

SEND EDUCATIONAL PANELS POSITION STATEMENT 2024

First Section: this gives an overview or outline of the key legislation/SEND Code of Practice and any other relevant sources of guidance.

Local Authorities commonly use panels to help make decisions when discharging their statutory duties, for example, those required under the Children & Families Act 2014. Panels may make decisions such as whether an education, health, and care (EHC) needs assessment should be carried out or which school should be named on an EHC plan. There is no legal reason why Local Authorities cannot use panels as part of their decision-making process, however, all decisions must be made within the powers granted to them.

Second section: gives a general picture in England and Herts and any common views/positions held by key SEND organisations and then outlines the local situation in Hertfordshire as we see it.

In Hertfordshire, panel processes are used to consider decisions on many different aspects of education provision and funding for children and young people with special educational needs and disabilities. There are several challenges for local authorities associated with the use of panels including:

- Ensuring transparency about the constitution of the panel, the reasons for decisions and the recording of those decisions to demonstrate the proper use of powers.
- Ensuring objective and lawful decision-making that is consistent even when the membership of panels change.
- Avoiding delays in statutory timelines which can frustrate a parent carer's or young person's right of appeal.
- Gaining a full and up-to-date understanding of the child or young person and their families at the time when decisions need to be made.
- Providing clear and accurate information to parent carers and young people about the panel process and how it interacts with their legal rights.
- Ensuring that panels are made for the right decisions at the right time and are not used when unnecessary in the individual situation, for example when it is clear what the correct decision is for an individual child or young person.
- Ensuring that resources are used effectively, recognising that panels are resource intensive requiring regular attendance from a wide range of highly skilled professionals.
- Ensuring that panel members have access to training on the legal tests and case law they must apply when making decisions and receive feedback and learning from SEND Tribunal appeals to inform future practice.

Third section: is HPCI's view as an organisation. As a minimum we want legal and SEND Code of Practice compliance. HPCI is here to reflect a 'broad church' of views across the whole range of SEND so sometimes we may include opposing views held by parents on a topic.

HPCI believes that where panels are used, transparent and robust processes must be in place and decisions must be quality-assured to ensure accuracy and consistency in decision-making.

Panel decisions must be lawful and made by skilled professionals ensuring that decisions are timely and produce a fair outcome for the child or young person. Panels should not be used when decisions are straightforward, or clear what the correct decision should be, saving resources and time for HCC and families.

We believe that HCC should ensure that panels are child-centred and that outcomes are coproduced with families so that there is clarity and understanding about how and why decisions have been made.

HPCI believes that communication with families on the use of panels, and the processes involved, needs to be improved to reduce the detrimental impact on the well-being of children, young people and their parent carers that can arise from their use.