



**Cumberland
SEND
Partnership**

EHC Decision Making Panel Terms of Reference

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Introduction

The Terms of Reference (TOR) describe Cumberland's arrangements for decision making at the Education, Health and Care (EHC) Decision Making Panel.

Background

Part 3 of the Children and Families Act 2014 places a responsibility on the council and its partners to work together and identify and meet the needs of children and young people with special educational needs and/or disabilities (SEND) from birth to 25 years. This includes establishing arrangements which support robust multi-disciplinary decision making in relation to:

1. Whether a child/young person meets the eligibility criteria for an Education, Health and Care (EHC) Assessment
2. Following the assessment process whether an EHC Plan should be issued
3. The equitable allocation of resources to meet the needs of children and young people

The Panel will convene on a weekly basis throughout the academic year and during the school holidays as necessary. This is known as the EHC Decision Making Panel with different responsibilities:

1. The first part of the meeting the Panel approves/declines requests for the Statutory Assessment of the education, health and care needs of children and young people from birth to the age of 25 years.
2. In the second part of the meeting the Panel determines the most appropriate response to the information provided which includes:
 - Agreeing to issue new plans and allocating the provision needed to support the EHC plan
 - Changes to educational provision, including top-up funding and changes to education placements as a result of changes in need and annual review process
 - Requests for equipment
 - Requests to cease existing EHC Plans
 - Requests for personal budgets
 - Decisions relating to children and young people who have moved into Cumberland and are in receipt of an EHC Plan
 - Transport commissions

Confidentiality

Panel members and observers must ensure that all information, which has been shared at the panel meeting, is treated as confidential. Details of individual cases, panel agenda or panel discussion, should only be discussed or continued outside of the panel with relevant managers as needed.

Eligibility Criteria and Entitlement

Eligibility for an EHC Needs Assessment is defined in the SEND Code of Practice 2015 and is determined by the level of complexity of a child/young person's special educational needs.

This panel considers all of the information provided by the referee and asks two questions, aligned with the Children and Families Act 2014:

1. Does the child or young person have, or may have, special educational needs?
2. Might it be necessary for special educational provision to be made for the child or young person in accordance with an EHC plan?

This is described in further detail in Cumberland's 'SEND Handbook and Criteria'. All members participating in the EHC Decision Making Panel must refer to the SEND Handbook and Criteria Bandings to support their decision making about which children and young people qualify for an Assessment.

Children and young people with health and/or care needs may have had their needs assessed separately through health and/or care systems. These children and young people are only eligible for an Assessment if their needs impact significantly on their educational development and progress, in line with the SEND Handbook and Criteria

Role of the Panel

To comply with the Code of Practice 2014, 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. The learner's individual needs are the key factors but where these are not immediately evident the points below would provide the necessary information to guide the decision making process
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
3. 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
- to ensure consistency and transparency of decisions being made, decisions can only be made based on the content of the panel paperwork
- the SEND 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 SEND Team will work through 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 the EHCNA referral form
- To be dated and signed, clearly stating the designation of the person providing the advice
- To be copied to the parent/carers and discussed where possible

The SEND Team will accept emails with copies of information as attachments providing they have been shared with parents/carers.

Roles of Panel Members

All members are expected to read the paperwork before the panel. Decisions are made based on the paperwork submitted for the panel. The paperwork will be available on a dedicated SharePoint site. 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.

The Chair and Panel members must:

- Read all of the case information in advance of the Panels convening, form their own view on the eligibility for assessment, issuing a plan and levels of provision and bring this to the meeting for discussion with other Panel members
- Uphold confidentiality in all cases discussed at the Panels and act in accordance with GDPR requirements
- Panel members must declare where there may be a conflict of interest. In these circumstances a Panel member is prohibited from influencing any decisions made about whether the request for an assessment should proceed or on the level of resources to be allocated to that child/young person
- Work together to safeguard children and young people at risk of harm

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Who?	Role and Responsibility
Chair - Service Manager Inclusion	<ol style="list-style-type: none"> 1. Chairs the meeting and facilitates discussion on the needs of the children and young people being discussed
Lead Education Officers/Post 16 Learning Difficulties and Disabilities Officers	<ol style="list-style-type: none"> 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 2. Presents precis of cases to the panel for the relevant geographical area or for the countywide further education 3. Ensures that EHCP Coordinators have accessed the information following the panel and followed up as needed 4. Contributes to decision making 5. Prepares letters to inform referrer and parent of outcomes within statutory timescales
Specialist Advisory Teacher Representative (Professional/Area Lead Only)	<ol style="list-style-type: none"> 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 2. Provides information from colleagues involved in the SEND TST 3. Contributes to decision making
Designated Clinical Officer (Representing Health)	<ol style="list-style-type: none"> 1. Reviews - the contribution of all health services within the paperwork - how health information and evidence is included in proposed EHCPs, cross referring that advice provided is reflected in the plans 2. Contributes to decision making
Service Manager - Social Care Representative	<ol style="list-style-type: none"> 1. Reviews: - the contribution of all social care services within the paperwork - how social care comment, information and evidence is included in proposed EHCPs, ensuring that advice provided is reflected in the plan 2. Contributes to decision making
Principal/Senior Educational Psychologist	<ol style="list-style-type: none"> 1. Considers the evidence submitted from the school/setting and the implementation of the graduated approach 2. Reviews evidence of interventions implemented and their impact

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	<ol style="list-style-type: none"> 3. Quality assures the contributions of advice from EPs 4. Contributes to decision making
Early Years Team Manager	<ol style="list-style-type: none"> 1. Reviews the contribution of EY providers within the paperwork, including evidence of the graduated approach in EY 2. Ensures that the provision stated in proposed plans reflects best EY practice 3. Identifies best practice and areas for development, and shares with the EY Team 4. Have information regarding eligibility of children for SEN Inclusion Funding 5. Contributes to decision making

NB – if a member of staff deputises on behalf of a manager/lead they must be given the authority to make decisions, move things forward and follow up as required, reporting back to the panel if appropriate.

Non-decision making attendees

Who?	Role and Responsibility
Administrative support for the Panel	<ol style="list-style-type: none"> 1. Ensures that panel members have access to the paperwork one week before each meeting via the EHCP SharePoint site 2. Records decisions made and any relevant supporting comments within the panel 3. Ensures information following the panel is uploaded to the EHCP SharePoint site 4. Carry out any relevant administrative actions arising from the decisions of the panel 5. All agreements for assessment made at panel need to be shared with health and social care to gain statutory advice
Observer Role	These will be agreed with the Chair prior to the panel meeting and represents a learning opportunity for the participant only

Decision Making

Panel members are required to offer advice and recommendations and every effort should be made to come to a consensus about how the case should proceed. Final responsibility for decisions is with the Chair of the Panel. To enable effective and informed decisions to be made it is expected that all Panel members will be involved in every case discussed (unless there is a conflict of interest) and not just the cases within their area of responsibility.

Quoracy

For the Panels to be quorate there must be at least three decision making members present at the meeting and if less attend the Chair will defer the cases for discussion to the next meeting.

Where deferment of the meeting will impact on the statutory timescales for individual cases the Chair will coordinate a virtual Panel and ask for Panel members to submit their decisions on each of the cases back to them. These will be collated by the and presented to the Chair for moderation.

Frequency of meetings

The Panel will convene on a weekly basis throughout the academic year and during the school holidays as necessary.

Business Support

The Business Support Managers will be responsible for inviting Panel members to the meetings via Outlook. There is an EHCP Decision Making Teams/SharePoint folder for use for the panel. Information will be uploaded to the folder for staff to consider prior to the panel.

Possible outcomes/decisions of panel

- Agree to assess
- No assessment, needs can be met from within the educational provision. In this event, the setting will be notified of the decision and advised to seek further help from the resources they currently have open to them i.e. specialist support services as necessary. This should support the continued meeting of needs from within the schools notional budget where appropriate
- EHCP issued stating resources required to meet identified need
- EHCP not issued - needs can be met from within the existing educational provision and resources. 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. The local authority will work with the setting to enable them

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to develop a support plan to continue to meet the child or young person's needs

Referrer and parents or young person will be notified of the outcome of the panel discussions within 10 working days of the meeting.