

Decision and Moderation Group terms of reference

Introduction

The local authority is responsible for identifying and carrying out an assessment of education, health and care needs when it considers it may be necessary for Special Education Provision to be made for a child or young person. The process for making decisions is set out in the Code of Practice (2014); however, in essence, there are two points in the process where the local authority must make statutory decisions. These are:

- whether or not to carry out a statutory SEN needs assessment, and
- having carried out a statutory needs assessment, whether or not to issue an Education Health Care plan (EHC plan).

Function

The function of the Decision and Moderation Group will be to:

- ensure that there is a robust and transparent decision making across the local authority, based solely on the evidence provided and regardless of the source of the request
- provide a moderating function by seeking to ensure consistent decision making across all cases
- provide constructive feedback to officers on the quality of the reports and the general process of decision making so that systems can be improved where required
- where possible work with officers to disseminate good practice to other agencies
- identify whether a graduated approach is being carried out by the education setting

Membership

The Decision and Moderation Group will be organised and chaired by a local authority officer from the SEND Assessment, Planning and Review Team or a senior educational psychologist.

Representatives of the following professional groups will be invited:

- Special Educational Needs Coordinators from schools and colleges (on a rota basis)
- Early Years Portage and Inclusion Specialist
- sensory support

- social care
- Hope Virtual School
- health

All new panel members will be asked to attend an 'Introduction to Decision and Moderation Group' information sharing session to talk through the process and key things to consider whilst attending.

Process

An email will be sent to all panel members with details of:

- date of Decision and Moderation Group
- panel chair
- panel log, containing details of the cases to be considered
- where and when to send the completed panel log
- a virtual meeting to discuss cases (if appropriate)

Separate emails will be sent containing zip files of the individual case which are due to be looked at and decisions to be made. Panel members will read the papers and make notes and comments based solely on the evidence provided and meet the legal test which is outlined in Children's and Families Act:

The local authority must secure an EHC needs assessment for the child or young person if:

- (a) the child or young person has or may have special educational needs, and
- (b) it may be necessary for special educational provision to be made for the child or young person in accordance with an EHC plan.

In light of an EHC needs assessment, it is necessary for special educational provision to be made for a child or young person in accordance with an EHC plan.

Completed panel logs must be returned by the date given (the Monday before the Decision and Moderation Group) to the chair. All emails and documents containing the pupil's details and documents must be deleted from your inbox and you will be asked to confirm that this action has been completed by emailing the SEN team.

The chair will collate the decision forms and if there are inconsistencies in the decision to carry out a needs assessment or to issue a statutory EHC plan the virtual meeting will take place to discuss panel members' views and recommendations. It is the local authority (the Chair) who is the decision maker and the other members of the panel are there in an advisory capacity.

Once the chair makes the final decision on behalf of the local authority, they will record the decisions (under LCS number rather than name for GDPR).

If the outcome is 'no' to an assessment or 'no' to issuing a statutory EHC plan, then clear and robust reasons will be documented with advice for parents, carers and schools. A member of the SEN assessment team will contact the family to talk through the decision and propose a way forward.

Time and venue

The chair of the Decision and Moderation Group will hold a virtual meeting on the Tuesday between 11:30am and 12:30.

Emails containing pupil's information will be sent out by the end of the Tuesday before the Decision and Moderation Group.