

SEN Team Policies

Please provide the following policies for your Children's SEN department:

- 1) Personal Budgets Policy
- 2) EOTA's Policy
- 3) EHCP Needs Assessment Panel Policy (this may also be known as a Terms of Reference for the Panel)

This information normally contains:

Who is on the panel

When the panel is held

How a decision is made

- 4) EHCP Annual Review Policy
- 5) Health Provision for EHCP Panel Policy (This may also be known as a Terms of Reference for the Panel)
This information normally contains:

Who is on the panel

When the panel is held

How a decision is made

If these documents or information aren't available please clearly state so and why they aren't available

If these documents or information don't exist, please advise how consistency is measured and recorded against decisions made with regards to a child's Education

Response

- 1) Personalisation & Personal Budgets Guidance Document (August 2014) attached.
The SEND Service Manager is currently undertaking a review of this guidance. When this work has been completed, the Local Offer will be updated to reflect this review.
- 2) EOTAS Policy – this policy is under development in line with emerging caselaw. The team are currently support by the Council’s legal team when considering EOTA for individual children and young people to ensure compliance with the law. When this work has been completed, the Local Offer will be updated to share this information.
- 3) EHC Decision Making Panel Terms of Reference (TOR), EHC Decision Making Panel Sheet and EHC Needs Assessment Decision Making Guidance Document attached. The TOR outline who frequently the panels take place and who is on the panel. The EHC Decision Making Panel Sheet poses a number of questions for panel members to consider to support decision making, and the guidance document outlines severity criteria considered for each category of need outlined in the SEND Code of Practice.
- 4) Annual Review Briefing Note attached.
- 5) N/A – the Council does not have a separate panel for consideration of health provision in EHCP’s. This is because under regulation 12(2) of the SEND Regulations health provision in EHC Plans must be agreed by the responsible ICB.

Local policies, procedures and guidance documents are currently under review and changes will be made in accordance with the legal framework as prescribed by the Children & Families Act (2014) and SEND Regulations.

Special Educational Needs & Disability Team (SEND)

EHC Decision Making Panel

Terms of Reference

CONTEXT

The EHC Decision Making Panel has been established by the Local Authority (LA) to ensure that there is a forum whereby fair, equitable, transparent and consistent decisions, which are compliant with the legal requirements as set out in the SEND Code of Practice, can be made in respect of new requests for Education, Health and Care Needs Assessments (EHCNA).

The EHC Decision Making Panel will be responsible for considering all EHCNA requests, including those submitted by schools/settings, parent/carers, young people and other professionals.

The EHC Decision Making Panel is responsible for considering the evidence submitted as part of the EHCNA request in order to determine whether or not a child or young person meets the criteria to warrant the LA undertaking an EHCNA to come to an informed decision about whether an Education, Health and Care Plan (EHCP) is required.

The EHC Decision Making Panel will also make decisions as to what further assessments are required to aid the EHCNA process, where the decision is to initiate an EHCNA. Where the decision of the EHC Decision Making Panel is not to initiate an EHCNA, recommendations can be made as to what further support / action is necessary for the school / setting and other professionals to complete including:

- If any further assessments of the child / young person's needs are required to determine how they can be best supported
- If any further professional involvement from across services in education, health and / or care is necessary

Where a decision has been made by EHC Decision Making panel that a summary assessment will be necessary at Week 12 to determine whether or not an EHC Plan is necessary, these cases may be scheduled for further discussion at future EHC Decision Making Panel for a further decision about whether a Draft EHCP should be issued.

Cases will be allocated to all EHC Decision Making Panel members at least two weeks in advance of each meeting, and where possible, a maximum of two cases per officer will be allotted. Panel members will be required to review all of the referral information provided, and complete notes on the 'EHC Decision Making Panel' form on Liquid Logic.

Panel members will have responsibility for presenting cases to wider panel members, at which point, further discussions will take place to come to an informed decision. The EHC Decision Making Panel chair will make the final decision and this will be recorded on Liquid Logic.

Allocated case officers should ensure that young people, their parent / carers, the school / setting the child / young person attends and any other relevant professionals are informed of the decision and any subsequent actions / recommendations at the earliest opportunity, but by no later than 6 weeks since the referral was first submitted.

MEMBERSHIP

The EHC Decision Making Panel will be comprised of internal SEND Colleagues including The SEND Team Manager or a Hub Manager, EHC Plan Coordinators and Assistant EHC Plan Coordinators, Education Representatives (Educational Psychologists, Targeted Education Support Service), Health Representatives (Designated Clinical Offer, Speech and Language Therapy, Occupational Therapy) and Social Care Representatives (Social Care Managers).

The EHC Decision Making Panel chair will have overall responsibility for ensuring that decisions made are formally recorded, and that these are re-assigned / communicated back to relevant EHC Plan Coordinators and Assistant EHC Plan Coordinators.

CHAIR

The EHC Decision Making Panel will be chaired by the SEND Team Manager or a Hub Manager. EHC Decision Making Panel's will occur on a rota basis (A, B and C), of which, each is chaired by a different manager.

The panel chair will have an overarching responsibility to lead and moderate discussions. It will be the role of the chair to ensure that equal and fair consideration is given to all cases tabled for discussion, and that equitable decisions are made in respect initiating or not initiating an EHCNA.

In the event that a SEND Manager is unable to chair the meeting, the responsibility of chairing the meeting will fall to an EHC Plan Coordinator.

FREQUENCY AND LOCATION OF MEETINGS

EHC Decision Making Panels will take place on a weekly basis, on a rota basis, as stated above. The meetings will take place at Wigan Life Centre (South), unless stated otherwise, and meeting rooms will be booked and invites circulated in advance of the academic year.

The duration of each meeting will be for two hours and a maximum of 10 cases will be tabled at each panel for discussion. Additional panels may be scheduled, or the length of meetings extended where the number of cases to be discussed exceeds 10. Where this is the case, panel members will be notified in advance and invites will be sent.

Any queries in respect of the EHC Decision Making Panel should be directed to the appropriate panel chair.

CONFIDENTIALITY

Due to the nature of the EHC Decision Making Panel, all information shared and conversations had are to be treated as highly confidential, and as such, panel members are required to ensure that details pertaining to discussions held and decisions made pre, during and post panel are only shared with the child / young person, their family, school / setting and appropriate professionals.

All panel members are required to abide by usual data protection protocols and they should regularly familiarise themselves with these.

Any associated paperwork from the panel should only be recorded on Liquid Logic, wherever possible, and any personal notes taken should be immediately discarded following the EHC Decision Making Panel meeting.

REVIEWING ARRANGEMENTS

The group procedures will be reviewed annually and/or following any changes in legislation, guidance and LA's processes.

Panel members may be consulted with in advance of any changes made, and will be notified of any changes which impact the role and function of the panel in advance of any further meetings.

ADMINISTRATION OF THE GROUP

The LA will retain responsibility for actioning decisions made by the panel, unless specifically delegated to another service area.

The LA will be responsible for ensuring that decisions made regarding EHCNA's are communicated to children / young people, parent / carers, schools / settings and any other relevant professionals.

The LA will ensure that panel decision forms are amended as necessary following the panel meeting to reflect the discussions had at panel, and any subsequent decisions which have been made.

AGREEMENT OF TERMS OF REFERENCE

All panel members will be required to have read the Terms of Reference in advance of panel meetings, and confirmed that they will abide by the conditions set out.

Representative	Delegation / Service Area	Contact Details	Signature / Date
██████████	SEND Team Manager (SEND Team, Wigan Council)	████████████████████	
██████████	SEND 0-13 Hub Manager (SEND Team, Wigan Council)	████████████████████	
██████████	SEND Assessment & Commissioning Manager (SEND Team, Wigan Council)	████████████████████	

[REDACTED]	EHC Plan Coordinator (SEND Team, Wigan Council)	[REDACTED]	
[REDACTED]	Assistant EHC Plan Coordinators (SEND Team, Wigan Council)	[REDACTED]	

Criteria	Yes/No/Unclear	Notes/Reasons Provided
Does the EHC Referral Paperwork evidence that the child or young person <u>MAY</u> have special educational needs which would warrant an EHC Needs Assessment, as described in the SEND Code of Practice (2014)		
Does the EHC Referral Paperwork evidence that the school/setting have followed the Graduated Approach (assess, plan, do, review) over a period of at least two terms, in order to determine whether any SEN can be met at an SEN Support Level/without recourse to an EHC Needs Assessment?		
Does the EHC Referral Paperwork evidence that the school/setting have sought relevant professional input, support, advice and implemented recommendations from appropriate services across education, health and care prior to submitting a referral for an EHC Needs Assessment?		
Does the EHC Referral Paperwork evidence that after a period of following the Graduated Approach and relevant professional input over time, that the child or young person has still made less than expected progress?		
Does the EHC Referral Paperwork provide evidence that the child or young person may require provision which is 'additional to and different from' in order to ensure their SEN are met?		

Outcome / Recommendations of Panel:

Initiate EHC Assessment	
No to EHC Assessment	
Recommend further intervention / referral	

Insufficient Evidence	
Needs can be met by current provision with some adjustments	

Summary of Information / Action to be taken:

Reasons for decision	
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Letters

8	No to SA Letter	
5	Yes to SA – Young person letter	
6	Yes to SA – letter to all 6	
6a	Reply slip 6a	
6b	Prof summary 6b	
email 6c	Email 6c	
7	Social care trawl	

EHC NEEDS ASSESSMENT DECISION MAKING GUIDANCE DOCUMENT

SEVERE AND COMPLEX NEEDS CRITERIA

COGNITION AND LEARNING (C&L)	COMMUNICATION & INTERACTION (C&I)	SOCIAL, EMOTIONAL & MENTAL HEALTH (SEMH)	PHYSICAL/SENSORY (P/S)
<p>Observed persistent and significant difficulties with the following:</p> <ul style="list-style-type: none"> • Will be working at attainment levels which are considerably lower than would be expected for a C/YP or their chronological age (i.e. two thirds of chronological age) and the gap may be continuing to widen despite targeted intervention(s) • Difficulties in acquiring reading, writing and oral skills, which require a high level of targeted intervention and support • Considerable difficulties with focus, concentration and attention, despite support and access to learning resources/aids • An attitude towards learning which is reflective of limited motivation/ resistance to 	<p>Observed persistent and significant difficulties with the following:</p> <ul style="list-style-type: none"> • The gap in the child or young person’s communication skills continues to widen and is significantly lower than would be expected for children or young people of his/her age • The child or young person’s impaired social development, communication, language and speech difficulties, rigidity of behaviour and thought are enduring, consistently impeding his/her learning and leading to significant and complex difficulties in functioning • Revision of the differentiated classroom provision for the child or young person’s education has not resulted in the 	<p>Observed persistent and significant difficulties with the following:</p> <ul style="list-style-type: none"> • Withdraws or chooses not to participate in any interactions to a degree that requires continuing adult support within and outside the classroom context, e.g. a more personalised curriculum paying regard to specific areas of interest or strength and difficulty and differentiated appropriately. • Difficulties in forming and maintaining reciprocal peer and adult relationships leading to significant social isolation and disengagement • Verbal and/or physical aggression to peers or adults which does not cease with de-escalation techniques and/or 	<p>Observed persistent and significant difficulties with the following:</p> <ul style="list-style-type: none"> • Access to standard print and needs modified materials, or alternative formats, e.g. braille • Learning from demonstrations and activities in lessons • Recording/retrieving written work efficiently • Organising learning materials • Access to incidental learning and concept development • Moving safely, independently and with appropriate speed <p>The child or young person will also have one or more of the following:</p> <ul style="list-style-type: none"> • A need to use specialist equipment to provide

<p>engage in learning tasks and activities presented to them</p> <ul style="list-style-type: none"> • Signs of frustration triggered by an apparent inability to access and engage in learning tasks and activities, which are subsequently reflected in behaviours which are considered to be disruptive and/or problematic. In addition, these behaviours may not subside despite a high level of support and intervention • Considerable difficulties with the following areas of learning: sequencing, visual and/or auditory perception, coordination, organisation or short term working memory 	<p>expected progress towards achieving learning, pastoral and social interaction targets</p> <ul style="list-style-type: none"> • In respect of receptive and expressive communication and social interaction, evidence of the child or young person's need for a systematic programme to develop his/her understanding of verbal and non-verbal communication • Evidence of significant difficulties persisting for the child or young person as a result of his/her inflexibility and/or intrusive obsessional thoughts • Evidence of a high priority having to be given to the management of the child or young person's language and communication difficulties in the planning of most classroom activities and the organisation of his/her learning environment 	<p>requires time out from the situation</p> <ul style="list-style-type: none"> • Will not communicate feelings appropriately. More likely to be communicated through negative behaviours. • Extreme emotional responses that are not age or situationally appropriate leading to an inability to engage with any formal learning situations and taking a significant amount of time and support to calm from • Complete disengagement and withdrawal in a classroom setting requiring high levels of adult support to re-engage with and access learning • Risk taking behaviour that has the potential to harm. Positive handling is necessary to safeguard the child/young person and others • Limited ability to acknowledge or accept responsibility for his/her own actions in a heightened emotional state • Consistent support required to minimise high levels of disruption 	<p>efficient access to the curriculum</p> <ul style="list-style-type: none"> • A need for some individualised programmes of learning • A need for some pre or post tutoring to ensure full access to learning • Slower work rate/ability to process visual information • A need for provision of alternate physical activities • Limited social and self-help skills
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		<ul style="list-style-type: none">• Anti-authoritative behaviour• Anxiety and/or low mood adversely affecting participation, engagement, inclusion and concentration levels in the majority of situations and requiring specific and targeted interventions. May already have referral to mental health service.• Very poor self-esteem and/or resilience which is pervasive (impacts all areas of life)• Emotional functioning affected to a level where regular self-harm is occurring and necessitating specialist mental health services.• Difficulties requiring admission to inpatient services which requires joint working between LA educational and health professionals to agree a bespoke package to be delivered through a mainstream setting upon discharge.	
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Annual Reviews – Briefing Note

September 2023

The SEND Code of Practice states that "EHC plans should be used to actively monitor children and young people's progress towards their outcomes and longer-term aspirations." The Annual Review is more than just a review meeting; it is a process that **must** be completed on or before the anniversary of when the EHCP was first issued, or the anniversary of the last review. The exception to this is Early Years children, where EHCPs must be reviewed at least every 6 months. The reviews must focus on the child or young person's progress towards achieving the outcomes specified in the EHC plan. The review must also consider whether these outcomes and short-term steps to achieving long-term outcomes remain appropriate. Short-term steps to achieving long-term outcomes should be routinely set by the school/setting, in collaboration with the parent/carer and young person and should be reviewed at regular intervals throughout the course of the academic year, and not just at the point of Annual Review. Annual Reviews **must be undertaken in partnership with the child/young person and their parent/carer**, and must take account of their views, wishes and feelings, including their right to request a Personal Budget.

The process has 5 steps that are laid down in law. Although the overall review process is the Local Authority's responsibility, it is usual practice for steps 1-4 to be delegated by the LA to the school/setting/or other education provider as the 'host provider'. (CoP 9.173 to 9.175)

Step 1: Write to all professionals, parent/carer, meet with the YP (AR1, AR2, AR3)

- 1) Write to all professionals in Education, Health and Care that are involved with the child/young person, which may also include specific professionals employed by the school. If you are unsure which professionals are currently involved, please seek support from your EHC Coordinator and the Parent/Carer. *A report must be provided by each professional within 2 weeks.*
- 2) Write to the parent inviting them to contribute their views, wishes and feelings. *A report to be provided within 2 weeks.*
- 3) Gather the views, wishes and feelings of the Young Person including their view of the current arrangements. *Views to be provided ahead of the Annual Review meeting.*

Step 2: Invite all professionals, parent/carer and YP to the Annual Review meeting (Give at least 2 weeks' notice, but best practice is to ensure as much notice as possible to ensure everyone is around the table to support the young person)

Invite all professionals including Health and Social Care colleagues (universal services (e.g. school health) must be invited if no specialist support is currently in place), parent/carer and YP to the Annual Review attaching the documentation from Step 1. (CoP 9.176) Please ensure you contact the EHC Coordinator at this stage and invite them to the Annual Review. Wigan LA are not able to attend every review but will attend at least virtually where possible. Where the young person is looked after or has a CIN or CP plan, it is preferable to align the PEP, CIN, or CP meetings with the EHCP Annual Review to ensure there is consistency in all documentation.

Step 3: The Annual Review Meeting

The Annual Review meeting **must** enable full involvement of the parent and child/young person and consider their views, wishes and feelings especially when making decisions. (CoP 9.166 to 9.168). The Annual Review is required to check all sections of the EHCP, not just the educational targets and provision. It can provide an opportunity for parents/carers and young people to request changes and updates.

The meeting:

- 1) **Must** focus on progress made towards achieving outcomes.
- 2) **Must** establish whether the current outcomes remain appropriate and if required, agree new ones.
- 3) **Must** review the short-term targets and set new ones.

- 4) **Must** review the special educational provision and check its effectiveness towards achieving the outcomes.
- 5) **Must** review any health and social care provision and check its effectiveness towards achieving the outcomes.
- 6) **Must** check if the aspirations have changed (consider them in the context of paid employment, independent living, and community participation). This should also include any aspirations to independently travel, particularly those who are accessing support from the Transport team. (CoP 9.69)
- 7) **Must** check if the parent or young person would like to request a Personal Budget/Direct Payments and review its effectiveness towards the outcomes if already in place.
- 8) **Must** review the young person's attendance and any strategies to improve attendance where necessary.

The meeting should ensure that all points 1-7 are covered and the chair doesn't focus on progress generally over the past year in the education setting.

Step 4: Annual Review Report (AR4)

Following the Annual Review meeting the host **must** prepare a report that includes any recommendations for amendments to be made to the EHCP. This should include where there are differences of opinions and not just the general consensus. Where changes are to be made, please ensure updated professional advice is included in the paperwork to inform the amendments. The final paperwork **must** be sent to everyone who had been invited to the EHCP including the Local Authority (EHC Coordinator and sendsadmin@wigan.gov.uk) within **2 weeks** of the meeting taking place.

Step 5: Amend

Upon receiving the report, the LA must decide which of the following options applies:

- 1) Should the EHCP be maintained in its current format?
- 2) Does the EHCP need to be amended?
- 3) Should the EHCP be ceased?

The LA must inform the parent/YP of their decision within **4 weeks** of the Annual Review meeting.

Please note all Wigan Schools should complete the attached paperwork (AR1-4). If you are an independent setting or an Out of Borough setting and have your own Annual Review paperwork, please ensure that this includes all the information included on this report and refers to all outcomes of the EHCP in Education, Health, and Social Care. Our timescales are statutory, and we must complete step 5 within 4 weeks. It is therefore imperative we receive all the paperwork, including the AR4, within 2 weeks of the Annual Review meeting taking place.

For advice on how to deliver Person Centred Practice in the EHCP Annual Review, there is an event running at Progress House, led by the Educational Psychology Service and the SEND Team on the 27th September 2023 and 13th November 2023. Please follow the link to book: [Person Centred Practice | Be Wigan | Services for Schools](#)

The Council for Disabled Children (CDC) also have further advice and support, including a helpful video at: [What is an Annual Review? \(councilfordisabledchildren.org.uk\)](https://www.councilfordisabledchildren.org.uk)

Early/Emergency Annual Reviews

For most children and young people in receipt of EHCP's, an annual review of their EHCP should be sufficient to review the long-term outcomes set out in their EHCP and determine if their needs are being met successfully, however, in some instances and circumstances, it may be necessary to coordinate an Early / Emergency Annual Review.

The decision to coordinate an Early / Emergency Review will need to be communicated to the Parent/Carer and Young Person at the earliest available opportunity and the remit of the meeting set out. Early/Emergency Annual Review's will need to be coordinated in the same way as outlined above.

Some instances where an Early/Annual Review may be considered include:

- The Child / YP's needs and / or circumstances have changed significantly since their EHCP was issued / last annual review took place (whichever is sooner) and the long-term outcomes in the EHCP need to be reviewed in advance of the pre-scheduled review date.
- The School / Setting and /or Parent / Carer(s) have expressed concerns that the Child / YP's needs are not being met in the provision named in Section I of their EHCP, and an Emergency Review is needed to discuss next steps.

Transition Year Groups

To stay in accordance with our statutory timescales, we have the following deadlines for Transition Year Groups.

Year 6 to Year 7: Reviews are to be completed by end of October 2023 for the current cohort, but 2024/25 should be completed between April and July 2024. Parents and Young People are to indicate a preference of provision at their review, and the SEND Team will log the preference, which is considered at the Specialist Placement Panel held in December. Parents are then informed of the decision in January. **Parents should always submit a mainstream application, as if they are not offered a specialist placement, they will be allocated any school with spaces, rather than the preferred mainstream school.** The final amendments to the plan naming the Secondary School will be made by February 15th.

Year 11 to Year 12: Reviews are to be completed by the end of Autumn Term. Parents and Young People are to indicate a preference of provision at their review, and the SEND Team will log the preference and consult where appropriate. The plan will then be finalised by the end of March and where possible the post 16 provider will be named, however if placement is dependent on examination results, we will name type of provision and the provision will named following results day in August.

LA Current Position

Attendance at Reviews

Whilst the SEND Team will always endeavour to attend as many Annual Reviews as possible, it is not currently feasible to attend every Annual Review due to the number of EHCP's which are being maintained by the LA.

The SEND Team, will as far as possible, prioritise attending Annual Reviews for Children / YP who are in transition year groups to support with planning for next steps and to discuss / agree amendments necessary to their EHCP to aid in preparing for the next phase of their education.

The SEND Team will also try to prioritise attending Emergency / Early Review's where concerns are being expressed about the school / setting named in a Child / Young Person's EHCP's ability to meet need and subsequently maintain the placement.

The SEND Team will also try to prioritise attending Annual Reviews for Children / YP where consideration may need to be given to ceasing an EHC Plan (which could be due to a number of factors).

The SEND Team will not generally attend Annual Reviews where a Child / YP is making expected progress towards the outcomes outlined in their EHCP.

The SEND Team relies on schools / settings specifically requesting that an EHCP Coordinator attend a review and outlining the reasons why this is necessary. The SEND Team will then determine whether attendance is necessary and / or advise on next steps.

Whilst the SEND Team are responsible for the overall maintenance of EHCP's, it may be more appropriate for other professionals to attend reviews to support with planning and next steps. Schools / Settings should liaise with Parent / Carer(s) and / or Children / YP to determine what services / professionals are actively working with them and to determine who they wish to be invited to the Annual Review.

Amendments to EHCP's

Whilst the SEND Team will always endeavour to make amendments to EHCP's following an Annual Review taking place where this is deemed to be necessary, the decision to amend an EHCP is determined by a number of factors.

The SEND Team will always make arrangements to amend EHCP's for those Children / YP in transition year groups (i.e. Y6-Y7, Y11-Y12) ahead of their transition to secondary / Post 16 provision. The SEND Team will also make changes to Section I of a Child / YP's EHCP when a change of placement has occurred to reflect this.

The SEND Team will make arrangements to amend EHCP's in a timely manner, where there is evidence that there has been a significant change in the Child / YP's circumstances / needs, and the EHCP needs to reflect this, so that these can be effectively met.

The SEND Team will not generally make amendments to EHCP's, outside of transition year groups, when these pertain to more general / trivial information and changes (i.e. changes to Section A of an EHCP).