



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 Education and Disability Regulations 2014) 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 special educational provision to be specified in the plan including whether health and social care provision should be deemed to be special educational provision,
 - the level of funding
 - the type of placement appropriate to meet the child or young person's needs
 - where appropriate the name of the school or setting;

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 (ASC): these are available for SEN support interventions which cost over and above the £6000 which is provided from the school's block notional SEN Budget and is to enable the achievement of specified outcomes through the provision of an enhanced school offer for a time-limited period.

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 a plan has transferred to the Local Authority following a child moving to the area
- Requests for re-assessment of needs.

1.4. Additionally, unless or until otherwise agreed by the Local Authority, the SEN Panel will review requests for 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 to the Panel; it will be assumed that all relevant information will have been gathered and collated and all reasonable steps will have been taken prior to presentation at the Panel



1.7. The Panel will have due regard to the efficient use of resources based on need and provision of value for money.

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 on behalf of the LA. The Panel will make recommendations to the Chair of the Panel which the Designated Officer or, if the Designated Officer is not the Chair, to the LA, who will review to come to a decision.

1.10 As stated in point 4.3 for this document, the Panel will consider all relevant information provided by parents, carers, children / young people, professionals and other providers involved in each case. In making recommendations, the Panel will remain child/young person centred whilst apply the relevant legal test(s) and will use its expertise the make referrals to partners agencies and/or devised 'next steps' for the child/young person that the family, educational setting and relevant professionals can take into account when meeting the child/young person's SEND.

1.10. Where the recommended provision for the child or young person includes health or social care provision outside the provision available within the Local Offer or where the proposed provision involves costs not solely to meet educational needs, the case will be discussed at the Joint Funding 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 throughout the academic year, with exceptional cancellations due only to insufficient cases or the absence of a Local Authority 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 either in the Cognus Offices, elsewhere by arrangement, or virtually.

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.

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

- Educational Psychology Service – who will chair the panel section considering request for EHCNA (as stated in section 1.9 of this document, the Panel makes recommendations to the Local Authority Designated Officer who will make the final decision)
- Representatives from the Therapies Service
- Head of SEN Support
- Headteacher or SENCO
- Representative from a relevant medical team i.e Designated Medical Officer, Designated Clinical Officer or SEN Nurse)
- Representative from Children's Social Care or Children with Disabilities 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 (e.g. 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 through 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 need 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 or other Local Authority officer with delegated responsibility will determine whether a decision must be made, and if so, 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 (Special educational needs and disability code of practice: 0 to 25 years)

5.2. The Head of the SEND Service, the Assistant Director for Education and SEND or other duly authorised officer of the Authority, can 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 child/young person's casefile.

5.3. The Head of the SEN Service, Assistant Director for Education and SEND or other duly authorised officer of the Authority, can 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 the child/young person's casefile

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 Panel 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 Panel 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. 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 Terms of Reference replaces all previous versions and is publicised as required.