

## Mediation and the SEND Tribunal

### What If I don't agree with what has been decided?



You may not always agree with decisions made by us in relation to that your child's support.

There are three areas of disagreement that this service can help with:

- If you disagree with your local authority, your school, early years setting or college about how they are carrying out their education, health and care duties. This applies if your child has any kind of SEN – it's not just if they are going through EHC needs assessment or if they have an EHC plan
- If you disagree with your early years settings, school or college about the SEN provision they are making. This applies if your child has any kind of SEN – it's not just if they are going through an EHC needs assessment or if they have an EHC plan
- If you disagree with your local authority or Clinical Commissioning Group (CCG)

If you do then you have the right to challenge us about those decisions.

You should first raise this with the Additional Needs Team, and try to reach agreement. If you can't reach agreement, then they will advise you on our procedures for making complaints. You can also ask for advice and support from [St Helens Independent Advice Support Service](#) (SHIASS/Parent Partnership).

If you can't resolve any disagreement around the decisions made about your child then, as well as your legal appeal rights, there is a [mediation service](#) which can help settle disputes. The mediators are not employed by the local authority and are completely independent. Disagreement resolution services are for all parents of children and young people with SEN, and young people themselves with SEN. Using the service is voluntary and covers SEN provision as well as disagreements about health and social care.

**Contact the Additional Needs Team for further information**

Additional Needs Team  
Atlas House  
Corporation Street  
St. Helens  
WA9 1LD

01744 671104/01744 671106

### What if I disagree with my local authority's decisions?

You may not always agree with decisions made by us in relation to that your child's support.

You may also disagree with our decision .....

- not to proceed with an EHC needs assessment
- not to produce an EHC plan, or
- with the special educational support that is included in the EHC plan

If you do then you have the right to challenge us about those decisions.

You should first raise this with the Additional Needs Team, and try to reach agreement. If you can't reach agreement, then they will advise you on our procedures for making complaints. You could also approach your Parent Partnership for help.

### Contact Information:

Additional Needs Team  
Atlas House  
Corporation Street  
St. Helens  
WA9 1LD

01744 671104/01744 671106

### Mediation Services



Mediation is also a voluntary process for parents and young people, which you can use if you cannot reach an agreement with ourselves or the CCG, in matters relating to EHC plans. We have a duty to make an independent mediation service available to you. It will only cover disagreements you might have in the following circumstances, where decisions have been made:

- not to carry out an EHC needs assessment or re-assessment of your child
- not to draw up an EHC plan for your child, once they have done an assessment
- not to amend your child's EHC plan after the annual review or re-assessment
- to cease to maintain your child's EHC plan

If we have drawn up an EHC plan for your child, mediation must be available if you disagree with:

- the parts of the plan which describe a child's special educational needs
- the special educational provision set out in the plan

In these circumstances, as well as your legal rights, we will provide you with access to an independent mediation adviser who you will need to contact for information about mediation if you are thinking about appealing to the SEND Tribunal.

### Independent Mediation - Your Family Matters

The independent mediation advisory service is called [Your Family Matters](#), and they can help settle such disputes.

The mediators are not employed by the local authority and are completely independent.

Your Family Matters  
Advantage Business Centre  
132-134 Great Ancoats Street  
Manchester  
M4 6DE

Telephone: 0161 300 9721  
Email: [admin@yourfamilymatters.org.uk](mailto:admin@yourfamilymatters.org.uk)

## Mediation Meeting

If you decide to go to a mediation meeting, the mediation adviser will inform us, and we will meet you within 30 days.

The mediation meeting will be at a place and time that is convenient for you, and you will be told when and where the meeting will be, at least 5 days before it happens.

You can bring a friend, adviser or advocate to help you. When the mediation has finished the mediation adviser must issue a certificate within 3 working days. You will need this certificate to register an appeal to the SEND Tribunal.

If, once you have contacted a mediation adviser, you decide that you do not want to go to mediation, the adviser will issue you with a certificate within 3 working days. You can also go to mediation with your local authority or your local CCG about the social care and health parts of an EHC plan if you tell your local authority that you are unhappy with these parts of the plan.

## HM Courts & Tribunals Service

From September 2014 - all new requests to local authorities for an education, health and care assessment will follow the new legislation of Children and Families Act 2014.

Children and young people who already have a statement of special educational needs maintained by their local authority, will see a gradual transition into the new arrangements.

Children and young people from 0 – 25 years can pursue appeals in the Tribunal and young people over the statutory school age of 16 can appeal in their own right, rather than through their parents.

Until the new system is fully implemented, there will be different legal considerations by the tribunal depending on whether the appeal involves a statement or an EHC plan. To help you with the process, different forms are being used and different versions of the guidance are available depending on the type of appeal.

Forms may be found on the [www.justice.gov.uk](http://www.justice.gov.uk) website under Related Forms

## Contact Details:

HM Courts & Tribunals Service  
Special Educational Needs & Disability Tribunal  
1st Floor,  
Darlington Magistrates' Court  
Parkgate,  
Darlington  
DL1 1RU

Telephone: 01325 289350  
Email: [sendistqueries@hmcts.gsi.gov.uk](mailto:sendistqueries@hmcts.gsi.gov.uk)  
Fax number: 0870 739 4017  
Follow on Twitter: @HMCTS\_NBC



## Special Educational Needs and Disability - Local Offer

The [Children and Families Bill 2014](#), states that every local council across England, must provide clear information about what help is available in their area for children with special educational needs or who have a disability. The information must be readily available and is called the 'Local Offer'.

The purpose of the 'Local Offer' is to enable parents and young people to see more clearly what services are available for children with special educational needs and disabilities in their area, and how to access them.

We are working with parents, young people, children, carers, and local services, including schools, colleges, health and social care agencies, to develop the offer.

By September 2014, local authorities will be required to publish and keep under review, information about services they expect to be available for children and young people with special educational needs aged from birth to 25 years old. The Government have developed [guidance documents](#) for parents and carers to advise as to how the changes to the SEN process will affect you, along with details about the [local offer](#).

You can view our developing Local Offer by visiting the dedicated section of our web site [www.sthelens.gov.uk/localoffer](http://www.sthelens.gov.uk/localoffer)

## Special educational needs & disability A guide for parents & carers

### Who is this guide for?

This guide is for parents and carers of children and young people aged 0-25 years who have special educational needs (SEN) or a disability.

### What is it about?

This guide describes how the new system that supports children and young people with SEN or disabilities, and parents, is intended to work.

The new system starts from 1 September 2014. But local authorities (see Glossary) will need some time to move children and young people who were in the old system on to the new system. At the back of this guide, there is an Annex that explains what the rules are that local authorities will have to apply when changing to the new system.

This guide is written for parents. It covers:

- What do SEN and disability mean?
- The principles of the system that supports children and young people with SEN or disabilities
- What the law is and what your rights are
- How the system should work
- What early years settings, schools, colleges and other educational providers must do, or should do, to support you and your child
- What your local authority and other services (such as health and social services) must do, or should do, to support you and your child
- What you can do if you disagree with, or want to challenge, decisions that are made by organisations providing support for your child

### When should I use it?

You may find it helpful to use this guide if you think your child has SEN, or you've been told by someone - such as your child's teacher - that they think he or she has SEN.

If you know that your child has SEN and you want to know more about how the system works and what to expect, you can use this guide to help you. You might want to use it in meetings with professionals, or to prepare for them. At the end of each chapter, the guide includes a page in case you want to write any notes.

The guide is intended to provide some information covering the whole system. It is also divided into different sections so you can easily find the information you need. It aims to give you the key points, but can't cover everything. At the end of each section there are signposts to where you can find out more information, and some questions you might want to consider asking professionals and others. Towards the back of the guide you can find a list of organisations and helplines who can offer you more help.

## How has this guide been produced?

Although this is not a legal document, it is based on the Children and Families Act 2014 and the Special Educational Needs and Disability Regulations 2014 and the Special Educational Needs (Personal Budgets) Regulations 2014.

It is also based on the 0-25 Special Educational Needs and Disability Code of Practice 2014 (0-25 SEND Code of Practice) which is statutory guidance (see Glossary). In writing this guide, the Department for Education worked with parents of children and young people with special educational needs and disabilities and organisations that represent and advise them. We also looked at other guidance that had been produced for parents of children and young people with SEN and disabilities.

This guide has been published by the Department for Education. The following organisations worked with the Department to produce it:

- Contact a Family
- The National Network of Parent Carer Forums
- The National Parent Partnership Network
- Special Needs Jungle

## Information, Advice and Support

### St Helens Information Advice and Support Network

The Information, Advice and Support Services Network (IASS Network) provide training and support to local Information Advice and Support (IAS) Services across England. The IASS Network was previously known as the National Parent Partnership Network (NPPN), who undertook a similar role with local Parent Partnership Services. The IASS Network is funded to provide this support by the Department for Education (DfE).

### What does the IASS Network do?

- Provides a range of information, advice and support to IAS Services.
- Promotes the development and standards of IAS Services.
- Provides training to IAS Services on relevant subjects including the law on SEN and disability, health and social care (with IPSEA).
- Promotes service impartiality and arrangements that ensure IAS Services are operating at arm's length from their local authority.
- Provides a national picture of the work of IAS Services through the annual 'Benchmarking' report.
- Promotes dialogue and collaboration between IAS Services and other partners.
- Engages strategically with DfE on key issues arising for IAS Services.
- Supports an e-forum for all IAS Services through which relevant information can be sent and discussed.

- Works with the National Network of Parent Carer Forums to improve the working relationships between IAS Services and parent carer forums.
- Facilitates the SEN Information Group - a network of organisations that provide direct advice and support to families of children with SEND.

Our vision is that disabled children and young people, and those with SEN, and their parents, have access to high quality Information, Advice and Support Services, which are widely respected as an impartial source of information and support.

The IASS Network is based at the Council for Disabled Children, which in turn sits with the National Children's Bureau.

The IASS Network provides support and information to IAS Services. We do not provide any direct support and advice to children, young people and parents. If you wish to speak to your local IAS Service you can find their details here.

## **St Helens IASS - Supporting parents of, and young people/children with, Disability and/or SEN.**

Opening hours: 9am to 5pm  
Sutton Childrens Centre,  
Ellamsbridge Road,  
Sutton,  
St Helens,  
Merseyside  
WA10 6RW

Telephone: 01744 673428  
Email: [sheilahenshall@sthelens.gov.uk](mailto:sheilahenshall@sthelens.gov.uk)

Website: <http://www.iassnetwork.org.uk/find-your-iass/north-west/st-helens/>

## **Education, Health & Care Plans**



The way children with special educational needs (SEN) are assessed has changed with effect from 1 September 2014. Statements of SEN and Learning Difficulty Assessments (LDAs) have been replaced with a single Education, Health and Care (EHC) plan for children and young people with complex needs.

All requests for a statutory assessment from that date will result in the Local Authority deciding whether to assess a child/young person for an EHC plan. The process will take a total of 20 weeks.

An education, health and care (EHC) plan is for children and young people aged up to 25 who need more support than is available through special educational needs support.

EHC plans identify educational, health and social needs and set out the additional support to meet those needs.

This section of our web site should help to explain the plan, how to request it, and how your child will transfer to a plan if they currently have a statement.

We have also provided information as to the steps you can take if you aren't happy with the decisions made about your child.

## if my child already has a statement?

If your child already has a statement or Learning Difficulty Assessment they will be transferred to the new system within the next three and a half years. The transfer is likely to happen around transition points in your child's education such as when they move from primary to secondary school.

This process will start in September 2014 and the Department for Education (DfE) has advised that the children and young people in the following year groups will transfer to an EHC Plan within the academic year 2014-2015.

- Year -1 (Nursery)
- Year 6 in mainstream schools
- Year 9
- Year 11
- Year 14

If your child is in one of these year groups, you will receive a letter inviting you to a transfer review. This will replace the annual statement review and will take place in your child's school or educational setting. This transfer review will be within 12 months of the previous annual review or the issue of the final statement.

The transfer from statement to EHC plan will be explained at the review.

The final EHC plan should be completed within 14 weeks.

Some young people with special educational needs who have left compulsory education and moved into further education or training will receive support as a result of a Learning Difficulty Assessment(LDA). Those young people may choose to continue to receive their support as a result of their LDA, or request an EHC needs assessment by contacting Jackie Burns on 01744 676532

## Schedule of transfer

To help you understand better as to when your child will transfer, we have put together a schedule, which covers both pre-16 and post-16 year groups.

[St Helens Transition Timescales](#)

## How Can I request an Educational, Health and Care needs Assessment?

### A. If your child is in a nursery, school or college setting

**If you have concerns about your child's special educational needs or disability needs**

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If you have concerns about your child's special educational needs or disability needs, your first point of contact should be the school or setting. You may speak to the class teacher, tutor, SENCO, Head teacher or key worker. The school or setting should discuss these concerns with you and complete an assessment of your child's needs themselves or request an assessment from another professional.

An Action plan should then be put in place and a review held with yourself and your child to see if this has helped your child to make progress. If progress has not been made or if it is very slow, the school may arrange a meeting with yourself and an SEN Casework manager to discuss whether a request should be made to the local authority for an Education, Health and Care needs assessment. The SEN Casework



manager can also give advice about other forms of advice and support which are available through the Local Offer.

An application for an Education, Health and Care needs assessment should include the following documents, which you can work alongside staff from the school or setting, or with the assessment coordinator:

- [All about me document](#) – detailing Parent voice and Pupils voice
- [EHCP referral form](#)

The school or setting will complete an application form and send it to the Local Authority along with the forms detailed above and any professional reports regarding your child. These will then be considered by the Provision Agreement Panel (PAP)

You will be notified of the decision of the PAP within 6 weeks of the Local Authority receiving the application from your child's educational setting.

### **As a parent/carer - in your own right ....**

A parent/carer is entitled to make an application for an Education, Health and Care needs Assessment in their own right. If you feel that this is necessary you should write to the Children and Young people's services, Additional Needs Administration service, Atlas House, Corporation Street, St Helens, Merseyside, WA9 1LD. In your letter you should state that:

- You are making this request in accordance with Section 36 of the Children and Families Act 2014
- Describe the reasons why you feel it is necessary to request an Education, Health and Care needs assessment of your child's needs
- Attach any relevant documents or reports

There is an application form you can complete if this would assist and this can be requested from the address above or [downloaded here](#). Upon receipt of your application a PAP meeting takes place and you will be notified of the decision of the PAP meeting within 6 weeks. Please see guidance notes, "Parental Guidance for EHC Plan" for further information.

### **B. If you are a young person or adult over the age of 16 but under the age of 25**

If you have a special educational need or disability and feel that you need an Education, Health and Care plan to support you in education, employment or training, you can apply to the Local Authority for an Education, Health and care needs assessment of your needs.

You should write to Children and Young people's services, Additional Needs Administration service, Atlas House, Corporation Street, St Helens, Merseyside, WA9 1LD.

In your letter you should state that:

- You are making this request in accordance with section 36 of the Children and Families Act 2014
- Describe the reasons why you feel it is necessary to request an Education, Health and Care needs assessment of your needs
- Attach any relevant documents or reports

There is an application form you can complete if this would assist and this can be requested from the address above or [downloaded here](#). Upon receipt of your application a Provision Agreement Panel (PAP) within 6 weeks. Please see "Young Person's guidance for an EHC plan" for further information.

### **How does the assessment process work?**

At the start of the assessment, you and your child or the young person will have the opportunity to say what's working, what's not working and what you think needs to change. An SEN Casework Manager will help you with this.

The SEN Casework Manager will gather information from the other people involved and arrange a meeting for you all to agree the outcomes and how you think they can best be met. Remember that this is all about partnership between you and the professionals involved to make the right decisions as a family. The whole process lasts for 20 weeks.

Towards the end of this period, the SEN Casework Manager will meet you again if you wish to discuss the EHC plan, and decide the support necessary to meet the agreed outcomes. The plan will be clear about how much things cost and will have agreed timescales to make sure that it is updated and reviewed regularly, for example, annually. The plan could go with your child or the young person as they change services, change schools and also when they leave school and go on to college, work related training or apprenticeships.

The plan will cease when the education or training outcomes specified in the Education, Health and Care plan have been achieved. Following the EHC Pathway will not put children and young people at a disadvantage as it will include, and continue to comply with, all statutory obligations required under current legislation. This includes rights of appeal.

To see how the process works, please access our easy to follow diagram - [Education, Health and Care](#)

# **St.Helens Council Policy for Special Educational Needs 2017**

**Aspiration and Achievement,  
Supporting our children and young  
people from 0-25, to achieve well and  
to lead happy and fulfilled lives.**



**St.Helens  
Council**

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## St Helens Policy for Special Educational Needs 2017

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### This document replaces:

**Department of Origin:** People's Service Children's Services

**Post Holder (responsible for keeping Policy updated):** Head of SEND 0-25

**Related policies:** Accessibility Strategy

**Date approved and decision making body:** TBC

**Date first published:** TBC

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### Version Control

version	Date/ author	Approval
V0.3	June 2017 Sharon Fryer	

### Introduction

- 1.1 This policy represents St Helens response to Part 3 of the **Children and Families Act 2014** and associated regulations. The regulations associated with the Children and Families Act 2014 are:
- 1.2
- The Special Educational Needs and Disability Regulations 2014
  - The Special Educational Needs (Personal Budgets) Regulations 2014
  - The Special Educational Needs and Disability (Detained Persons) Regulations 2015
  - The Children and Families Act 2014 (Transitional and Saving Provisions)(No 2) Order 2014
- 1.3 This policy reflects the statutory guidance contained within the **Special educational needs and disability code of practice: 0 to 25 years January 2015**
- 1.4 This policy relates to children and young people with special educational needs (SEN) and disabled children and young people. A 'young person' in this context is a person over compulsory school age and under 25.
- 1.5 Note: Compulsory school age ends on the last Friday of June in the academic year in which a pupil becomes 16. For ease of reference, young people are referred to in this policy as 'over 16'.
- 1.6 In all of our decision making we **must** give consideration to what the Code says. We **must** fulfil our statutory duties towards children and young people with SEN or disabilities in the light of the guidance set out in it. These can be summarised as: '**Identify** SEND; **assess** and **meet** SEND, and **improve outcomes** for children and young people with SEND.
- 1.7 This policy applies to the range of need identified with SEN Support and Education, Health and Care Plans (EHCPs). Most needs can be met by the mainstream (universal offer), including additional SEN Support. EHCPs are appropriate for a small proportion of those who generally present with the most significant, complex and lifelong needs. EHCPs can be issued at any time from 0-25, although there is no entitlement to an EHCP after the age of 19 and we would make a decision on this based on individual needs.

### Principles

- 2 In line with Section 19 of the Children and Families Act 2014 we are committed at all times and in all decision making to the requirement to have regard to:
- 2.1
- the views, wishes and feelings of the child or young person, and the child's parents
- 2.2
- the importance of the child or young person, and the child's parents, participating as fully as possible in decisions, and being provided with the information and support necessary to enable participation in those decisions
- 2.3
- the need to support the child or young person, and the child's parents, in order to facilitate the development of the child or young person and to help them achieve the best possible educational and other outcomes, preparing them effectively for adulthood
- 2.4 We are committed to putting these principles into action in order to secure:
- the **participation** of children, their parents and young people in decision-making;
  - the **early identification** of children and young people's needs **and early intervention** to support them;
  - **greater choice and control** for young people and parents over support;
  - **collaboration** between education, health and social care services to provide support;
  - **high quality provision** to meet the needs of children and young people with SEN;
  - a focus on **inclusive practice and removing barriers to learning**
  - successful **preparation for adulthood**, including independent living and employment

### Key partners

- 3 Our policy reflects a team around the child person centred approach. This encompasses:
  - 3.1 **At the frontline** – the child or young person, their parents/carers, services and providers currently and potentially involved
  - 3.2 **At whole systems level** - representative children and young people, representative parents/carers services and providers from children's and adults services across education, health, social care, early help and the voluntary sector
  - 3.3 **Our partners are:** The St Helens CCG, Parent/Carer Forum [Listen 4 Change], St Helens Youth Council, IASS, St Helens early years settings, schools, academies, colleges and alternative providers, headteacher associations, local authority services, Northwest Boroughs Partnership [NWBPP], Bridgewater Trust and a range of health practitioners.

### Key structures

- 4.1 **Governance.** Operational and strategic managers report to Elected Members through the Cabinet Member for Children's Services, associated Scrutiny Board and the Children's Improvement Board for accountability and co-production of policy and practice.
- 4.2 **Leadership at every level** is formalised through 'groups' established to provide leadership and review: the SEND Development group and the multi-agency SEND Partners group. Development is underpinned by a joint, multi-agency workforce development framework
- 4.3 **Disagreement resolution:** we aim to resolve complaints and disagreements as quickly and simply as possible; starting with informal local arrangements to discuss issues and seek solutions at service level and then with management. We aim to find solutions as close to the point of disagreement as possible. Formal disagreement resolution and formal mediation is available for parents who wish to pursue this option. See our Local Offer for further information [Disagreement Resolution above is a hyperlink - click to go the Local Offer website page].

### Key features of policy into practice

- 5.1 **Clear and transparent decision making** that demonstrates best value use of finite public resources and participation in decision making. This is based on consistent process in line with the SEND Code of Practice 2015 and consistent application of criteria that ensures eligibility for services, resources and provision is fair and appropriate to the level of need demonstrated. See section 15.
- 5.2 **We are a learning organisation** – our self-evaluation framework (SEF) and business improvement planning is based on legislation and best practice as described in inspection documentation. Our self-evaluation (SEF) forms the basis of service and staff performance planning across agencies and for all service user age groups. We consider what is working well, or not and how to improve what we do.
- 5.3 **Evidence based practice** – we use a range of different information and data in a performance management framework; and feedback from service users, staff and stakeholders [you said: we will/we did] to review how well we are working and what difference we are making to children and young people. We use this to help us improve further.
- 5.4 **We implement a graduated approach** to our statutory responsibilities to:- 'identify SEND, assess and meet SEND, and to improve outcomes for children and young people with SEND. This is everyone's responsibility. Mainstream (universal) services are expected to meet most SEND with support as needed. There must be evidence of 'plan – do- review' over time to be sure what the nature and level of SEND is and inform decisions about next steps. This may

## St Helens Policy for Special Educational Needs 2017

include a statutory needs assessment and may result in issuing an EHCP.

- 5.5 **We prepare children and young people for adulthood and independence** from the early years. The local offer website has further information on [moving into adulthood](#) [follow this hyperlink].

### Local Offer

- 6.1 Our local offer is the total picture of services and provision that children, young people and their parents/carers can reasonably expect to be available in St Helens. This encompasses mainstream (universal) services, targeted and specialist services at SEN Support and specialist services and provision identified within Education, Health and Care Plans
- 6.2 Our local offer website is produced, reviewed and updated in co-production with children and young people who have SEND and their parents/carers. This contains all the available information about the local offer and provides an opportunity to tell us what is good, what could be better and where there are gaps.
- 6.3 We review our local offer annually to identify and address any gaps in services and provision. We publish the results of this review and any action taken as a result
- 6.4 We seek regular feedback from service users and stakeholders on the local offer and the website; findings and subsequent action is published on the website ('you said; we did; we will')

### The Graduated Approach in St Helens

- 7.1 The graduated approach in St Helens applies from the early years to post school provision.
- 7.2 It is predicated on a range of inclusive mainstream provision and services that ensure
- early identification and intervention of SEND,
  - Removing barriers to learning
  - Capacity building that means universal services are able to meet an increasing range and complexity of SEND
  - Children and young people with SEND and their parents/carers are supported and empowered so that we foster independence. We provide the support that is needed and aim to reduce this as independence develops.
- 7.3 The graduated approach is set out in the [graduated approach guidance](#). This explains how mainstream education providers are expected to meet a range of SEND; providing an inclusive approach that removes barriers to learning and appropriately meets SEND and secures improved outcomes. SEN Support is the main feature of the graduated approach and involves a number of cycles of 'plan-do-review' cycles to identify, assess and meet SEND over time. This will meet the majority of special educational needs and lead to the achievement of good outcomes for children and young people's learning and development
- 7.4 For those with significant, complex and long term special educational needs that require a specialist multi-agency response – a statutory assessment of education, health and care needs may result in a decision to issue an EHCP. The decision to commence this assessment process will be based on consideration of the evidence of what has been put in place to meet needs previously (plan-do-review). This evidence enables us to correctly determine what provision and support is needed.

## St Helens Policy for Special Educational Needs 2017

- 7.5 All needs, provision and support is reviewed annually with a view to adjusting it to meet changing needs.
- 7.6 Children and young people with an EHCP may be educated in a mainstream provision, an additionally resourced provision (ARP) or a special school. The local authority makes the placement decision based on the outcomes detailed in the EHCP and consideration of what provision is best suited to achieving these.
- 7.7 An EHCP is required for admission to a special school. The local authority is the 'admitting authority' for places in an ARP or special school.
- 7.8 Decision making is moderated by a multi-agency Panel that considers recommendations by the Senior Caseworker for issuing an EHCP and the placement that will be stipulated in the Plan.

### Special Educational Provision

- 8.1 We aim to keep children and young people local so that they remain an active and confident member of their local community, equipped for adulthood and life beyond school/education.

As part of the graduated approach we maintain a continuum of special educational provision:

- 8.2 **All mainstream provision** is expected to be inclusive and offer high quality SEN Support that meets the needs of the majority of pupils with SEND.

Where children and young people require specialist staff, approaches, environment and resources, we offer a range of special educational provision.

#### 8.3 **Additionally Resourced Provision**

Early Years:	
Primary phase:	Rectory Primary School – ASD and MLD
Secondary phase:	De La Salle – ASD; Haydock High - MLD

#### 8.4 **Special Schools**

Penkford	SEMH
Lansbury Bridge	MLD, SLD, PMLD, ASD
Mill Green	SLD, PMLD

- key ASD – autistic spectrum; MLD – moderate learning difficulty; SEMH – social, emotional and mental health; SLD – severe learning difficulties; PMLD – profound and multiple learning difficulties;

- 8.5 We will keep our provision under review to ensure that we have sufficient places of the right type; that these represent best value in terms of cost effectiveness and quality [standards and performance]. We strive to offer outstanding provision where children and young people make good and outstanding progress, achieving their aspirations and meeting our high expectations.
- 8.6 Where children and young people have particularly complex and significant needs that cannot be met by maintained provision in St Helens or neighbouring authorities, we will conduct additional assessments to determine if specialist independent provision is required. We will have regard to the best use of public resources in such decision making as this consumes a



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disproportionate share of a finite resource and more importantly, it takes children and young people out of their community, making it more difficult for them to take a place in the community when education is completed. We will endeavour to ensure that provision is an appropriate and necessary match to individual SEND.

### Personalisation and Personal Budgets

- 9.1 In drawing up an Education, Health and Care Plan (EHCP), we will ensure that strategies and provision reflect a personalised response to individual needs. This will include the opportunity to consider the appropriateness of allocating a Personal Budget where this is needed in order to achieve the outcomes identified in the EHCP.
- 9.2 A personal budget will be funded through element three of the High Needs Funding Block for education provision, the social care budget for care provision and health budgets where this is provision to meet a medical need. [Personalisation and Personal Budgets Policy pdf](#)
- 9.3 We will consider all requests for a Personal Budget within the context of the EHCP process. The decision whether or not this is appropriate and necessary will be based on consideration of the options for achieving the outcomes identified. If a Personal Budget is not agreed, the reasons will be given; this will be transparent and comprehensive.
- 9.4 A reason for not agreeing a Personal Budget will be in circumstances where the sum is part of a larger amount of committed spend and disaggregation of the funds for the Personal Budget:-
- would have an adverse impact on services provided or arranged by the local authority/CCG for other EHC partners, or
  - where it would not be an efficient use of the local authority's/health's resources
- 9.5 The High Needs Funding Block referred to above constitutes the total funding available to the local authority for special educational needs provision and services. Our decisions about allocation of this budget, as for all related budgets above, are based on a commitment to delivering high quality provision that secures improved life outcomes for children and young people with SEND, whilst ensuring best value use of finite public resources proportionate to need and equity of decisions for all children and young people across the local area.

### Joint commissioning

Reference: Joint Strategic Needs Assessments and Joint Commissioning arrangements (Section 26 of the Children and Families Act 2014).

- 10.1 Through our joint commissioning arrangements we aim to achieve greater opportunity for giving service users (children and young people with SEND and their parents/carers) more choice and control over local provision. We involve service users in the commissioning and tendering process and decision making. We seek ongoing and systematic feedback from all service users on the efficiency and effectiveness of services and provision, and gaps in the local offer in order to drive the continual improvement of services that deliver improved outcomes for children and young people with SEND.
- 10.2 We will align funding streams from education, health and care to simplify and optimise the options for decisions about Personal Budgets
- 10.3 We have aligned organisational structures (leadership and management) so that the local authority and Clinical Commissioning Group (CCG) operate as a single entity in making joint commissioning arrangements for children and young people. This is underpinned by a formal Section 75 Agreement. Our commissioners work together across education, health and care to commission universal, targeted and specialist services.

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- 10.4 Our joint commissioning is informed by the Joint Strategic Needs Assessment (JSNA) which provides a clear assessment of local needs based on national data about St Helens. It includes comparisons with statistical neighbours and the national picture. The St Helens People's Board provides governance and leadership of our evaluation of need, and planning for development and improvement through the [People's Plan](#), which sets out the Borough's approach to improving people's lives by working together to create a sustainable local care system.
- 10.5 We use the flexibility provided by section 75 of the National Health Service Act 2006 to explore opportunities for the local authority and CCG to pool resources where this will help us achieve best use of available resources and improved service delivery that leads to improved outcomes for children and young people.
- 10.6 Our joint commissioning arrangements cover services for the full range of additional and special educational needs and disabilities of those aged 0-25; those receiving universal (mainstream) services, those receiving SEN Support or targeted services and those with an EHCP receiving specialist services.

### Multi-agency, Team Around the Child Approach

- 11.1 For children and young people receiving SEN Support and for those with an EHCP, we will work collaboratively to ensure they experience a joined up response to needs. We will jointly plan, deliver and review the impact of services; providing, as far as possible, a single 'team round the child' response to needs.
- 11.2 Where appropriate to individual needs we will have one meeting, one plan and a shared understanding of the roles we each play in this. We will 'plan, do and review' together and in co-production with the child/young person and their parents/carers.
- 11.3 Plan, do and review activity will have the needs, wishes and aspirations of the child/young person at the centre of all discussions and decisions. From the age of 16, the views of the child will take precedence over the views of their parents where the child/young person has the capacity to make decisions for themselves; in all other cases, independent support will be provided to ensure their views are fully included and considered. From the age of 18, young people will receive a Deprivation of Liberty Assessment where appropriate. See information about our policy and practice in relation to the [Mental Capacity Act 2005](#) and [deprivation of liberty safeguards](#) for further information.

### Workforce development

- 12.1 In order to embed the reforms of the Children and Families Act 2014 and the strategic plans in St Helens, a joint workforce development strategy is considered an essential element of the process and this is linked to our Joint Strategic Needs Assessment (JSNA), self-evaluation and our business plans.
- 12.2 Our multi-agency workforce development strategy includes frontline staff and their managers from all services and providers; it includes service users: young people and their parents/carers. This involves these stakeholders as trainers and receivers of training and development activity
- 12.3 Workforce development covers training, coaching, mentoring, and guidance; based on 'what good looks like' and 'Learning From...' (we are committed to learning from best practice/others/review and self-evaluation/feedback)

### Outcomes focussed accountability

- 13.1 Our overarching aim in all that we do is to improve outcomes for children and young people with SEND so that they realise our high expectations and their own aspirations. This is one of our statutory responsibilities.
- 13.2 We aim to ensure outstanding provision and services are in place to support the realisation of this ambition. In order to do this we subscribe to the principle of outcomes accountability and the challenge to all services and providers – “what difference do we make to children and young people with SEND?” “How do we improve outcomes?”
- 13.3 In order to ensure improved outcomes for children and young people with SEND we employ a robust approach to monitoring and evaluating the impact of provision and services. We track and evaluate individual progress and outcomes from starting point (baseline) at individual and cohort level to ensure that we are making a difference to every child/young person and that we are using resources as effectively as possible. We do this through the Annual Review process for individuals and by using national and local information about progress and achievement to monitor outcomes for all children and young people in St Helens. We aim to close the attainment gap between our children and young people with SEND and the national average and the attainment gap between those with SEND and those with no SEND.
- 13.4 All those working with a child/young person will share information, through appropriate information sharing protocols, about baseline assessment, targets, progress and interventions in order address needs and to evaluate our impact.
- 13.5 We monitor key performance measures (how efficient are we in what we do?) and key performance indicators (what impact do we have on progress, achievement and outcomes?). We use this data alongside data about ‘needs’ to plan and review services, driving developments and improvement
- 13.6 Our key performance measures and indicators are based on national data as found on the local authority interactive tool ([LAIT](#)) [this is a hyperlink]. These show where we can make improvements and form the basis of strategic plans, service plans and individual staff targets. They inform our discussions with service users as part of the co-production process.
- 13.7 We publish pupil progress and outcomes information and discuss this with stakeholders – professionals, parents/carers and young people with SEND, so that we can most effectively drive continued improvement.

### Identifying special educational needs

- 14.1 Every professional working with children and young people in St. Helens has a responsibility for contributing to the identification of special educational needs (SEND) in children and young people at any time between the ages of 0 and 25. We will provide information, training and guidance to build the capacity of universal and mainstream services and providers to identify where special educational needs are apparent or suspected.
- 14.2 We will provide or broker access to specialist services to support the identification of SEND.
- 14.3 We scrutinise data across health, education and care to identify, track and predict the incidence and prevalence of types of SEND in order to plan effectively to meet those needs.
- 14.4 Across agencies within the local area, we share data and information about children and young people in order to provide a joined up multi-agency response to the identification of needs, including where there is ‘transfer of responsibility’ from one agency to another related to the needs or age of the child or young person with SEND

### Assessing and meeting special educational needs

- 15.1 St Helens is committed to an inclusive culture that focuses on removing barriers to learning. We promote the presumption for a mainstream education where possible and appropriate, with the caveat that provision should match needs. We provide parents with sufficient information to support their expression of a preference from the options available.
- 15.2 We aim to keep children and young people close to home and within their communities so that they are actively involved and are prepared for adult life in St Helens. We keep the range of mainstream and specialist educational provision under review so that we have sufficient services and places for the needs our children and young people experience.
- 15.3 We will provide information, training and guidance to clarify responsibilities and to build the capacity of universal and mainstream services and providers to assess and meet special educational needs at a level commensurate with those statutory responsibilities. See our [Graduated Approach guidance](#) for further details.
- 15.4 We adopt a person centred, team around the child approach to assessing and meeting special educational needs. At SEN Support and where we maintain an Education, Health and Care Plan or Statement of SEN we expect all professionals and parents to work collaboratively to ensure a seamless and joined up experience (co-production) and therefore ensure that children and young people with SEND make the best progress possible and achieve improved outcomes that equip them for a productive and fulfilling adulthood.
- 15.5 We will provide or broker access to specialist services to support the assessment and meeting of a wide range of SEND
- 15.6 We involve children in decisions about their education, health and care from an early age, using advocates and communication aids where appropriate, so that their role in co-production is independent of their parents/carers. From the age of 16, we give precedence to the views of the child in expressing choice and preference where this is appropriate in effectively meeting their needs. We fulfil the requirements of the [Mental Capacity Act](#) [see 'at a glance' information in this hyperlink] by assessing the capacity of young people to make decisions, including where this relates to [Deprivation of Liberty assessments](#)
- 15.7 Our decisions about statutory assessment are based on robust multi-agency assessments, the graduated approach and criteria for statutory needs assessment that establish when special educational needs exceed the capacity of SEN Support. See [Guidance for Schools: Meeting Additional Needs](#). Decisions are informed by scrutiny of the cycles of plan-do-review at SEN Support.
- 15.8 We convene a multi-agency panel to consider placement decisions for the purpose of moderating decisions for consistency and equity. This also includes consideration of sufficiency and appropriate use of resources; ensuring efficient and fair allocation of available resources. Personalisation, personal budgets and joint commissioning are a focus of this process.