



Terms of Reference for Telford and Wrekin's Education, Health and Care Assessment Panel



January 2023



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1. Introduction

Following the introduction of the Children and Families Act in September 2014, Telford and Wrekin has been working towards an operational Education, Health and Care (EHC) Panel to support the statutory Education, Health and Care Assessment Process.

The purpose of the Panel has been to support the Special Educational Needs (SEN) team to implement the Education, health and Care Pathway for children and young people with Special Educational Needs and Disability (SEND).

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

2. Routes of referral

A child or young person can be brought to the Local Authority's attention as possibly requiring an EHC assessment through:

- a) A child's parent or carer writing to the Local Authority
- b) A young person over the age of 16 but under the age of 25 writing to the Local Authority
- c) A person acting on behalf of a school or post-16 institution (this should ideally be with the knowledge and agreement of the child's parent or young person where possible)
- d) Anyone else can bring a child or young person who has (or may have) SEN to the attention of the Local Authority. This could include foster carers, health and social care professionals, early year's practitioners, youth offending teams, probation services, those responsible for education in custody, school or college staff or a family friend. Where possible, this should be done with the knowledge of the child's parent or the young person.

3. Functions of the Panel

For children and young people with SEND aged 0 to 25 the Panel will consider:

- a) All new EHC requests for statutory assessment.

4. Membership of the EHC Assessment Panel

The panel has multi-agency representation. A representative from education, health and care is required to attend all meetings although the actual professional attending may vary.

- a) **Panel Chair:** The Panel will be chaired by a senior officer in Telford and Wrekin's SEND services.
- b) **Panel composition:** The Panel will comprise Managers with authority to reach commissioning decisions across education, health and care as follows:
 - Social Care representation.
 - ICS representation.
 - Senior Educational Psychologist
 - SEND team lead.
 - Primary School representative.
 - Secondary school representative.
 - Early Years/Post 16 representative, as required.
 - LSAt Manager
 - BSAT Manager

5. Frequency

The Panel will convene on a fortnightly basis throughout the year.

Where decisions need to be reached which cannot wait until the next scheduled Panel meeting, the Chair will be responsible for reaching a decision, and will take advice from relevant professionals as necessary. The EHC Panel will be advised at the earliest opportunity.

6. Decision making

It is necessary that at all times representatives from education, health and care are present at Panel meetings. Where a Panel member is unable to attend a nominated representative should attend on their behalf with delegated authority.

7. Process

New assessments

In considering whether an EHC needs assessment is necessary, the local authority applies the statutory tests as described in section 36(8) of the Children and Families Act 2014. The Local Authority will undertake an EHC assessment where it is of the opinion that:

- (a) the child or young person has or may have special educational needs, **and**
- (b) it may be necessary for special educational provision to be made for the child or young person in accordance with an EHC plan.

SEND Officers consider every request for EHC needs assessment using the local

authorities agreed criteria as a guide, based on the information provided, to make a recommendation about whether or not to proceed to statutory assessment

SEND Officers will attend the EHC Panel to present their cases and recommendations with the following documentation submitted in advance. The SEND Officer will have discussed the referral with the refer before submitting their recommendation to the panel:

- a) Summary form with SEND officer recommendations about whether the assessment should proceed.
- b) Request for EHC assessment. (EHCNA request form)
- c) Signed consent from parent/carer or young person (within EHCNA request form).
- d) Summary of graduated approach (within EHCNA request form).
- e) Copies of letters/reports from other advising professionals.
- f) Costed provision map (within EHCNA request form).

The EHC Panel will consider:

- a) The information presented regarding the child or young person's needs and desired outcomes in relation to the statutory tests described in section 36(8) of the Children and Family Act 2014.
- b) whether there has been timely involvement across agencies of relevant professionals as required for Statutory Advice (Code of Practice 2014 Section 9.49)

The local authority will use the following indicators as *guidance* to support decision making about an EHC Needs Assessment of a learner's difficulties:

- 1) There may be a SEN which requires significant continuing support to access the curriculum and make progress. Evidence is supplied highlighting where published criteria (on the Local Offer) is met against one or multiple areas of need as specified in the CoP:
 - Cognition and Learning
 - Communication and Interaction
 - Social, Emotional, Mental Health
 - Sensory and or Physical
- 2) A graduated response to meeting need has been delivered, involving the educational setting, learner and the learner's parents/carers. This is likely to include **cycles** of assess, plan, do review and support delivered in waves. Specific records of the learners progress has been kept through review cycles that suggest the need for continued provision over and above what the school would ordinarily be expected to provide.
- 3) It is likely that suitably qualified external specialists have contributed over time to the review and refinement of evidence based interventions carried out by the setting, and can comment on their implementation.
- 4) The educational setting has provided support in line with expectations about what it ordinarily would provide. To do this settings may find it helpful to demonstrate its use of delegated SEN funds, via a fully costed individual provision map.

8. Recommendations of the Panel

8.1. Assessment/Plan

Each Panel representative will be expected to read all case papers prior to the Panel meeting, to reach a recommendation on each case and to provide a summary of the reasons for their recommendation.

Following the SEND Officer's presentation of their cases and answering of panel questions they will leave the panel to allow a panel decision to take place.

When a panel decision is reached the Chair summarises the decision and reason for the decision for the minute taker who records this to ensure:

- a) Reasons for the recommendation (relating to the guidance in the 0 to 25 SEND Code of Practice 2014) are clearly recorded for the SEND Officer to feedback to the family and referrer.
- b) Panel recommendations are placed on the child/young person's file.
- c) Information is passed to relevant education support teams to provide follow up advice to setting/school/college if necessary re continuation of the graduated approach and the Local Offer for the child or young person.

8.2. Resources (Personal Budgets)

Education resources and personal budgets are dealt with internally by the SEN team and not by Panel. Health and Social Care Commissioners should review Draft EHC Plans as required but at all times where a personal budget has been discussed. Commissioners for the EHC plans have a duty to ensure that any resources agreed for an EHC Plan:

- a) Are safe, accurate and deliverable
- b) Meet requirements of local authority and clinical governance
- c) Are evidence based and linked to outcomes
- d) Are within the financial limits set by the resource allocation systems.

8.3. Communicating Panel Recommendations

Panel recommendations will be based on the written information presented including professionals reports around the assessed needs, recommendations and outcomes expected.

Recommendations from Panel are conveyed to the family and the referrer by the SEN team officer, and a copy placed on the child/young person's file.

9. Safeguarding and Clinical Governance

All decisions and recommendations should adhere to NICE Guidance, Working Together to Safeguarding Children and the 0 to 25 Code of Practice for Special Educational Needs and Disabilities, January 2015.

10. Administrative Support

Administrative support including the co-ordination and the distribution of papers for the EHC Panel and minute taking and recording during the meeting is provided by a member of the Business Support Unit. Case papers are distributed electronically to Panel Members at least three working days prior to the meeting.

Dates/times and venue for the year are circulated in advance of the first Panel meeting for the academic year.

11. Confidentiality

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

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