



# Terms of Reference for Telford & Wrekin's Education, Health & Care Needs Assessment Panel



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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).

In partnership with multi-agency panel members, 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 years practitioners, youth offending teams, probation services, those responsible for education in custody, school or college staff or a family friend. 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 Panel meetings although the actual professional attending may vary.

- a) **Panel Chair:** The Panel will be chaired by a senior officer in Telford and Wrekin SEND services. Most often this will be the Co-Principal / Senior Educational Psychologist.
- b) **Panel composition:** The Panel will comprise representation from senior multi-agency colleagues across education, health and care as follows:
  - Social Care representation (Designated Social Care Officer (DSCO) or similar).
  - ICB Health representation (Designated Clinical Officer (DCO) or similar).
  - Co-Principal / Senior Educational Psychologist.
  - SEND Team Lead.
  - LSAT Team Lead (*optional*)
  - BSAT Manager

Representation from educational settings, to include a range from:

- Primary School representative.
  - Secondary school representative.
  - Specialist setting representative.
  - Early Years/Post 16 representative.
- c) **Parent/carer forum representation:** PCF may approach the panel Chair if they wish to engage in activities related to the EHCNA process. This could include coproduction activity to improve the process, tracking CYP journey to further understand local process and opportunities for earlier intervention, quality assurance practices and the impact for C/YP. PCF involvement may support transparency and co-production, without influencing decisions on individual requests.

## 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 panel members as necessary. The EHC Panel will be advised at the earliest opportunity.

## 6. Decision making

It is expected that representatives from education, health and care are present at all Panel meetings. Where a Panel member is unable to attend, a nominated representative at a suitable level of seniority and experience should attend on their behalf with delegated authority. Where a DCO/DSCO panel member is unable to attend or nominate a representative, the DCO/DSCO will be consulted for views via email.

## 7. Process

### New requests for statutory assessment

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 authority's 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 the requests and recommendations with the following documentation submitted in advance. Wherever possible the SEND Officer will have discussed the referral with the referrer before submitting their recommendation to the panel.

Information to be made available to Panel members in advance of the Panel should include:

- a) SEND Officer summary form.
- 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) Fully completed and signed medical questionnaire (within EHCNA request form).
- f) Copies of letters/reports/professional correspondence/records of involvement from other advising professionals.
- g) 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 requiring high needs provision 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 learner's 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, as evidenced by clear review processes and documents to demonstrate response to intervention.
- 4) The educational setting has provided support in line with expectations about what it ordinarily would provide (ordinarily available provision). To do this, settings should demonstrate their use of delegated SEN funds via a fully costed individual provision map.

## 8. Recommendations of the Panel

### 8.1. Assessment

Panel representatives will be provided with access to the EHCNA submission papers prior to the Panel meeting, to enable preparation for Panel. During Panel, representatives will explore each request and will reach a recommendation. The Panel will provide a summary of the reasons for their recommendation, with follow up advice provided where appropriate

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.
- d) DCO will make recommendations about where to seek Health advice from; this will be recorded by the minute taker.

### 8.2. Communicating Panel Recommendations

Panel recommendations will be based on the written information presented including professional reports around the assessed needs, recommendations and outcomes expected. Where the recommendation is to not proceed with statutory assessment, this decision is communicated in writing and a Moving Forward meeting offered.

Recommendations from Panel are conveyed to the family and the referrer by the SEN team officer, and any information captured via the Moving Forward meeting will be placed on the child/young person's file.

## **9. Safeguarding and Clinical Governance**

All decisions and recommendations must 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.

Regardless of the outcome of the EHCNA request, any safeguarding concerns identified emerging within panel discussion will be signposted back to the family and the referrer for further action, following the Council's safeguarding processes.

## **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 members of the wider SEND team, including the SEND Project Coordinator and Business Support Officer. EHCNA request papers should be distributed electronically to Panel Members at least three working days prior to the Panel 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 requests for assessment 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 requests which they are directly involved with or where there may be a conflict of interest.