

Dorset Local Authority SEND Scheme of Delegation

Relevant legislation

- 1 This Scheme of Delegation is written in compliance with:
 - a. <u>Section 36 of the Children and Families Act 2014</u>, and <u>Regulations 3, 4 and 5 of the</u> <u>SEND Regulations 2014</u>; and
 - b. The <u>SEND Code of Practice</u> 2015.

Purpose

- 2 The purpose of this Scheme is to set out the Local Authority's approach to considering whether an Education, Health, and Care (EHC) needs assessment is necessary and deciding whether to issue an EHC Plan, in compliance with relevant legislation.
- 3 The Scheme sets out the Local Authority's governance practices in relation to EHC Plans to make decisions alongside the relevant financial protocol.

Considering whether an EHC Needs assessment is necessary (the "6-week decision")

- 4 The Local Authority makes decisions about whether an EHC Needs assessment is necessary.
- 5 Provision Leads, have delegated authority to decide as to whether an EHC Needs assessment is necessary on behalf of the Local Authority. In cases where the Provision Lead is unable to determine the decision, they should discuss with their Service and Team Managers for (Education & Early Help). The Provision Lead, Service or Team Manager (Education & Early Help) must have undertaken relevant training to take decisions about a request for assessment on behalf of the Local Authority.
- 6 Where the Service or Team Manager (Education & Early Help) believes that they are unable to take a decision, they should escalate the case to their line manager (Head of Service for Service Managers) alongside a conversation with the Senior Educational Psychologist to decide with reference to Dorset's Graduated Approach.
- 7 The role of the Service or Team Manager for (Education & Early Help) is to:
 - a. Lead the discussion.
 - b. Agree appropriate professional advisers that should be part of the discussion.
 - c. Review each request for assessment in compliance with the SEN Code of Practice and endeavour to ensure that the decision is made within six weeks of the original request date (this is the maximum time allowed and if sufficient information is available at the point of request, the Manager should seek to make the decision much quicker).

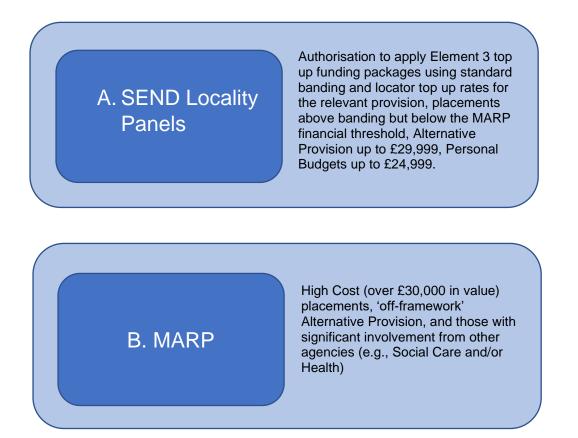
- d. If insufficient information is available, the Team Manager may wish to use the six-week period to request additional information from the requestor, other services to which the child/young person is known to such as Children's or Adult's Social Care or Health, or the educational setting, to clarify or support the application.
- e. Determine whether the Local Authority should conduct an education, health and care needs assessment for the child or young person aged between 0 and 25.
- f. Determine which professional advice should be sought based on the individual needs of the child.
- g. Capture their decision on the relevant systems to provide an audit trail for the case.
- 8 Decisions must not be taken by a person other than an authorised person, unless an exception is necessary, and it is authorised by the Corporate Director of Education and Learning or Executive Director of Children's Services in writing, where such authorisation should be time limited. The written authorisation should accompany any decisions made by the nominated person as a record of their temporary authority to take decisions on behalf of the Local Authority.
- 9 The Team Manager for (Education & Early Help) should take their decision in accordance with provision 9.14 of the SEN Code of Practice. They should observe the requirement 'To inform their decision the Local Authority will need to consider a wide range of evidence, and should pay particular attention to:
 - a. evidence of the child or young person's academic attainment (or developmental milestones in younger children) and rate of progress
 - b. information about the nature, extent and context of the child or young person's SEN
 - c. evidence of the action already being taken by the early years' provider, school, or post-16 institution to meet the child or young person's SEN
 - d. evidence that where progress has been made, it has only been as the result of much additional intervention and support over and above that which is usually provided
 - e. evidence of the child or young person's physical, emotional, and social development and health needs, drawing on relevant evidence from clinicians and other health professionals and what has been done to meet these by other agencies, and
 - f. where a young person is aged over 18, the Local Authority must consider whether the young person requires additional time, in comparison to most others of the same age who do not have special educational needs, to complete their education or training. Remaining in formal education or training should help young people to achieve education and training outcomes, building on what they have learned before and preparing them for adult life.
- 10 In line with Section 36(8) of the Children and Families Act 2014 the Local Authority must secure an EHC needs assessment for the child or young person if, after having regard to any views expressed and evidence submitted, the authority is of the opinion that

- 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.

Deciding whether to issue an EHC plan (the "16-week decision")

- 11 The Local Authority must gather advice from relevant professionals about the child or young person's education, health and care needs, desired outcomes and special educational, health and care provision that may be required to meet identified needs and achieve desired outcomes.
- 12 The principle underpinning this is 'tell us once,' avoiding the child's parent or the young person having to provide the same information multiple times. The Local Authority must not seek further advice if such advice has already been provided (for any purpose) and the person providing the advice, the Local Authority and the child's parent or the young person are all satisfied that it is sufficient for the assessment process.
- 13 Decisions on whether to issue an EHC plan are taken by the Local Authority in line with the SEN Code of Practice 2015 and moderated through the governance constituted by the Local Authority with relevant professional advisers.

Our High-Level Governance Structure



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A. SEND Locality Panel

- 14 The Locality Panel is part of the Local Authority's SEND decision-making process.
- 15 The SEND Locality Panel will be chaired by a relevant Service Manager for Education, Early Help & SEND. There will be three panels – East & Purbeck, North & Dorchester and Chesil & West which will meet weekly. The role of the SEND Panel is to:
 - a. Consider all the information gathered during the EHC needs assessment and set it alongside that available to the Local Authority prior to the assessment. If insufficient information is available to make a decision, the Panel should consider whether further work needs to be undertaken by the SEN Provision Lead to ascertain such information.
 - b. Determine whether the Local Authority should issue an EHC Plan for the child or young person aged between 0 and 25, or whether the needs identified can be met through the Local Offer.
 - c. Ensure that the decision is made as soon as practicable and at the latest within 16 weeks of the initial request or of the child or young person having otherwise been brought to the Local Authority's attention.
 - d. Capture their decision on the relevant systems as to provide an audit trail for the case.
 - 16. In an amendment to the previous process, responsibility for agreeing low-level funding decisions (i.e., Band A Lower) sits outside Locality Panels. For low-level funding decisions, the Service Manager has authority to manage these cases and allocate resources independently of the locality panel process. This amendment aims to streamline decision-making and improve the efficiency of handling low-level funding decisions.

a. Identification, Assessment and Review:

When a case is identified as potentially requiring funding at Band A Lower, it should be flagged by the relevant professional (e.g., social worker, team leader, other staff member directly involved in the assessment process). The Service Manager should review the case and determine its eligibility for funding at Band A Lower.

b. Sign-off Process, Record Keeping and Monitoring:

If approved by the Service Manager, they should sign-off on the panel sheet, as per the SEND Locality Panel process. To ensure proper tracking and monitoring, the service manager should maintain accurate and up-to-date records of all Band A Lower decisions. The Service Manager must review the progress and outcomes for a selection of Band A Lower cases periodically to ensure appropriate support and intervention are provided. Regular monitoring should be conducted to assess the effectiveness of resource use and to determine the need for adjustments.

17. Where the SEND Panel has agreed to issue a plan, the service should ensure it allows enough time to prepare the draft plan and complete the remaining steps in the process within the 20-week overall time limit within which it must issue the finalised EHC plan.

- 18. The SEND Locality Panel also holds authorisation to apply Element 3 top up funding packages using standard banding and locator top up rates for the relevant provision in line with the governance protocols in this Scheme, at the rates set by the Local Authority.
- 19. The SEND Locality Panel will also make decisions for:
 - a. Funding packages where the EHCP requires funding to provide:
 - i. Exceptional Top up to a value of £29,999
 - ii. Any provision above banding that does not exceed £29,999 (as the total annual value of the package of provision to be awarded to the educational setting)
 - b. Requests for the use of Alternative Provision (excluding Post 16 ISPs & SPIs) across Children's Services whether it be from the SEND Service, Inclusion Team, Virtual School, or Social Work Team which is for longer than one term or up to £29,999 in value.
 - c. Requests for Personal Budgets up to the value of £24,999
- 17 All decisions made at Locality Panel must be recorded in a Management Case note on the relevant child/young person's electronic record with a clear reason for the decision and outcome.
- 18 The decisions must also be recorded in the financial section to ensure payments can be made accurately. It is the responsibility of the case holding SEND Provision Lead to manage the financial section on the case management system.
- 19 The SEND Locality Panel will be made up of representatives, including:
 - a. Service Manager for Education, Early Help & SEND
 - b. Team Manager for Education & Early Help SEND
 - c. NHS Dorset representative
 - d. Education Psychology Representative
 - e. Specialist Teaching Representative
 - f. Commissioning (Brokerage and relevant Commissioner) representative view must be sought if they cannot attend
 - g. Where applicable, the view of social care and early help must be represented.

B. Multi Agency Resource Panel ("multi agency and high-cost placements")

20 The Multi-Agency Resource Panel is part of the Local Authority's decision-making process for the SEND service. The Multi-Agency Resource Panel is constituted to support the Local Authority's decision making in the following types of decisions:

- a. Where there is significant involvement from multiple agencies (such as Health and Children's or Adult's Social care) and funding may be sought from the agencies involved to deliver the provision in the EHC Plan.
- b. funding packages where Exceptional level top up, together with Element 2 and Element 3 standard banding or locator top up, exceeds £30,000 (as the total annual top up value of the package of provision to be awarded to the educational setting)
- c. Alternative Provision that exceeds £30,000 (as the total annual value of the package)
- d. Alternative Provision Requests [Post 16 ISP & SPI's) Mandatory Referral to MARP

To ensure a standardised approach for all Post 16 ISP / SPI alternative provision requests, the Multi-Agency Referral Panel (MARP) will serve as the central point for reviewing and approving such requests. Any requests for alternative provision for Post 16 ISPs or SPIs that fall outside of mainstream options, irrespective of the cost, must be referred to the Multi-Agency Resource Panel (MARP) for review and approval. MARP will assess the suitability and appropriateness of the requested alternative provision.

- e. 'Off framework' Alternative Provision
- f. Funding requests for Locators 7+ or 7++
- 21 The Multi Agency Resource Panel will be made up of senior representatives, including:
 - a. Education (or SEND service) representative
 - b. Education Psychology service representative
 - c. NHS Dorset representative
 - d. Children's Social Care representative
 - e. Adult's Social Care representative
 - f. Commissioning (Brokerage) representative
 - g. Commissioning (Strategic Commissioner) representative
 - h. In addition to the internal education representatives attending MARP, external educators shall be invited to the MARP as panel members. Invites to mainstream heads, special school heads and SENCO, from a mix of localities shall be made and representation scheduled on rota system, based on availability. This will enhance external views, holistic discussion, review, scrutiny, and challenge and contribute towards consistent and transparent decision making.
- 22 The relevant Team Manager for (Education & Early Help) and the case Provision Lead will be asked to attend the Multi Agency Resource Panel and present the case for decision.

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- 23 The Multi Agency Resource Panel will be chaired by the Education (or SEND service) representative and have authority to approve funding, placements, and provision.
- 24 To ensure efficient decision-making and timely responses, MARP Panel Members must be authorised to make decisions regarding funding, placements, and provision for children and young people with special educational needs. The decisions made by the MARP Panel Members shall be in line with the governance protocols as part of this Scheme of Delegation
- 25 Transparency of Decision Making. A mechanism for ensuring decisions made are open and visible to the education system will be created, so that decision outcomes are available. This mechanism will contribute to the transparency and consistency in the ongoing process. The following measures will be implemented to promote transparency in the decision-making process:
 - a. Decision outcomes and rationales will be made available to relevant stakeholders including parents and carers, and other interested parties. This will provide insight into the decision-making process and ensure accountability.
 - b. Clear channels of communication will be established to enable stakeholders to provide feedback on decisions. This feedback will be considered in the ongoing review and evaluation of decisions, fostering a collaborative and responsive approach.
- 26 Additional Panels during busy periods. During periods of high demand or increased workload, MARP may establish additional panels to support the timely processing of applications and ensure that decisions are made within reasonable timeframes.
- 27 Decisions for funding will sit with the relevant agency and appropriate arrangements will be made to recharge placement and provision costs where necessary. A funding tracker will be held on a Teams Site and must be updated by Provision Lead or Team Manager for (Education & Early Help SEND) as appropriate under the oversight of the SEND Portfolio Lead and Strategic Commissioner (SEND) who will collaborate with partners to retrieve funding.
- 28 A standardised approach for recording information and updating the tracker before, during, and after panel meetings must be used to ensure consistency of decision-making and as an effective tool to track and monitor the panel review process.

Standardised Panel Tracker: Implement a standardised panel tracker template that captures the required information for each panel review. This template should be used consistently across MARP and all localities to ensure uniformity and facilitate effective tracking.

Nomination of a Support Staff Member: To ensure consistency and accountability, it is recommended to nominate a specific staff support team member, to be responsible for overseeing the panel tracker process for MARP and each locality. These individuals will be responsible for

ensuring that the tracker is consistently maintained, updated, and accessible to relevant stakeholders.

Information Recording: Prior to the panel meeting, it is the responsibility of the designated person to update the tracker with the relevant details for each case, including the panel decision, recommendations, and any follow-up actions identified.

Attendance and Updates: During the panel meeting, the designated person should be responsible for recording and capturing any updates or decisions made during the discussion. These updates should be promptly entered into the tracker to maintain accurate and real-time information.

Regular Tracker Updates: After the panel meeting, the designated person should ensure that the tracker is updated with the final panel decision and any additional actions or recommendations agreed upon. This step is crucial for maintaining an up-to-date record of decisions.

29 Dip sampling of decisions made at Panels will be undertaken as part of the monthly cycle of Quality Assurance activity, coordinated by the Safeguarding and Standards Advisor (SEND).

C. Personal Budgets

- 30 The Scheme of Delegation requires that arrangements for Personal Budgets are presented to the Corporate Director for Education and Learning where the total annual value of the request is above £25,000. Please refer to the Personal Budgets Process and associated documents.
- 31 Consideration should be given to what is the Local Authority's responsibility and what is the responsibility of other organisations (i.e., Health).
- 32 Personal budgets should not be used to fund provision that could otherwise be put in place by the Council through its own arrangements or frameworks.

Further information

- 33 Details of the financial arrangements for places, and banding or locator top up funding are set out in Appendices A and in the SEND Top Up Schedules Teams Site <u>https://teams.microsoft.com/l/team/19%3a794127b713a041d4bbad44d98bdeb86b%40thread.t</u> <u>acv2/conversations?groupId=20c79a09-6474-489b-a682-f055d0ef1b4c&tenantId=0a4edf35f0d2-4e23-98f6</u>
- 34 I confirm that I have read and understood the terms set out in this Scheme of Delegation:

Signature:

Name:

Role:

Date:

Appendix A: Explanation of funding streams

There are three elements of funding that schools receive to support pupils:

- Element 1: This is universal "Basic Entitlement" funding for all pupils. Every pupil receives it. It enables the school to put a teacher in front of a class that has heating, lighting, and general resources so the school can function. This is approximately £4,000 per pupil.
- Element 2: is funding that a school can use for pupils supported through "SEN Support". This may be part of the funding an establishment has already received in its budget or may be provided as extra depending on how the establishment is funded (see table below). This is worth up to £6,000 per pupil and is known as 'place funding'. This funding is available to support "predictable educational needs" for children and young people and should be used where a school can reasonably support the SEN of the pupil.
- Element 3: is "Top up" for any child or young person who has needs greater than £10,000 (the sum of £4,000 Element 1 funding and £6,000 Element 2 funding). This funding is available to support "exceptional educational needs."

The table below explains how Elements 1, 2 and 3 are paid for different types of establishments. To understand which type of establishment you are working with, check out its status on the <u>http://www.get-information-schools.service.gov.uk/</u>

ESTABLISHMENT TYPE	PLACE FUNDING		TOP UP	
Level of financial authorisation	Element 1 £4,000	Element 2 £6,000	Element 3 (Top Up <u>above Elements 1 and 2</u>): payment at approved banding or locator values SEND Locality Panel or MARP	Exceptional level (Top Up <u>above</u> <u>Elements 1, 2</u> <u>and 3</u>): payment <u>in</u> <u>excess of</u> approved banding or locator values SEND Locality Panel or MARP
Maintained Mainstream Schools/Academies (pre-16)	Basic Entitlement received by the school for each pupil as part of the annual school budget	School is required to fund support for pupils with SEND up to £6,000 per pupil from within the annual delegated school budget/gener al annual grant, including for	Top up of costs above Elements 1 and 2 are paid through fixed SEND banded funding rates as set out in a separate document. https://teams.microsoft.com/l/team/19%3a794127b713a041d4bbad44d98bdeb86b%40 thread.tacv2/conversations?groupId=20c79a09-6474-489b-a682- f055d0ef1b4c&tenantId=0a4edf35-f0d2-4e23-98f6-b0900b4ea1e6	These top ups are <u>exceptional</u> rather than the rule, requiring approval in line with this Scheme of Delegation.

		pupils on SEN support.		
Further Education	Programme	The college	Top up of costs above Elements 1 and 2 are paid through fixed FE banded funding	
(FE) Colleges	Funding	is given	rates as set out in a separate document.	
	received by	£6,000 per	https://teams.microsoft.com/l/team/19%3a794127b713a041d4bbad44d98bdeb86b%40	
	the college	commissione	thread.tacv2/conversations?groupId=20c79a09-6474-489b-a682-	
	from the	d place at the	f055d0ef1b4c&tenantId=0a4edf35-f0d2-4e23-98f6-b0900b4ea1e6	
	Education	beginning of		
	and Skills	the year in its		
	Funding	budget		
	Agency			
	(ESFA) for			
	each pupil			

ESTABLISHMENT TYPE	PLACE	FUNDING	TOP UP		
	Element 1	Element 2	Element 3	Exceptional level	
	£4,000	£6,000	(Top Up <u>above Elements 1 and 2)</u> : payment at approved banding or locator values	(Top Up <u>above</u> <u>Elements 1, 2 and 3)</u> : payment <u>in excess</u> <u>of</u> approved banding	
Level of financial authorisation			SEND Locality Panel or MARP	or locator values SEND Locality Panel or MARP	
Resourced Provision (RP) - sometimes referred to as 'units or bases' - in Maintained Mainstream Schools/Academies	Basic Entitlement received by the school for each pupil as part of the annual school budget	This is specialist provision. The school is given £6,000 per commissioned place at the beginning of the year in its budget	Top up of costs above Elements 1 and 2 are paid through fixed RP banded funding rates according to the type of specialist provision as set out in a separate document. <u>https://teams.microsoft.com/l/team/19%3a794127b713a041d4bbad44d98bdeb</u> <u>86b%40thread.tacv2/conversations?groupId=20c79a09-6474-489b-a682-</u> <u>f055d0ef1b4c&tenantId=0a4edf35-f0d2-4e23-98f6-b0900b4ea1e6</u> SEND banding is not paid for pupils registered in the RP base.	These top ups are	
Maintained Special Schools/Special Academies	This is specialist provision. School is provided with £10,000 per commissioned place at the beginning of the year in its budget. This is deemed to be equivalent to the sum of Element 1 and Element 2		Top up of costs above Elements 1 and 2 paid through fixed Special School locator banded funding rates according to the needs of the child and size of the school as set out in a separate document. https://teams.microsoft.com/l/team/19%3a794127b713a041d4bbad44d98bdeb 86b%40thread.tacv2/conversations?groupId=20c79a09-6474-489b-a682- f055d0ef1b4c&tenantId=0a4edf35-f0d2-4e23-98f6-b0900b4ea1e6 SEND Banding rates are not paid for pupils in special schools.	exceptional rather than the rule, requiring approval in line with this Scheme of Delegation.	
Learning Centres* *Alternative Provision sometimes	This is specialist provision. The school is provided with £10,000 per commissioned place at the beginning of the year in its budget. This is deemed to be equivalent		Top up of costs above Elements 1 and 2 paid through fixed Learning Centre banded funding rates according to the route of entry of the child, the type of specialist provision and size of the school, as set out in a separate document. <u>https://teams.microsoft.com/l/team/19%3a794127b713a041d4bbad44d98bdeb</u> <u>86b%40thread.tacv2/conversations?groupId=20c79a09-6474-489b-a682-</u> <u>f055d0ef1b4c&tenantId=0a4edf35-f0d2-4e23-98f6-b0900b4ea1e6</u>		

		ates can be paid for pu NOT in learning centre	pils with EHCPs in learning SEMH places.	centre AP
		PLACE FUNDING TO		
ESTABLISHMENT TYPE	Element 1	Element 2	Element 3 (Top Up <u>above</u> <u>Elements 1 and 2)</u> : payment at approved banding or locator values SEND Locality Panel or MARP	Exceptional level (Top Up <u>above Elements 1,</u> <u>2 and 3</u>): payment <u>in excess of</u> approved banding or locator values SEND Locality Panel or MARP
Other Alternative Provision (not Learn Centres) Non-Maintained Special Schools (NMSS)* and Specia Post-16 Institutions (SPIs)	of the individual pupil. This is specialist provision. Most NMSS and SPIs are provided with	ns the whole cost is pa Top up of costs ab based upon the ne		Authorised at SEND Locality Panel or MARP, based on the <u>total annual</u> <u>value</u> of the package of
*Not the same as a maintained special school or special academy. Generally charitable special schools.	You will need to check with the establishment, whether they receive any place funding direct from the Education and Skills Funding Agene (ESFA) If in doubt, assume that they receive £10,000 per place from the ESFA to	cy e		provision suitable for the individual child or young person's need.

Independent schools	This is specialist provision, but they DO NOT receive £10,000 at the beginning of the year. This means the whole cost paid is based upon the needs of the individual	
	pupil.	

PLEASE NOTE:

If a school has specialist provision, places are commissioned by Dorset Local Authority for all establishments within Dorset geographical area; with the exception of NMSS / SPIs and independent schools. The provision is expected to fill up to the commissioned number, and it makes no difference whether the place is filled by a child or young person from Dorset, or from another local authority. Dorset still commissions the places and pays the place funding.

If all the commissioned places at an establishment are full, the Local Authority and the providing establishment would need to discuss whether the child or young person could be accommodated as a marginal extra - at no extra cost, or whether another '£10,000' (or £6,000 for a college or Resourced Provision base) should be paid. If it is agreed an additional '£10,000' (or £6,000) should be paid, this would be paid pro rata for the part-year.

There is a 'netting off' exercise as part of the allocation of funding from the government to local authorities. This ensures funding is adjusted where Dorset children and young people fill specialist places in other local authorities, or other local authority children fill places in Dorset.

For further advice contact the Children's Services' Schools, Finance and Support Team in Education Service.

Funding Values for the 22/23 Academic Year for all types of settings will be found in a separate document in the SEND Top Up Schedules Teams Site.

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