or Clinical Officer
- Children's or Transition Social Care services
- Children's Disability Service

3.3. If a professional cannot attend, written advice from the above representatives may be submitted; the Chair will decide whether this advice is included in the discussion or not.

3.4. Observers may attend by invitation only and with the agreement of the Chair. They are not permitted to contribute advice, but may ask relevant clarifying questions to develop their understanding of processes and issues.

3.5. Where observers have a specific reason for attending (eg professional development), they must accept the need for confidentiality. Observers may not attend to observe the progress of any specific case.

3.6. In the interests of equity, parents, carers, children and young people, service users and advocates are currently not invited to attend the Panel meetings. The Local Authority notes that parents, carers and the young people themselves take a fuller part in Education, Health and Care needs assessments than was the case for statements of special educational need. The Authority is therefore expecting there to be clarity about and knowledge of the wishes, views and feelings of children, young people and their families throughout the evidence presented.

3.7. Any member of the Panel who has a direct involvement in a particular case must declare such involvement and the Chair will decide the extent to which they can contribute to the case discussion. This includes being asked to leave the discussion if appropriate.

4. INFORMATION TO BE PROVIDED

4.1. Documents supplied to the Panel must be fit for purpose, clearly presented and specifically explaining, as relevant to the case:

- what is being presented and ensuring that all required professional advice is provided
- the reasons for the presentation including the questions and issues that need resolution
- the options available
- the costs involved
- the outcomes sought
- the views and preferences of the parent/carers
- the views and preferences of the child/young person
- the outcomes from consultations, discussions or reviews
- where appropriate or necessary, the informed views of the keyworker

If relevant evidence and information is unclear or missing, delays in decision making will occur.

4.2. Information will be prepared for Panels as follows.

- All documentation will be distributed to Panel members to their professional locations by secure means four working days in advance unless there are exceptional circumstances.

- Panel members are required to read all documentation in advance of the meeting, and develop an informed understanding of the child / young person's needs within their specific context from their professional perspective.

4.3. The Panel will consider all relevant information provided by parents, carers, children / young people, professionals and other providers involved in each case.

4.4. Where it is not possible to reach consensus, the Head of the SEN Service or the Chair of Panel in liaison with the Head of the SEN Service will determine whether a decision must be made – and what that decision is – or whether more information is required.

5. DECISIONS

5.1. Decisions will be based on

- The evidence and documentation provided
- The advice of the Panel
- The informed and relevant knowledge and understanding of the Chair of the Panel
- Compliance with relevant legislation and guidance such as the Code of Practice (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf)

5.2. The Chair of the Panel, being the Head of the SEN Service, the Assistant Director for Education and SEND or SEN Service Team Manager, can, as a duly authorised officer of the Authority, make a different decision to that recommended by the Panel. This will only be in exceptional circumstances and the reasons will be recorded on the summary record sheet and will be reviewed as part of the moderating process noted in 6.2 below.

5.3. The Head of the SEN Service, SEN Service Team Manager or Assistant Director for Education and SEND can, as a duly authorised officer of the Authority, make a decision without the direct advice of the Panel. This will only be in exceptional circumstances. The decision-maker, the reasons and the decision will be recorded on the summary record sheet.

6. RECORDS

6.1. The salient points of the discussions, decisions and action points for each case will be recorded on a summary record sheet.

6.2. Under normal circumstances, decisions will be provided to the parent / young person, setting or school where relevant, and the requester if different, within five working days of the decisions being deemed 'final'. This will normally be within five working days of the Panel convening.

6.3. Professionals attending the Panels will manage the information provided to them in an appropriate and confidential manner at all times, including confidential storage and disposal of all papers and records relating to any cases.



6.4. Although professionals attending the Panels may draw learning from the cases discussed, no identifying facts can be included in any notes or records that are taken away, or in any discussions or records following the Panel.

7. REVIEW OF TERMS OF REFERENCE

7.1. These Terms of Reference were finalised on 01.12.2018, and reviewed on 11th December 2019, and will need to be reviewed in on or around the anniversary of this date.

7.2. The Head of the SEN Service will be responsible for ensuring that any amendments to the Terms of Reference are drafted and reviewed, and that the final amended version of the Term of Reference replaces all previous versions and is publicised as required.