



# West Northamptonshire Council: Education, Health, and Care (0–25 Years) Statutory Assessment Panel - Terms of Reference

## 1. Introduction

The Special Educational Needs and Disability Code of Practice 0-25 years (June 2014) provides statutory guidance on duties, policies, and procedures relating to Part 3 of the Children and Families Act 2014 and the associated regulations.

Most children and young people with special education needs and/or disabilities (SEND) will have their needs met within local mainstream early years settings, schools, and colleges.

The Local Authority (LA) must identify and carry out an assessment of education health and care needs when it considers that the child or young person has special educational needs that may require additional special educational provision to be made in accordance with an Education, Health, and Care (EHC) Plan.

The Terms of Reference (TOR) provides the framework within which decisions can be made, which is transparent, equitable and consistent. They are designed to be realistic and practical, and to provide the right balance between helping the system to work for the diversity of children, young people, and their families/carers living in West Northamptonshire, and the need for the Local Authority and Health services to carry out their duties, using robust decision-making and accountability procedures.

### **The principles and approaches underpinning these TOR are:**

- Aspirational and person-centred
- Evidence-based, proportionate, and value-for-money
- Safeguarding, and working together for positive outcomes for children and young people
- Empowers children, young people, and their families/carers
- Promotes equality and supports preparation for adulthood
- Consistency of decision-making

## 2. Purpose of the Statutory Assessment Panel

**The purpose of the EHC Panel is to provide guidance to the decisions made in relation to:**

- EHC needs assessment requests
- Deciding whether or not to issue an EHC Plan following assessment
- Oversight and discussion of tribunal and mediation requests
- Oversight of adopting EHC Plans when pupils move to West Northamptonshire from a different Local Authority
- Other relevant SEND matters for children and young people with EHC Plans

## 3. Membership of the Panel

**The panel meeting will cover three strands to ensure we have the right professionals at the meeting and that we are utilising their time effectively:**

- For children aged 0-5 years (early years)
- For children and young people aged 6-13 years
- For young people aged 14-25 years

The panel will be organised by the EHC Service administration team and chaired by the EHC service manager. In the absence of the EHC service manager, it will be chaired by either the quality and performance manager or an EHC officer. Panel members must include a range of professionals from those listed below and have the necessary expertise to represent the specific needs of the age ranges of children and young people.

**Representatives from the following professional groups will be invited:**

- SEN Statutory Assessment Team (EHC officers / Post-16 manager / quality and performance manager / caseworkers / representative from the administration team)
- Educational Psychology Service
- Health representatives - representing physical and mental health services
- Social care representative - from across all age groups
- Headteacher / deputy / SENCo - from a mainstream primary school
- Headteacher / deputy / SENCo - from a mainstream secondary school

- Headteacher / deputy / SENCo - from a special school
- Post-16 education representative
- SEND Support Services (SSS) representative
- Further Education and College representatives

The EHC Panel is considered quorate when at least three of the core members are present, in addition to the Chair. In these instances, those panel members must have sufficient experience and knowledge to make decisions and ones that can be justified at any potential tribunal hearing. A record of those attending is kept weekly on the panel notes.

An administrator will support the panel functions and record the decisions.

If an invited panel member is unable to attend the meeting, they may arrange for an appropriate representative, who must be a senior manager or equivalent from the service, to attend on their behalf. They must notify the EHC administration team of this in advance of the panel meeting.

#### **4. Decision-Making and the Recording of Decisions**

The chair of the panel will be the EHC service manager. The chair will have delegated budget responsibility for SEN and for Local Authority decisions on Education, Health and Care needs assessment and plans.

The Chair will ensure all cases are considered fairly, on individual merits, based on clear evidence provided by professionals, with input from parents/carers and young people where applicable.

The panel will meet weekly and will be responsible for providing professional guidance to enable transparent and consistent decision making in relation to all areas outlined in Section 2 of these TOR. The chair or the EHC officers will be responsible for ensuring that all decisions are recorded appropriately and that decisions are signed and dated.

In making all decisions and providing guidance the chair and panel members must assess whether there is sufficient and appropriate evidence on which to make a recommendation. All decisions will be recorded on the 'Panel Outcome' notes.

The EHC service manager (as well as EHC officers) are able to make some decisions out of panel.

These decisions can be made out of panel when there is enough adequate evidence and information to make such decisions. These decisions will be made in line with evidence and

are not contestable. Out of panel decisions will be included in the panel summary sheet for the week it was decided. The EHC Panel meets on a weekly basis; this includes school holidays.

## 5. Membership of the Panel

**Panel members should work to the principles underpinning these terms of reference and:**

- Provide expertise in their own specialist area and offer impartial advice on individual cases without promoting the interests of their service or setting
- Use their experience and knowledge, offer their views on assessment, outcomes, appropriate and proportionate provision and other matters in relation to children and young people aged 0 - 25 years who have SEND
- Offer relevant advice about legislation, codes of conduct, reforms or priorities in educational settings, services or organisations
- Advise on effectiveness of proposed EHC Plans, EHC procedures, provision, and communication

Panel members must uphold confidentiality on all cases considered at the Statutory Assessment Panel and act in accordance with the Data Protection duties of the LA and working together to safeguard children. Panel members must not advise on decisions about cases in which they are directly involved or where there may be a conflict of interest.

## 6. Role of Statutory Assessment EHC Caseworkers

The EHC caseworkers play a key role in the panel process. EHC caseworkers (when required) will attend the panel and present the evidence, which has been gathered through the statutory needs assessment, case management or annual review process.

They will be the named point of contact and ensure the child/young person and their family are at the heart of the process, guiding them through the system. They will work with the family to understand the child/young person and family needs and agree the information included for the panel.

The EHC caseworkers will prepare a case summary front sheet and essential case papers. They will discuss cases with their EHC officer prior to referral for consideration at the panel.

The EHC caseworkers will provide the meeting with a brief presentation of key issues and be familiar with the evidence base for the case so that panel members can readily refer it to in the discussion.

## 7. Panel Process

Requests for statutory needs assessment should set out the evidence about the child/young person's special education needs so that it is clear and easy to understand. Provision mapping and SEN Support Plans from educational settings must show the targeted interventions, resources, funding, and support already in place and the impact it has had (assess, plan, do, and review).

Professional assessment reports should identify the education, health and care needs that have been assessed. These should be attached to the requests for a needs assessment.

### **A child or young person can be brought to the Local Authority's attention as possibly requiring an EHC needs assessment via the following routes:**

- A child's parent or carer makes a request
- A young person (aged 16 to 25 years) makes a request
- A professional acting on behalf of a school or post-16 institution makes a request (this should be with the knowledge and agreement of the child's parent or young person, where possible)

Others can make a request to the LA for statutory needs assessment for a child or young person who has or may have SEND. For example, foster carers, health and social care professionals, early years practitioners, and youth offending teams. Where possible, this must be done with the knowledge of the child, young person's parents/carer.

## 8. Panel Observers

### **In order to promote transparency, continuing joint working, understanding, and workforce development, it is proposed that:**

- Professionals from Education, Health and Social Care are welcome to observe the EHC Panel as part of continuing professional development. They will need to book in advance via the EHC administration team and observe strict confidentiality. The TOR will be shared with observers before attendance at EHC Panel meetings.
- Members, senior leaders, and service managers may use general learning from the EHC Panel to inform the delivery of their services and the Local Offer.
- General learning and data from the EHC Panel is to contribute to the joint review of education, health, and care needs in West Northamptonshire and what is commissioned for children and young people with SEND.

## 9. Administration of the Panel

- All cases for panel must be received no later than midday on the Friday a week before panel so they can be combined.
- Invites are sent to attendees asking for confirmation of their attendance a week prior to panel.
- Once attendance is confirmed, the agenda will be sent out by secure e-mail the Monday before the panel meets. If attendance is not confirmed, agendas will not be sent.
- The combined panel paperwork will be made available to all confirmed panel members before the panel meets (by Monday) to enable attendees to review the papers before panel on Wednesday.
- Each case will have a case summary front sheet.
- Final decisions will be recorded during the panel meeting.
- A decision in writing will be issued within two weeks of the panel date, after it has been signed off by the EHC service manager / EHC officer. Where applicable, the decision letter will include the opportunity to discuss the decision further with the EHC caseworker.
- A copy of the decision for each young person will be sent to all relevant professionals, including schools/provisions at the same time.
- It is recommended that a multi-agency review of the panel and its functions should take place annually.

**All queries regarding the West Northamptonshire Statutory Assessment Panel should be addressed to: [anthony.giles@westnorthants.gov.uk](mailto:anthony.giles@westnorthants.gov.uk).**