

DECISION MAKING AND WHAT TO DO IF YOU DISAGREE WITH A DECISION

SEN Panel and decision making

What is the SEN Panel for?

Decisions relating to needs assessment, provision, educational placement and other areas relating to supporting children with SEN are made by the SEN Panel. This is a committee comprised of representatives of a range of bodies, who assist the local authority in making those decisions.

The SEN Panel objectives are to:

- provide a forum for consultation and discussion aiming to support consistent and transparent SEN decision-making
- ensure that children's needs are met quickly, appropriately and in the most inclusive educational setting, wherever possible, locally
- have regard for the effective distribution of children's services resources based on informed decision-making
- contribute to the development of children's services approach to inclusion and meeting the needs of children with special educational needs.

Who makes up the SEN Panel?

The panel is chaired by the Head of SEN at AfC and is attended by representatives of education (headteachers, educational psychologists or SENCOs), a representative of health (community paediatrician, head of therapies or similar), a representative of social care (social worker or similar). The membership of the panel will vary from meeting to meeting. The EHCP Coordinator will attend their part of the panel meeting to present their own cases.

How does it work?

The panel meetings are scheduled on a fortnightly basis during term-time (alternating between Kingston on a Tuesday and Richmond the following Wednesday). Cases and decisions are scheduled for review at a particular panel meeting and all panel members receive and review the paperwork in advance of the meeting. Parents can ask their EHCP coordinator which panel meeting their case will be heard at. During the meeting the members of the panel will discuss each case in turn and make a decision based on the evidence submitted.

Occasionally they are unable to reach a decision as they do not have sufficient information – in which case they will ask the EHCP Coordinator to submit additional information at the next panel meeting. The panel may refer a case to another forum within AfC or for the attention of another agency if, for instance, a case needs to be considered for joint funding. All panel meetings are minuted and parents can request copies of the minutes of their part of the meeting (also from their EHCP Coordinator). Following the meeting the EHCP Coordinator feeds back the panel decision to the parents or young person within five working days. All discussions taking place during meetings of the SEN Panel are strictly confidential.

Which decisions are taken at SEN Panel?

- Whether to conduct a needs assessment for an EHCP
- Whether to issue an EHCP once a needs assessment has been undertaken
- Review and agreement of the provision in the EHCP
- Review and agreement of the placement requested in an EHCP
- Approval of personal budgets

DECISION MAKING

AND WHAT TO DO IF YOU DISAGREE WITH A DECISION

- Consideration of a change of placement and to consider whether the type of provision is appropriate
- Consideration of variation of the EHCP that has financial implications
- Requests from another local authority for a placement in a special school or provision
- Monitoring children without placements to ensure pupils access education
- Monitoring tribunals and other legal cases and the implementation of any decisions

What to do if you disagree with a decision

If you do not agree with the decisions made during the EHC Needs Assessment process, you can challenge Achieving for Children on the:

- decision to not carry out an assessment;
- decision to not issue an EHC plan;
- special educational support in the EHC plan;
- school named in the EHC plan.

First steps:

In the first instance, please contact your EHCP Coordinator.

Your EHCP Coordinator will have detailed knowledge about the statutory assessment processes aligned with the young people they are working on behalf of, and also why and how decisions have been made in particular circumstances and those endorsed by the SEN Panel.

Mediation

Mediation is a confidential, informal, non-legalistic, accessible and simple disagreement resolution process. The parent's or young person's use of mediation is voluntary. A trained mediator helps the families and professionals involved in the dispute to meet, clarify the issues and work together to reach an acceptable solution. The mediator is an independent facilitator who does not take sides, give advice or make judgements.

In the first instance of disagreement, please contact your EHCP Coordinator, SENDIASS or the Independent Support Partnership.

If you are not happy with the response you may contact Kids London SEN Mediation Services, an independent service.

Appeal

If you are still not happy with the decisions made for yours or your child's Needs Assessment or EHC Plan, you have the right to appeal to the Special Educational Needs and Disability Tribunal (SENDIST).

Parents or young people who wish to make an appeal may do so only after they have contacted an independent mediation adviser and discussed whether this might be a suitable way of resolving the disagreement. You will need a certificate from the advisor to register for an appeal. You then have one month from receiving this certificate, or two months from the original decision (whichever is the later date), to register an appeal. Appeals are not handled by Achieving for Children. Forms should be downloaded and filled out through the SENDIST website.

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Tribunal

The SEND Tribunal is a court that listens to appeals and decides if a decision should be changed. Up to three tribunal members, a clerk, an AfC representative and an expert witness will be at the hearing; however you do not have to attend if you do not wish to. Having made an appeal, you will usually find out when your tribunal date is within 10 days. Results of the appeal will be available within two weeks of the hearing.

The Independent Parental Special Education Advice (IPSEA) can provide further advice and support on tribunals, should you require it.

Making a complaint

Education

If you have a complaint to make about a process or professional, please follow the standard procedure which can be found on the Local Offer website.

Health and social care

If you are not happy with a process or professional, please speak with your EHCP Coordinator first. Most complaints can be dealt directly with this member of staff. If you are not satisfied with the outcome of this, please follow the standard procedure for complaints, which can be found on the Kingston and Richmond council websites.

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Who does what?

Educational setting's role

- Ensure that families are provided with the correct information for mediation, appeal and complaints

Guidance for parents, carers and young people

- Follow the correct processes for mediation, appeal and complaints to ensure that resolutions are efficient

SEN Team role

- Ensure that schools and families are aware of the mediation, appeal and complaints processes and Local Offer information.
- Where necessary, provide schools with support and advice on complaints

Other professionals

- Provide parents, carers and young people with support and advice through the mediation and appeals process