**Education, Health & Care Plan**

**Decision Making Group Terms of Reference**

**Purpose of the Decision Making Group**

The Local Area promotes the SEND Strategy vision for children and young people with special educational needs and disabilities to achieve well in their early years, at school and in college, and lead happy and fulfilled lives. An important aspect of this is receiving the right help at the right time, which includes effective support through an Education, Health and Care Plan (EHC Plan) for those who require one. To ensure that fair, equitable, consistent, and robust processes and decision-making are in place, a multi-agency Decision Making Group is required.

The Decision Making Group will undertake the following tasks:

1. Oversight of the decisions taken by the SEN Managers for EHC Needs Assessment
2. Making the decision to issue an EHC Plan
3. Making the decision to cease an EHC Plan
4. Making provision decisions where there are exceptions

These Terms of Reference should be read in conjunction with the EHC Needs Assessment to Annual Review procedure, which fully details the process. All activity to meet the needs of children and young people with SEND must follow the SEN Code of Practice (2015), Section 37(1) and Section 51 (2)(b) of the Children and Families Act, and, the Special Educational Needs and Disability Regulations 2014 (as amended ‘The SEND Regs’).

**Functions**

**i. Oversight of the decisions taken by the SEN Managers for EHC Needs Assessment**

A request for EHC Needs Assessment can be made by a young person, a parent carer, an education setting, or other professional who wishes to bring a child or young person to the attention of the Local Authority. Their request can be made in writing or taken verbally by a member of Wirral SEND Service. Once the request is received a decision needs to be made and communicated to the parent carer or young person within 6 weeks.

The EHC Co-ordinator will use the information contained within the request, plus any other relevant information provided, to make a recommendation to the SEN Manager Team. The SEN Manager Team will make a decision as to whether an EHC Needs Assessment is required. The *Making the Decision to Undertake an EHC Needs Assessment* *Guidance*, should be used to inform this decision, with rationale provided by both the EHC Co-ordinator and SEN Manager Team on the *EHC Needs Assessment Decision Record.*

On a weekly-basis, the Decision Making Group will be provided with a full list of Requests for EHC Needs Assessment and the decision made by the SEN Manager Team (Appendix 1). This list, with the accompanying *EHC Needs Assessment Decision Record* for every case will be provided to the Decision Making Group as Item 1 of business.

It is the role of members of the Decision Making Group to consider the decisions made, based on the evidence presented within the meeting papers. Members of the Decision Making Group are expected to consider these in advance of the meeting and be prepared to raise, by exception, any decisions they perceive to need further explanation or justification. The Decision Making Group has the authority to overturn decisions made by the SEN Manager Team should the group agree that this is necessary.

**ii. Making the decision to issue an EHC Plan**

The second item of business for the Decision Making Group will be to decide in which cases there is requirement for an EHC Plan to be issued. This must be completed within 16 weeks of the Request for EHC Needs Assessment having been made. For these cases, the EHC Needs Assessment will have been completed, informed by Advice from relevant agencies and professionals and a recommendation made by the EHC Co-ordinator. The EHC Co-ordinator will complete Section A of the *Decision Making Group Record* template. This will be provided to members of the group in advance of the meeting, alongside the relevant Advice, which includes:

* Parental Advice
* Young Person’s Advice (where appropriate)
* Health Advice
* Educational Psychologist Advice
* Social Care Advice
* Education Setting Advice
* Plus, any other Advice or relevant reports provided

Cases for which a EHC Plan decision is required will be listed on the meeting agenda, and packs of papers for each provided.

Members of the Decision Making Group are expected to read these documents alongside Section A of the *Decision Making Group Record*, using them to inform their discussions and decision-making.

The Chair of the Decision Making Group will support members to make an informed decision and ensure that it is recorded in Section B of the *Decision Making Group Record* template along with a rationale to support the decision. Members should note that the rationale will be provided verbatim to parent carers and young people.

**iii. Making the decision to cease an EHC Plan**

The third item of business for the Decision Making Group is to decide when an EHC Plan can cease. This decision will be taken following an Annual or Interim Review, based on the recommendation of the Annual Review Chair.

It is anticipated that parent carers and young people will be in attendance at the Annual Review and will have been party to the recommendation that an EHC Plan is no longer required. This will be evidenced in the *Annual Review Meeting Record.* This record asks the Chair to indicate that the EHC Plan is no longer required and to demonstrate support for the recommendation from attendees.

Cases for which the EHC Plan is proposed to be ceased will be listed on the meeting agenda, and the *Annual Review Meeting Record* provided to all members of the group (Appendix 2).

**iv. Making provision and funding decisions for EHC Plans where there are exceptions**

It is anticipated that in the majority of cases the provision required to deliver the EHC Plan will be agreed without the need to consult the Decision Making Group, however, the following types of cases, will be brought to the group:

* Cases for which there are no education setting options available within the borough
* Cases where there is a disagreement between the EHC Co-ordinator and the parent carer about provision
* Cases requiring post-16 educational provision
* Cases which require a Personal Budget, Direct Payment, or Education Other Than At School (EOTAS) package

The exceptions listed above often include high-cost packages, requirement for joint funding, or inform senior leaders of sufficiency issues. To ensure fair and equitable provision these decisions will be made by the multi-agency group. It is therefore essential that those in attendance at the meeting are able to make funding and provision decisions that will be supported by their organisation

Cases for which provision decisions are required will be listed on the meeting agenda, and packs of papers for each provided.

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**Practicalities**

Each meeting of the Decision Making Group will be split into 2 parts. The first part will undertake functions 1-3, and the second part will focus on function 4, as membership will need to support funding arrangements. There will be a requirement for at least 4 members, representing the Local Authority, health, and social care, to be present at each meeting for quoracy.

The agenda and any associated papers will be circulated by email 5 working days in advance of the meeting. Administration of the meeting will be provided by the SEND Service. Minutes will be made live during the meeting and circulated to attendees immediately following the meeting. These will also be shared with the SEND Service so that records can be updated and necessary action taken.

Information shared at the meeting is done with the consent of the parent carer or young person. This is provided at the onset of the EHC Needs Assessment process. All materials shared with the Decision Making Group are for the purpose outlined in these Terms of Reference and should not be used or shared in any other forum or context.

**Membership**

Part 1 Membership

Head of Service SEND (Chair)

Social Care Representative (Children’s Services)

Social Care Representative (Adult Health and Social Care)

SEN Manager

Senior Educational Psychologist

Headteacher Representative

Health Service Representative

Finance Officer

Commissioning Representative

Part 2 Membership

Assistant Director Children’s Services (Chair)

Head of Service SEND

Head of Service Children’s Social Care

Head of Service Adult Health and Social Care

Principal Educational Psychologist

Headteacher Representative

Senior Health Representative

Finance Officer

Joint Commissioner for Children and Young People

The opportunity to observe will be given to one person per meeting for continuous professional development (CPD).

**Frequency**

The Decision Making Group will meet on a weekly basis during term-time and as required during school holidays. There may be occasions due to exceptional circumstances, when decisions need to be made outside of the Decision Making Group, for example, when there is insufficient time for the group’s recommendation to be sought and a child or young person’s care placement is at risk. On occasions such as this, a report will be made to the next meeting of the Decision Making Group to inform members. It is essential that the immediate needs of the child or young person take priority.

**Conflict of Interest**

There may be occasion where a member of the Decision Making Group needs to declare a Conflict of Interest, this may be the case for Education Representatives should their institution be named as a provider and/or their organisation will benefit from funding. On such occasions, the group member should declare the conflict of interest and be excused from the meeting for the particular item or case discussion.

**Appeals and Escalations**

The arrangements outlined in these Terms of Reference do not impact on a parent carer or young person’s right to appeal a decision. Parent carers and young people can access impartial, independent advice and support from Wirral SENDIASS. They are also able to appeal to the SENDIST Tribunal.

Should a member of the Decision Making Group wish to escalate a concern or raise a complaint regarding the group, they should do so to the SEND Strategic Board via their senior manager or SEND Strategic Board Member.

**Reporting Arrangements & Accountability**

The Decision Making Group will report on a quarterly basis to the Joint Commissioning Forum and on a monthly basis to the EHCP Performance Group. An annual report will be provided as part of the Business Planning and Self-Assessment cycle.

**Review**

The Terms of Reference will be kept under regular review. There will be a formal review of Terms of Reference annually. The next review is due in **October 2022.**

**Appendix 1- Weekly EHC Needs Assessment Decisions**

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| --- | --- | --- | --- | --- | --- |
| **No.** | **Case ID** | **EHC**  **Co-ordinator** | **SEN Manager Team Decision** | **Rationale** | **Embedded EHC Needs Assessment Decision Record** |
| *1* | *Capita ID* | *EHC Co-ordinator’s name* | *Progress to assessment*  *or*  *Assessment not required* | *Information to support the decision* | *Full decision record embedded* |
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**Appendix 2- Weekly Decisions to Cease EHC Plans**

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| --- | --- | --- | --- | --- | --- |
| **No.** | **Case ID** | **Annual Review Chair Name** | **Annual Review Chair Organisation** | **Rationale** | **Embedded**  **Annual review Meeting Record** |
| *1* | *Capita ID* | *EHC Co-ordinator’s name* | *Progress to assessment*  *or*  *Assessment not required* | *Information to support the recommendation* | *Full record embedded* |
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