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<b>Committee Approved:</b>	Children and Young Families Commissioning
<b>Approved date:</b>	April 2022
<b>Review Date:</b>	April 2023
<b>Target Audience:</b>	North Yorkshire and York Health and Care Partnership  NNYICB, SEND Team, NHS Providers, HNY ICB, NYCC, CYC, PCV, YIK, VCS
<b>Policy Number:</b>	NY/CYC-001
<b>Version Number:</b>	2.0

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### POLICY AMENDMENTS

Amendments to the Policy will be issued from time to time. A new amendment history will be issued with each change.

New Version Number	Issued by	Nature of Amendment	Approved by & Date	Date on Intranet
2.0	Sally Newsome-Designated Clinical Officer	New Policy to be Approved	Sue Peckitt Chief Nurse and Paula Middlebrook Deputy Chief Nurse April 2022	TBC



# Standard Operating Procedure

## SEND

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## Purpose

The purpose of the document is to outline the pathways and practice guidelines for those health professionals and services, who contribute to processes in relation to children and young people (CYP) who have, or may have, special educational needs or disabilities (SEND).

## Scope

NHS Humber and North Yorkshire Integrated Care Board (ICB) is made up of six geographical areas. This document should be used for all children and young people aged 0-25 who have or may have SEND and are registered with an NHS GP within York and North Yorkshire 'Place'.

York and North Yorkshire providers must work jointly with their stakeholders to ensure SEND systems, processes and practice standards are effective, efficient, and compliant.

It is noted that commissioning and local authority (LA) boundaries differ across the Integrated Care Board, therefore, this SOP provides guidance specific to LA where there are differences between the LAs.

York and North Yorkshire ICB SEND Team (Y and NY ICB SEND Team) comprises of a Designated Clinical Officer for SEND, 2 Associate Designated Clinical Officer's for SEND and 2 business support officers. They can be contacted via:

York Associate Designated Clinical Officer and business support officer	<a href="mailto:hnyicb-voy.send-ehcp@nhs.net">hnyicb-voy.send-ehcp@nhs.net</a>
North Yorkshire Designated Clinical Officer and business support officer	<a href="mailto:hnyicb-ny.send@nhs.net">hnyicb-ny.send@nhs.net</a>



## Introduction

Our vision for children and young people with special educational needs and disabilities (SEND) is the same as for all children and young people – that they achieve well in their early years, at school and in college and make a good transition to adulthood, to lead contented and fulfilled lives.

The Children and Families Act 2014 and the SEND Code of Practice (2015) outline the duties of local authorities, health bodies, schools and colleges to provide for those with special educational needs and can be found here:

<https://www.legislation.gov.uk/ukpga/2014/6/contents/enacted>

<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

There are specific duties for health bodies outlined within these legal documents. Specifically, Section 23 of the Children and Families Act 2014 outlines the duty of health bodies to bring children under compulsory school age who have or may have SEND to local authority's attention. This is detailed further in the Section 23 SOPs for each geographical area.

Furthermore, the Children and Families Act (2014) introduced a process for setting out and describing the education, health and care needs of children and young people with SEND. This legally binding document is called an Education, Health and Care Plan (EHCP).

The Integrated Care Board (ICB) has a statutory obligation under the Children and Families Act (2014) to ensure the timely provision of advice or information for the preparation of Education Health and Care Plans (EHCP's). The ICB must ensure that any health support identified in an EHCP is provided and is clearly linked to outcomes that will improve health and well-being. The SEND Code of Practice (2015) requires the ICB to explain by whom and how this health advice will be provided. This is detailed further in the EHCP section of this SOP.

Section 19 of the Act sets out the general principles that local authorities must have regard to when supporting disabled children and young people and those with SEN under Part 3 of the Act. Local authorities must pay particular attention to:

- the views, wishes and feelings of children and their parents, and young people;
- the importance of them participating as fully as possible in decision-making and providing the information and support to enable them to do so; and
- supporting children and young people's development and helping them to achieve the best possible educational and other outcomes

These principles are fundamentally important when working with children, young people and families and must be incorporated into all that we do.



## Section 23 Notifications

Health professionals have a duty to notify the local authority if they believe a child under compulsory school age has, or is likely to have, special educational needs or a disability that may impact upon learning (SEND). This duty is Section 23 of the Children and Families Act 2014.

This notification is usually made by a paediatrician, designated medical officer, children's therapy team or a health visitor, who must in the first instance:

- inform the parents that they believe their child has (or is likely to have) SEND
- arrange for parents to discuss this opinion with appropriate health professionals
- inform parents that they have a duty to tell the local authority of their opinion that the child has or may have SEND
- advise parents of organisations that may be able to support them in relation to their child's SEND.

In accordance with Section 23, health professionals will share information about the named child with the relevant local authority by completing a Section 23 Notification Form and send to the LA's secure referral point at as detailed on referral form.

The 'notifier' must advise the parents of organisations that may be able to support them in relation to their child's SEND and information on available support and services can be found on the relevant local authority 'Local Offer'.

North Yorkshire <https://www.northyorks.gov.uk/send-local-offer>

York [Yorks Local Offer for SEND \(yor-ok.org.uk\)](http://Yorks Local Offer for SEND (yor-ok.org.uk))

East Riding [Welcome \(eastridinglocaloffer.org.uk\)](http://Welcome (eastridinglocaloffer.org.uk))

Please follow the relevant local authority's processes for referring into early years support services such as Portage and Specialist Teaching teams which is detailed on their local offers.

# Education, Health and Care Plan Processes and Guidance

## Introduction

As part of the statutory assessment process on where the local authority is determining whether to issue an EHCP or not, the local authority is required to seek medical/ health advice to consider whether any identified health needs may impact on the progress of learning (Children & Families Act, 2014).

The Children and Families Act outlines in relation to EHCPs, including the obligation of the ICB to ensure the timely provision of health advice or information for the preparation of EHCPs. The ICB must ensure that the health services it commissions provide advice that is clearly linked to outcomes that will improve health and well-being where a need is identified. Furthermore, the SEND Code of Practice (2015) requires ICB's to explain by whom and how this health advice will be provided.

Where there are no identified health needs that may impact on learning this must be clearly stated and agreed by parents.

## Statutory timeframes:

From the original request the local authority must complete the assessment process within 16 weeks and if it decides that an EHCP is required, the final EHC plan must be issued within 20 weeks of the original request.

In order to support this timeframe, statutory requirements outline that health services must return health advice within 6 weeks of them receiving the request from the local authority.

## Consent

The Local Authority SEND teams seek and obtain consent from parents/guardians and young people aged over age of 16 years, to share information with health providers and the ICB as part of the statutory processes.

## Governance and Assurance

No. of requests for statutory advice and return timescales will be monitored by the LA.

Local Authority terms of reference to include:

- Number of new EHCP requests per month
- Number of EHCP health advice received within timescales

York and North Yorkshire DCO and ADCO to escalate any concerns regards timeliness or quality of health advice with the appropriate NHS Provider. Local health providers also collect data in relation to numbers of statutory health advice returned

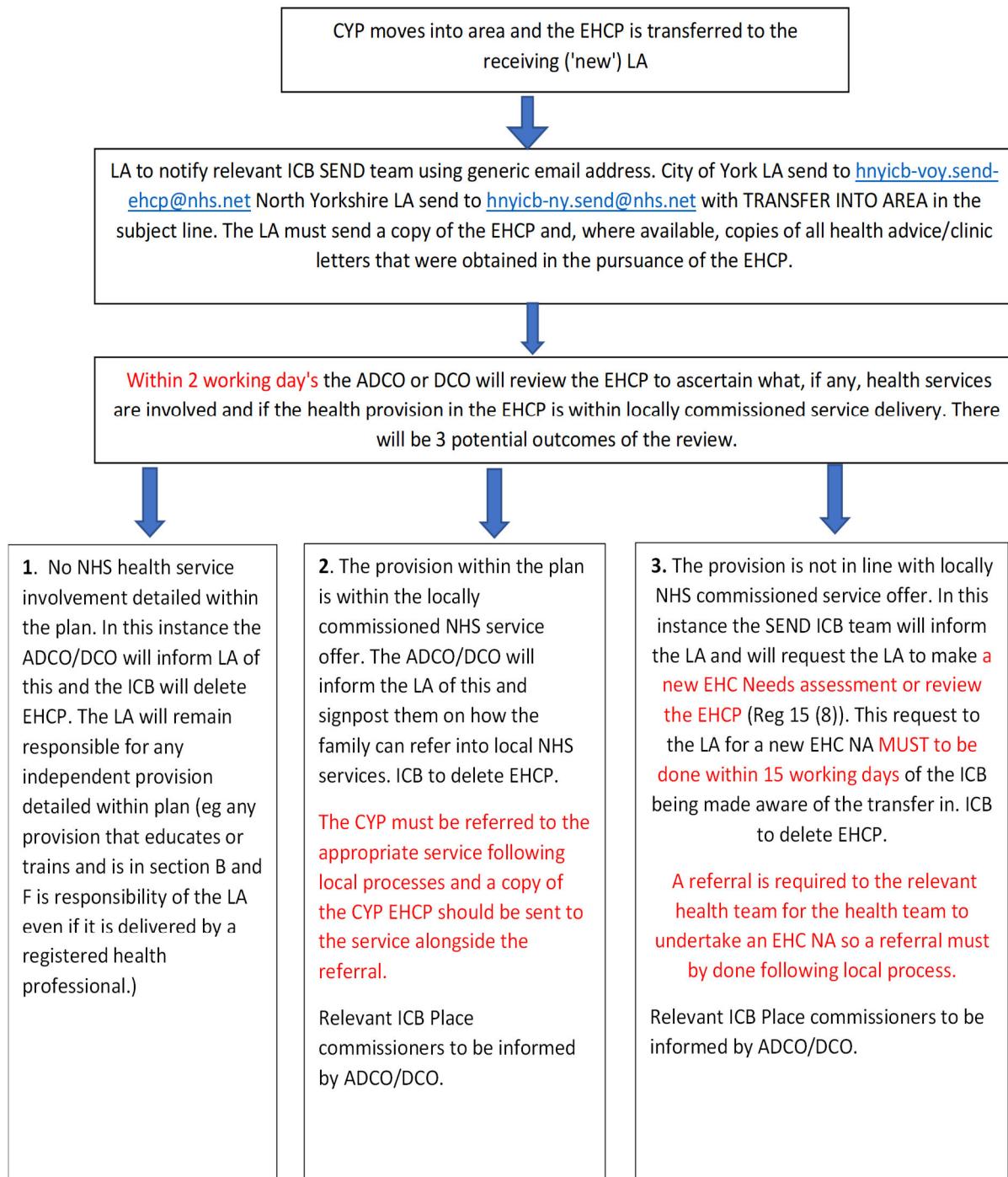
and no. returned late, and this enables triangulation and greater ownership within individual services. This data is collated by the Y and NY ICB SEND team.

There are several processes in place that enable us to monitor quality, consistency, compliance, and supports continuous improvement including:

- ADCO or DCO quality assures the statutory health advice submitted for EHCP needs assessment and the completes the health QA audit monitoring tool. Any advice that does not meet minimum standard is escalated to the provider and remedied in order that it can be included within the plan.
- ADCO or DCO quality assures the health sections of draft EHCP's to ensure quality and consistency. Any amendments required are communicated to the LA EHCP plan writer/SEND Casework officer.
- Services should ensure they have service specific mechanisms in place to ensure all advice and EHCPs have met the quality standards including EHCP health advice being peer audited with management overview, prior to returning to the LA.
- DCO/ADCO holds weekly clinics with the LA to provide support and QA for health information.

## Movement into area

### Process to be followed when CYP moves into area with an Education Health and Care Plan



## Engagement

The Children and Families Act (2014) places a statutory duty on the NHS to work with local authority partners to provide help and support to children, young people aged 0-25 years, and their families, who have Special Educational Needs and Disabilities (SEND).

SEND covers physical and mental health conditions and learning disabilities: conditions do not have to be long term or lifelong, although many children and young people with SEND do have such conditions.

The Children and Families Act 2014 requires health commissioners and providers, to work effectively together to improve outcomes for disabled children and young people and those with special educational needs (SEN). The aim of this legislation is to ensure a more integrated and personalised service, a focus on outcomes and alignment with a number of key NHS programmes such as Transforming Care (Learning Disability), Child and Adolescent Mental Health Service (CAMHS) transformation and integrated and personalised commissioning.

The ICB and the LA have a joint SEND Partnership Values Communication and Engagement Agreement. Further to the local strategy for engaging with children, young people and parents/carers, the ICB will have an engagement plan for each engagement event.



SEND Partnership  
Values communicati

The Engagement Cycle <http://www.institute.nhs.uk/engagementcycle>



## SEND Provider Meetings

SEND provider meetings are held on a monthly basis chaired by the DCO for Service Leads and SEND leads within the NHS providers, Parent Carer Voice, Local Authority and SENDIASS. The meetings are health provider focused on meeting the deliverables and Key performance indicators of the Local Area SEND Agenda.



SEND Network  
Providers TOR 1st Ed

## SEND Champions

SEND Champions and service managers have been identified within health providers across North Yorkshire and York, to attend monthly SEND Champion and provider meetings, where current SEND information is shared for the practitioners to disseminate within their teams.

The SEND Champions have created EHCP health advice examples to provide guidance to health practitioners when writing advice for a CYP's EHCP. The examples will be utilised in the EHCP writing training package, with the aim that this will increase the quality of health advice within EHCP's.



TOR for SEND  
Champions 03.11.22 \

## SEND Training

In collaboration with Parent Carer Voice (PCV) and York Inspirational Kids (YIK), the Y and NY ICB SEND team developed Level 1 and 2 SEND training packages for health practitioners to complete. SEND Level 3 training has been developed in collaboration with the NYCC SEND lawyer and the Y and NY ICB SEND team.

SEND Level 1- awareness training for all local NHS employees to complete as a one-off training. This presentation has been ratified with NHS England and has been shared with local health providers for service managers to monitor completion of the training.

SEND Level 2 - for those who work with CYP with SEND and is to be completed every 3 years. This presentation has been ratified with NHS England and has been shared with local health providers for service managers to monitor completion of the training.

SEND Level 3 - health practitioners who write health advice towards EHCPs to attend. This training is to be completed every year. Level 3 training is delivered virtually by the ADCO, NYCC lawyer and LA SEND Lead, with minimum of three training dates provided over the year.



SEND Training  
Offer.docx

## EHCP Drop-in Clinics

The ADCO's at both York and North Yorkshire ICB SEND team provide weekly drop-in clinics to health providers across the region and their respective LA SEND Casework Officers.

The aim of the EHCP drop-in clinics is to provide support to health practitioners when writing health advice for a CYP's EHCP and to support LA SEND Casework Officers with inputting that advice onto the EHCP accurately.

Health and Local Authority colleagues can book into a clinic slot by emailing:

York place SEND Team	<a href="mailto:hnyicb-voy.send-ehcp@nhs.net">hnyicb-voy.send-ehcp@nhs.net</a>
North Yorkshire place SEND Team	<a href="mailto:hnyicb-ny.send@nhs.net">hnyicb-ny.send@nhs.net</a>



## Health Questionnaire for EHCP's

As part of the statutory assessment process for an Education, Health and Care Plan (EHCP) the local authority is required to seek medical/ health advice. This is to consider whether any health need may impact on the progress of learning.

As part of the process when requesting an EHCP, the young person and/or parent/carer is asked to provide information about any health need(s) they may have and what professionals are involved in the CYP's care; these professionals will be asked to supply further relevant health information.

This will help the LA and Y and NY ICB SEND team ensure that comprehensive and complete information about health needs is requested and considered, to enable the LA to decide whether to continue with an EHC assessment

## NYCC EHCP Seeking Advice Pathway

### Purpose

This pathway describes the process that should be followed by North Yorkshire County Council (NYCC) to obtain advice and information about health needs related to the CYP. This applies to new requests and to update health advice for annual reviews.

NHS North Yorkshire CB commissions health services from:

- Harrogate and District NHS Foundation Trust (HDFT)
- York and Scarborough Teaching Hospital Foundation Trust (YSTHFT)
- Tees, Esk & Wear Valley (TEWV)
- South Tees Hospitals NHS Foundation Trust
- Children and young people's continuing care.
- Specialist provision (where relevant).
- HDFT 0-19 Healthy Child Service

### Processing the request

Using the email addresses below, please forward the letter of request and Section A of EHCP to the relevant services.

### Email contacts

**On receipt of request the health team will follow internal processes including quality assurance checks and return advice to the local authority SEN team within 6 weeks.**

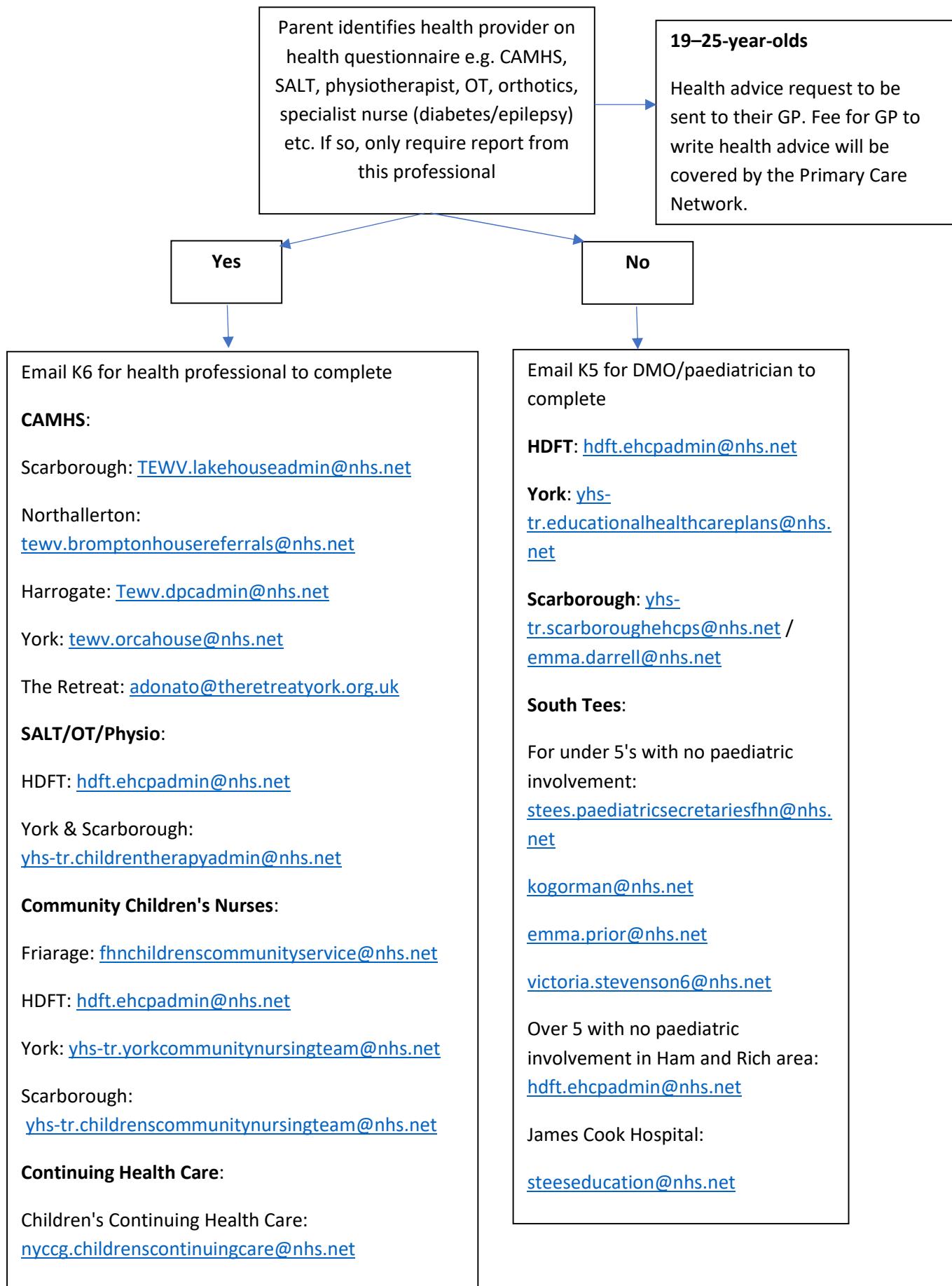
### Governance and Assurance

Requests and return timescales will be monitored by the LA.



If the health advice has not been returned to the LA despite 2 requests, then the SEN team should contact the DCO/ADCO via the [hnyicb-ny.send@nhs.net](mailto:hnyicb-ny.send@nhs.net) email address to request the support of the CCG to secure the advice in line with statutory time frames. The LA needs to notify the DCO/ADCO details of the date health advice was initially requested and where it was sent.

### NYCC SEN Casework Officers and SEN Admin process



## NHS Providing health advice Flowchart

NYCC SEN team to forward request for health advice and Section A (about me section) to relevant services

Aged 0 - 18 years

Aged 19 - 25 years

Health advice request to be sent to their GP. Fee for GP to write health advice will be covered by the Primary Care Network.

Health providers collate health advice using guidance notes. Quality check to be completed prior to leaving service and must be returned to local authority SEN team within 6 weeks.

Child, young person, parents must be consulted on content.

For additional advice and support the NY & Y ICB ADCO/DCO can be contacted:

[hnyicb-ny.send@nhs.net](mailto:hnyicb-ny.send@nhs.net)

[hnyicb-voy.send-ehcp@nhs.net](mailto:hnyicb-voy.send-ehcp@nhs.net)



# City of York EHCP Seeking Advice Pathway

## Purpose

This pathway describes the process that should be followed by City of York Council (CYC) to obtain advice and information about health needs related to the CYP. This applies to requesting health advice for EHCP needs assessments (new EHCPs). Annual review requests have a separate process below.

## Processing the request for EHCNA advice

NHS York Health and Care Partnership commissions health services from:

- York and Scarborough Teaching Hospital Foundation Trust (YSTHFT).
- Tees, Esk & Wear Valley (TEWV).
- Children and young people's continuing care.
- Specialist provision (where relevant).
- In addition, York health and Care partnership work in partnership with the Healthy Child 0-19 Service which is provided by the City of York Council.

When requesting statutory health advice the LA must send the letter of request for advice, the template, and the completed Request for Statutory Assessment to the relevant email address as per below.

Please request a read receipt. The subject bar of the email must include: New EHCP: New Request for EHCP Health Advice

## Requesting advice for 0-18 year olds

ALL requests for 0–18-year-olds must be sent to the single point of contact at York and Scarborough Teaching Hospital Foundation Trust: [yhs-tr.educationalhealthcareplans@nhs.net](mailto:yhs-tr.educationalhealthcareplans@nhs.net)

In **addition**, if the child is under the age of 5 years old then also send the request and accompanying information to the healthy child service: [HCS-Secure@york.gov.uk](mailto:HCS-Secure@york.gov.uk)

If parent/carer state that the CYP is actively known to CAMHS then request and accompanying information can ALSO be sent to: [tewv.orcahouse@nhs.net](mailto:tewv.orcahouse@nhs.net) ‘Actively known’ to CAMHS is that they have been referred and accepted onto CAMHS waiting list for an intervention or diagnostic pathway or are currently receiving an intervention.

## 18-25 year olds

GP's should be asked for health advice for age 18 -25 year olds. However, there is currently no single access point for them all so please contact: [hnyicb-voy.send-ehcp@nhs.net](mailto:hnyicb-voy.send-ehcp@nhs.net) and we will be able to locate a contact email for GP practice. The name

of the GP surgery is required so Y and NY ICB SEND team can help identify appropriate email address.

If young person is actively KNOWN to specific services, then requests can go directly to them eg:

Adult Mental Health services [gary.matfin@nhs.net](mailto:gary.matfin@nhs.net)

Adult learning disability services [tewv.aldyorkandselby@nhs.net](mailto:tewv.aldyorkandselby@nhs.net)

Once advice received and if an EHCP has been agreed to be issued, the LA SEN team will circulate the draft version of the final plan to all health services that have provided health information and advice during the EHC needs assessment process. This will give the provider of health advice the opportunity to validate and feedback on the health content of the draft plan. Any amendments or feedback on the draft plan must be sent to SEN team within one working week in North Yorkshire and two weeks in York, of the service receiving the draft plan to ensure statutory time frames are met. If no feedback is provided, the health section of the plan will be issued as per the final draft version.

## **Seeking Advice for Annual Review of EHCP's**

When seeking advice for annual review the LA must send requests to the service's generic inboxes and not to individual health practitioners. In North Yorkshire the SEND caseworker will request reports directly from Audiology/Ophthalmology as identified. In York the admin will request Audiology/Ophthalmology.

Please use below contact list to send request to the appropriate service.

### **Email contacts**

<b>Paediatricians at York and Scarborough Hospital</b>	<a href="mailto:yhs-tr.educationalhealthcareplans@nhs.net">yhs-tr.educationalhealthcareplans@nhs.net</a>
<b>General CAMHS</b>	<a href="mailto:tewv.orcahouse@nhs.net">tewv.orcahouse@nhs.net</a>
<b>Children's Therapy Team</b>	<a href="mailto:yhs-tr.childrentherapypadmin@nhs.net">yhs-tr.childrentherapypadmin@nhs.net</a>
<b>Children's Nursing</b>	<a href="mailto:yhs-tr.yorkcommunitynursingteam@nhs.net">yhs-tr.yorkcommunitynursingteam@nhs.net</a>
<b>Children's Continuing Care</b>	<a href="mailto:hnyicb-ny.childrenscontinuingcare@nhs.net">hnyicb-ny.childrenscontinuingcare@nhs.net</a>
<b>Adult Continuing Care</b>	<a href="mailto:hnyicb-voy.continuing-care@nhs.net">hnyicb-voy.continuing-care@nhs.net</a>
<b>Special School Nursing</b>	<a href="mailto:yhs-tr.specialschoolnurses@nhs.net">yhs-tr.specialschoolnurses@nhs.net</a>



<b>Health Visitors and School Nursing team (0-19 Healthy Child Service)</b>	<a href="mailto:HCS-secure@york.gov.uk">HCS-secure@york.gov.uk</a>
<b>Looked After Children (LAC) Nurses</b>	<a href="mailto:hdft.nycicadmin@nhs.net">hdft.nycicadmin@nhs.net</a>
<b>Adult LD service (TEWV)</b>	<a href="mailto:tewv.aldyorkandselby@nhs.net">tewv.aldyorkandselby@nhs.net</a>
<b>Adult ASD and ADHD Team (The Retreat)</b>	<a href="mailto:ny-asdadhd@nhs.net">ny-asdadhd@nhs.net</a>
<b>Adult Community Mental Health (TEWV, Huntington House)</b>	<a href="mailto:gary.matfin@nhs.net">gary.matfin@nhs.net</a>

**On receipt of request the health team will follow internal processes including quality assurance checks and return advice to the local authority SEN team within 6 weeks.**

#### **Governance and Assurance**

Requests and return timescales will be monitored by the LA.

If the health advice has not been returned to the LA despite two requests, then the SEN team should contact the ADCO via: [hnyicb-voy.send-ehcp@nhs.net](mailto:hnyicb-voy.send-ehcp@nhs.net) to request the support of the Y and NY ICB SEND team to secure the advice in line with statutory time frames.

## CYC Seeking Advice Flowchart

SEN team to forward request for health advice and medical questionnaire and Section A (about me section) to Single point of access within NHS Provider Trust

ICB to receive a copy of health questionnaire for quality assurance purposes:

[voyccg.send-ehcp@nhs.net](mailto:voyccg.send-ehcp@nhs.net)

Aged 0 - 18 years

Aged 19 - 25 years

Health advice request to be sent to their GP. Fee for GP to write health advice will be covered by the Primary Care Network.

Services to collate health advice using guidance notes. Quality check to be completed prior to leaving service via peer review and returned to local authority SEN team within 6 weeks. Health providers **MUST** request a delivery and read receipt when returning health advice.

Child, young person, parents must be consulted on content and evidenced.

For additional advice and support with difficult cases SEN team can request an appointment at the weekly ADCO EHCP clinic or contact the VOY ICB DCO/ADCO at:

[voyccg.send-ehcp@nhs.net](mailto:voyccg.send-ehcp@nhs.net)

# Providing Health Information and Advice- Guidance for Health Services and Professionals

## Introduction

Providing health advice and information as part of the statutory EHCP assessment process is an essential requirement of the legislation described in the Children & Families Act 2014. Health services must cooperate in this duty and attend EHCP writing training provided by York and North Yorkshire ICB SEND Team.

The SEND Code of Practice (2015) describes the standards, which must be met by providers of advice including;

Advice, information, and support should all align to these outcomes which should be **SMART**:

- **S**pecific – simple, sensible, and significant
- **M**easurable – meaningful and motivating
- **A**chievable – agreed and attainable
- **R**elevant – reasonable, realistic, resourced and results based
- **T**ime bound – time based

This advice should relate to the professionals' area of specialism and be linked to the child/young person and family's aspirations and outcomes which will be provided by the local authority with this request for advice. Specific schools or establishments cannot be named; however, professional opinion can be provided on the level of support a CYP will need to meet their health needs.

## Coproduction/Joint Partnership Working

Health advice and support described in the EHCP must always be discussed and agreed by children, young people and their parents. The QA process will ensure this has taken place and evidence to support this will be necessary.

## Professional Standards & Evidenced Based Interventions

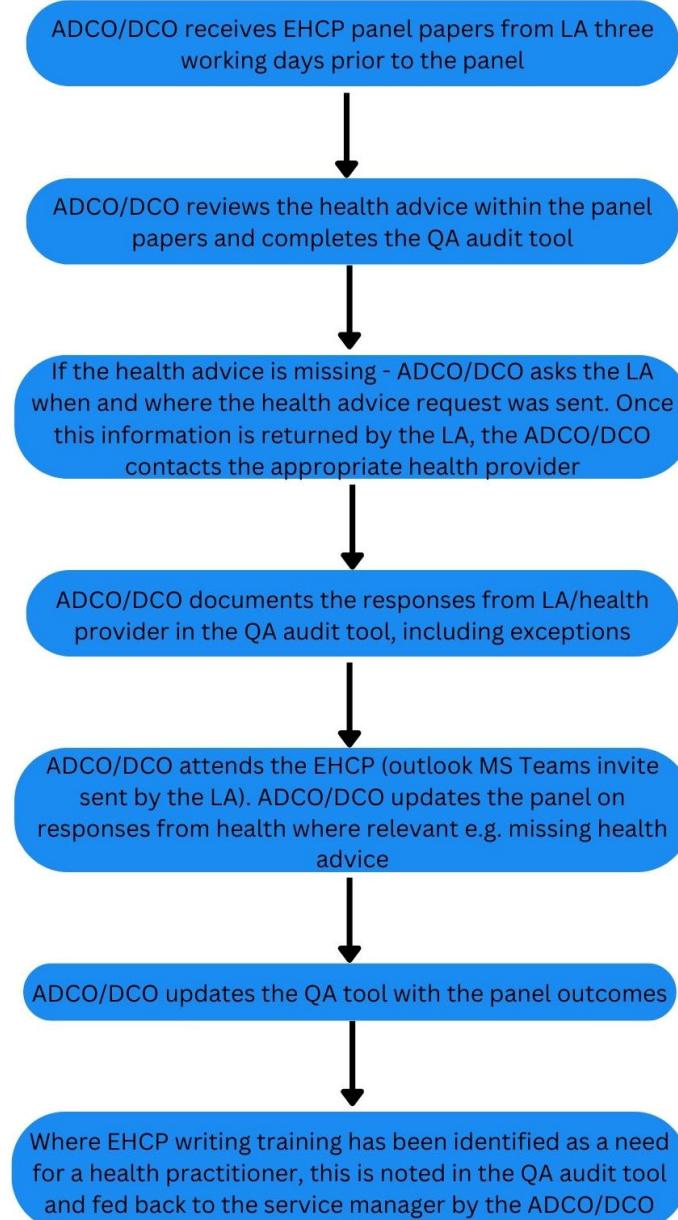
It is vital that health services provide the best possible information, advice and support based on professional and evidenced based standards. Examples include HCPC, NMC, and RCPCH, RCPSYC, NICE Guidelines, Together for Short Lives, Bladder & Bowel UK, NHSE, and Council for Disabled Children.

## **Templates for Providing Advice**

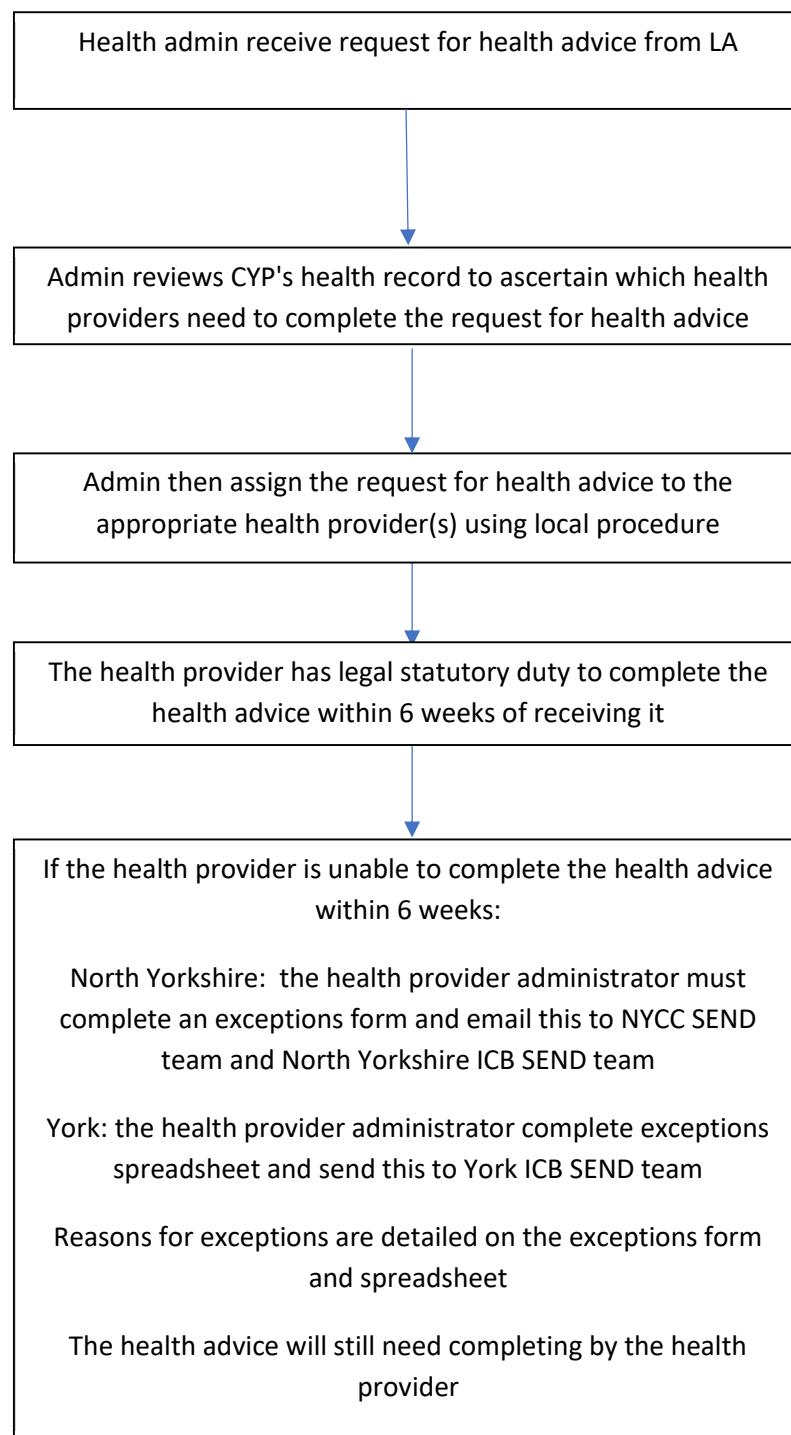
Each LA has a template to support the writing of compliant advice and once complete the template should be returned to the requesting LA within the 6-week statutory timeframe.

## EHCP Quality and Data Pathway

### EHCP Quality Assurance Pathway



## EHCP Request for Advice Pathway for Health Providers





## EHCP Data Pathway

EHCP returns data received from NYCC by 10<sup>th</sup> of the month

The data is broken down into geographical areas:

Hambleton, Richmondshire and Whitby

Harrogate and rural district

Scarborough and Ryedale

Health providers email their EHCP data to the North Yorkshire and York ICB SEND team monthly for the preceding month

ADCO reviews the EHCP data

For late returns, the ADCO will contact the agreed lead for that area to discuss the exceptions and any discrepancies in the EHCP data



## Education, Health and Care Plan Panels

### Scope and purpose of EHCP panels

The EHCP panels will enable the Special Educational Needs (SEN) team to implement the Education, Health and Care Plan pathway for children and young people with Special Educational Needs and Disability (SEND), with a view to improving outcomes for children and young people through scrutiny of assessment requests and information.

In reference to the SEND Code of practice (2015) the ICB will determine the services it will commission to meet the reasonable health needs of the CYP and must ensure that the commissioned services are mobilised to meet those needs. It must also ensure there is sufficient oversight to ensure that the needs of children are being met.

The ICB must agree the NHS commissioned health care provision specified in the plan; therefore, a representative from the ICB will attend the panel.

The Local Authorities are responsible organising and administrating the multiagency EHCP panels. For York this process is divided into a Request for statutory assessment panel, a Decision to issue and a resource panel. For North Yorkshire there is one panel for Decision to issue and Resource allocation, with a further panel for exceptional funding via EHCP.

The EHCP panel considers and determines:

- Request for statutory assessment panel considers the 2-part statutory test of May the child have SEN and if yes then may the child need provision above SEN support.
- Should a plan be issued following a statutory assessment? (SEND Code of Practice (9.53). If a plan is deemed necessary, the panel will determine the resource band to be allocated to meet the required provision set out in the EHC plan.
- Resource allocation according to need is decided and health sections of draft EHCP quality assured

The panel is responsible for providing professional guidance to enable consistent and quality decision making. Discussions and decisions are a collaborative process of responsibility, however in the event of differences of opinion, the final decision remains with the LA through the chair of the panel.



## ICB role and responsibilities regards EHCP panel

ADCO/DCO will consider evidence in relation to health issues and any impact these may have on the CYP's ability to access their learning. This will include reviewing the health advice and/or reports to ensure it meets required standard and complies with the SEND Code of Practice.

Provide critical challenge to other professionals to improve the standard of information and decision making. This will include ensuring that non-compliant or substandard health advice is remedied, and that action is taken to ensure the advice provided meets required standards. This may necessitate the ADCO or DCO liaising directly with the provider of health advice and supporting them to ensure the quality of advice is of a suitable standard.

## Governance

Panel representatives must uphold confidentiality in all cases considered and act in accordance with the data protection and safeguarding duties of the LA and the ICB.

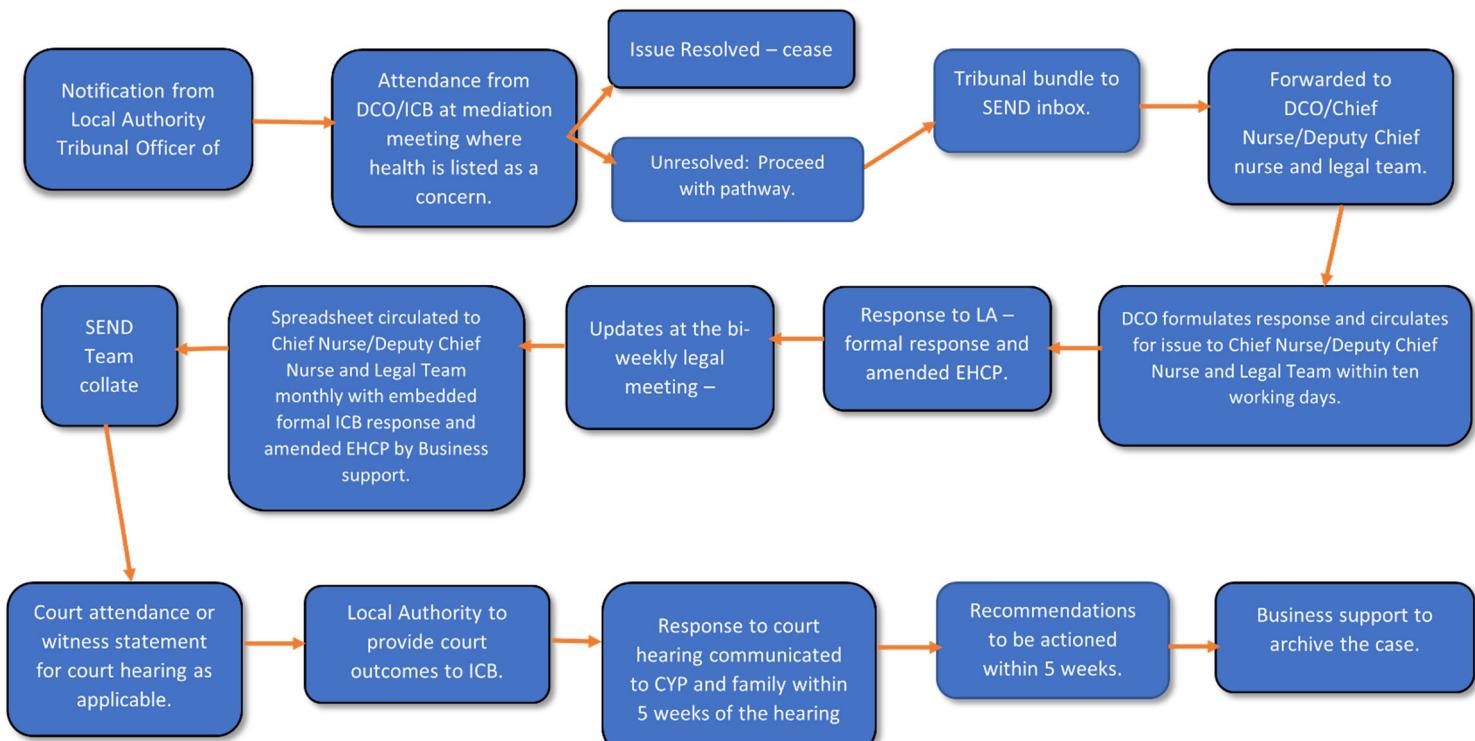
Papers are provided electronically only via secure portal/email for both North Yorkshire and York. North Yorkshire panel is not accessible to the ICB after completion. York ICB keep Request for assessment and Decision to Issue for twelve months after panel for dispute resolution purposes. Agreed information governance with NECS.

Any declaration of interest must be stated at the start of each meeting, including any personal involvement in the cases being discussed, i.e., involvement outside of the professional area of expertise within which they are participating as a panel member.



EHC Panel SOP and  
IG Draft.docx

# SEND Appeals Pathway

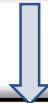


Monthly updates on tribunals to be sent to:  
Head of Children and Young People's Services  
Chief Nurse, Director of Nursing and Quality and the legal team

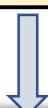
### York SEND Appeals and Tribunal Pathway

Local Authority notifies York Health and Care Partnership (CP) of appeal immediately upon receipt and include tribunal papers.

[VOYCCGpatientrelations@nhs.net](mailto:VOYCCGpatientrelations@nhs.net)



Patient Relations will notify ADCO (what about DCO) and commissioners who will immediately notify the Head of Legal and Governance and contact the LA within 24 hours of receipt of the notification to coordinate the referral.

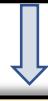


The CP will maintain a case tracker to monitor progress of tribunal cases. Folder pathway:

***VOYCCG\Quality\Children and Young People\EHCP Tribunals*** (Restricted access)



The CP will determine management of the tribunal case, and request advice, information and may request an updated assessment from health providers and consider and discuss with the Head of Legal and Governance and the local authority following CB internal legal and governance procedures.



Health providers must comply with the timetable set by the Tribunal for lodging of documents: any assessment required for the provision of health advice or information, or the provision of a report must be completed within the timetable given.



The CP will notify health providers of next steps which may include giving evidence at the tribunal.



## EHCP Tribunal

### Introduction/Background

Where there are disagreements regarding the EHCP process or plan, families can appeal the decisions made by statutory organisations. Grounds for appeal include:

- Refusal to carry out a EHC assessment.
- Refusal to issue an EHCP following assessment.
- Refusal to amend an EHCP following a review or reassessment.
- Decision to cease to maintain an EHCP.

When this occurs, local authorities must have in place mediation processes that will aim to resolve the issues of concern. Should mediation fail then young people and/or their legal carers can formally appeal the decision.

Health and social care contributions, or lack of, can be challenged by the Tribunal as part of the extended trial for tier one SEND tribunals. Regulations for tier one tribunals state CYP and/or parent/carers must have issue with education as well as health/children's social care, to bring forward a tribunal. Currently, recommendations for health are non-binding; however, health providers and C should consider their response very carefully as further legal processes (judicial review) may follow.

The EHCP tribunal is governed by law and must have due regard to the SEND Code of Practice. They are overseen by His Majesty's Courts and Tribunal Service and appeals are heard by a judge and a panel of tribunal members, who have been appointed because of their knowledge and experience of children and young people with SEND.

There are strict guidelines regarding the timeframes of an appeal, the Courts and Tribunals Service issues a timetable for management of the appeal, which includes deadlines for submission of evidence and witness statements.

Where such health recommendations are made, the relevant ICB must consider and make formal response within 5 weeks of being notified by the Courts and Tribunal Service. The formal response must either accept, accept in part, or reject the recommendations. Where recommendations are accepted in part or rejected, the ICB must set out clear reasons for their decision: the CYP and/or parent/carer may make complaint to the Ombudsman or issue proceedings for judicial review if not satisfied by the ICB's response.

The mediation and tribunal process for York and North Yorkshire differ slightly and are detailed separately below.



## Purpose

The purpose of this document is to clarify the procedures York Health and Care Partnership, and North Yorkshire Health and care Partnership will follow in the event of the services they commission being listed as a relevant party in an EHCP mediation or Tribunal appeal.

## Process

Once a local authority registers an EHCP appeal that includes health provision, they should notify North Yorkshire CB by emailing to: [hnyicb-ny.send@nhs.net](mailto:hnyicb-ny.send@nhs.net)

**This is a secure generic inbox which processes multiple enquires to the NY ICB, therefore the subject box MUST include EHCP TRIBUNAL**

The notification will then be sent to:

- DCO
- If former VOY CCG then to the generic inbox – see below and follow their procedure

The SEND Business Support Officer for Children and Young People will enter the appeal on the appeals tracker and will track the deadlines set out in the appeal papers to ensure the CCG and partner health agencies comply. All documents, evidence and formal letters will be recorded on the tribunal tracker.

The team at the NY ICB will then review the appeal documentation and follow up with requests to relevant health providers. Collection of evidence will be coordinated by the NY ICB in response to submission deadlines and appropriate witnesses identified.

Legal direction will be decided by the team and led by the DCO and appeal processes and deadlines will be adhered to.



## City of York Council Tribunal SOP

### Purpose

Please note this section of the SOP covers any tribunal case where the child is registered to a former Vale of York CCG general practice, and therefore includes some children resident in North Yorkshire County Council area or East Riding of York area. Details of practices may be found on the York Health and Care Partnership Website <https://www.valeofyorkccg.nhs.uk/>

The purpose of this document is to clarify to all parties the procedures the York Health and Care Partnership will follow in the event of the services they commission are listed as a relevant party in an EHCP mediation or Tribunal appeal. It will describe to partner organisations the necessary steps for engaging with the ICB in the appeal process.

### Process

Once a local authority registers an EHCP appeal that includes health provision, they should notify York Health and Care Partnership by emailing the patient relations inbox at: [VOYCCG.PatientRelations@nhs.net](mailto:VOYCCG.PatientRelations@nhs.net)

**This is a secure generic inbox which processes multiple enquires to the VOYCCG, therefore the subject box MUST include EHCP TRIBUNAL**

The inbox is monitored Monday – Friday 9am – 5pm

The notification will then be sent to:

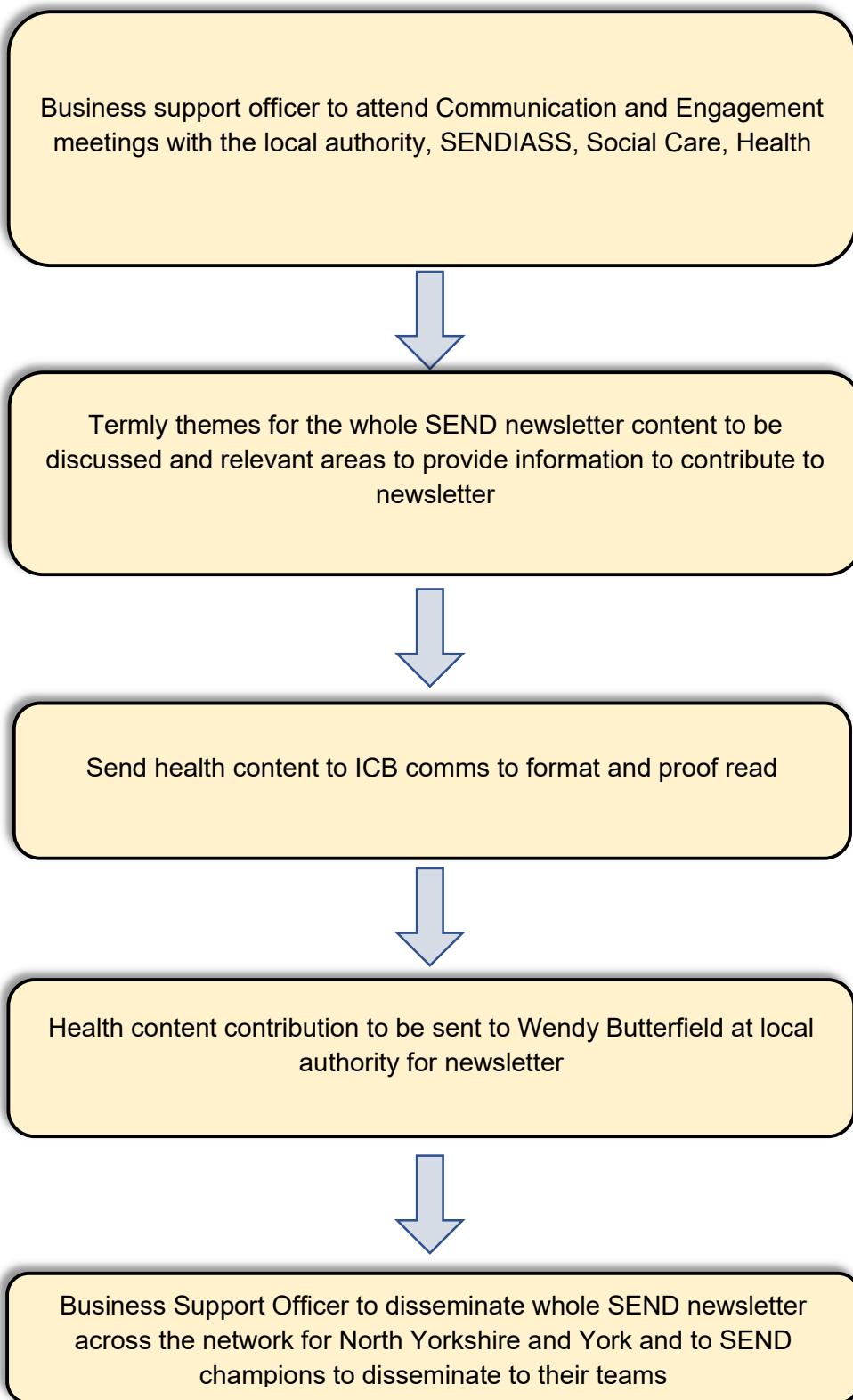
- Head of Legal & Governance
- Commissioning Manager (Children and Young People) York
- Business Support Officer for Children & Young People
- Associate Designated Clinical Officer – SEND, York
- Designated Clinical Officer for North Yorkshire and York

The Business Support Officer for Children and Young People will enter the appeal on the appeals tracker held on QA system and will track the deadlines set out in the appeal papers to ensure the ICB and partner health agencies comply. All documents, evidence and formal letters will be recorded on the QA file.

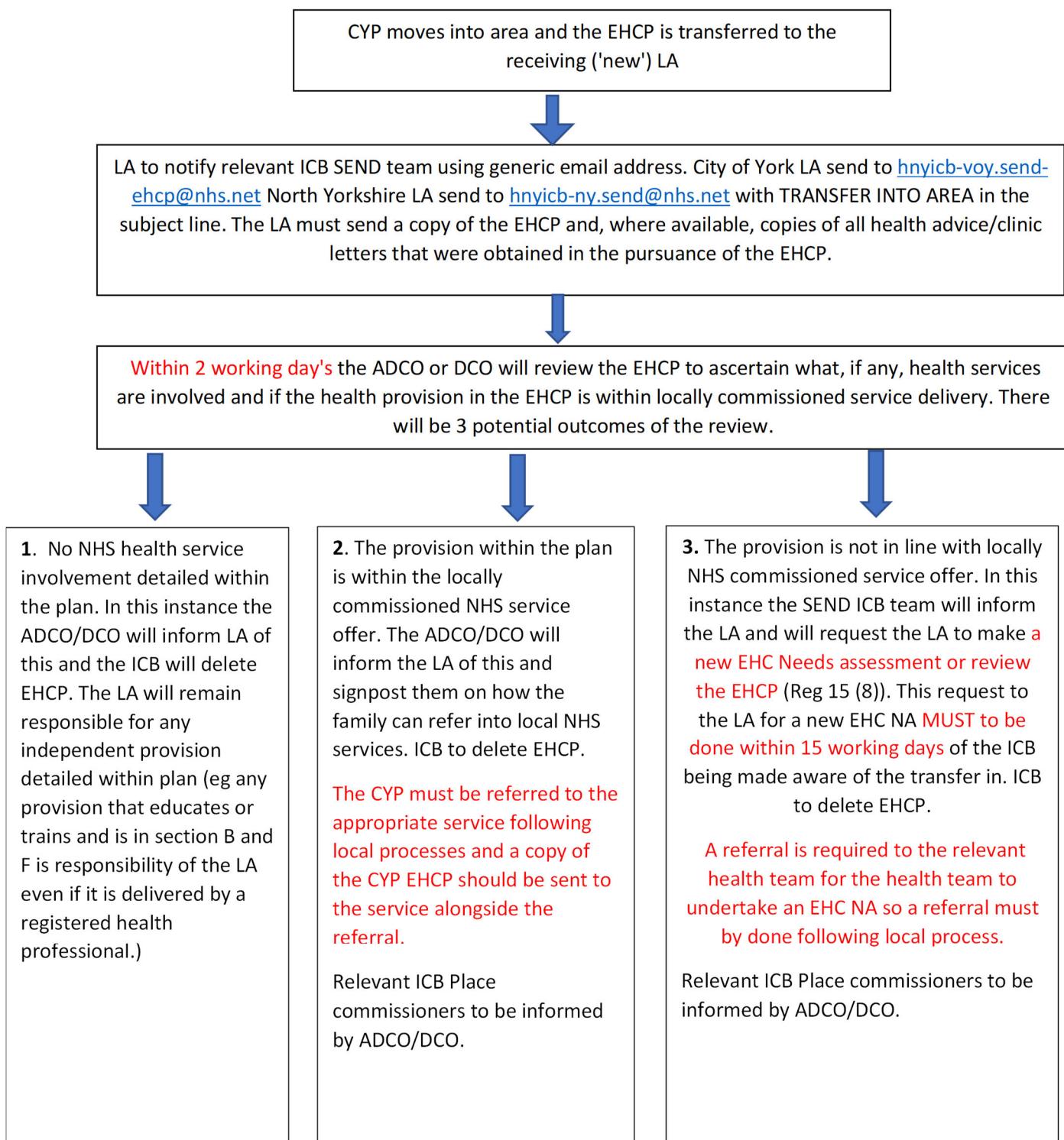
The team at the Partnership will then review the appeal documentation and follow up with requests to relevant health providers. Collection of evidence will be coordinated by the Partnership in response to submission deadlines and appropriate witnesses identified.

Legal direction will be decided by the team and led by Head of Legal & Governance and appeal processes and deadlines will be adhered to.

## SEND Internal Pathway for Communications



## Process to be followed when CYP moves into area with an Education Health and Care Plan



## Resources and references

### Council for Disabled Children (CDC) Resources:

Link to all CDC Resources: - [All Resources | Council for Disabled Children](#)

Securing Good Quality Health Advice for EHC plans:

<https://councilfordisabledchildren.org.uk/sites/default/files/field/attachemnt/Health%20Advice.pdf>

Requirements to Provide Health Advice Within 6 weeks:

<https://councilfordisabledchildren.org.uk/sites/default/files/field/attachemnt/Health%20advice%20FINAL.pdf>

Understanding the needs of disabled children with complex needs or life limiting conditions

<https://councilfordisabledchildren.org.uk/help-resources/resources/understanding-needs-disabled-children-complex-needs-or-life-limiting-conditions>

### Other References:

Children and Families Act 2014, c. 6. Available at:

<https://www.legislation.gov.uk/ukpga/2014/6/contents/enacted>

DfE & DH (2015): Special educational needs and disability code of practice: 0 to 25 years.

Statutory guidance for organisations which work with and support children and young people who have special educational needs or disabilities [0 to 25 SEND code of practice: a guide for health professionals \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/0_to_25_SEND_code_of_practice:_a_guide_for_health_professionals)

Department of Education (2018) SEND Tribunal single route of redress national trial: Guidance of local authorities, health commissioners, parents and young people (Guidance)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/941370/SEND\\_Tribunal\\_single\\_route\\_of\\_redress\\_national\\_trial\\_guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/941370/SEND_Tribunal_single_route_of_redress_national_trial_guidance.pdf)

HM Courts & Tribunal Service (2018) Guidance for producing a Tribunal Bundle for the First-tier Tribunal SEND

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/739230/send40-eng.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/739230/send40-eng.pdf)

Department of Education (2014) [Supporting pupils with medical conditions at school - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/supporting-pupils-with-medical-conditions-at-school)

NHS (2018) Guidance for health services for children and young people with Special Educational Needs and Disabilities (SEND). [NHS England » Guidance for health services for children and young people with Special Educational Needs and Disability \(SEND\)](https://www.england.nhs.uk/guidance-for-health-services-for-children-and-young-people-with-special-educational-needs-and-disability-send/)

### Coproduction/joint partnership

RCPCH and US: <https://www.rcpch.ac.uk/work-we-do/rcpch-and-us>

CYC Joint Partnership Model <https://www.yorkshireandhumbercarepartnership.org.uk/families/Local%20Offer/SEND%20Updates/Model%20of%20Joint%20Partnership%20Final%20September%202020%20Audit%20Version.pdf>

## **EHCP Writing:**

General advice: [https://5f2fe3253cd1dfa0d089-bf8b2cdb6a1dc2999fecbc372702016c.ssl.cf3.rackcdn.com/uploads/ckeditor/attachments/2007/05/GOLDEN BINDER Detailed EHCP Form Guide v2 311016.pdf](https://5f2fe3253cd1dfa0d089-bf8b2cdb6a1dc2999fecbc372702016c.ssl.cf3.rackcdn.com/uploads/ckeditor/attachments/2007/05/GOLDEN%20BINDER%20Detailed%20EHCP%20Form%20Guide%20v2%20311016.pdf)

Occupational Therapies Guidance: <https://www.rcot.co.uk/sites/default/files/Occupational-therapy-contribution-guidance-notes.pdf>

Speech and Language Therapies Guidance: <https://www.rcslt.org/wp-content/uploads/media/Project/RCSLT/childrens-families-act-guidance.pdf>

Physiotherapists

Guidance: [https://apcp.csp.org.uk/system/files/guidance for paediatric physiotherapists writing a dvice for education health and care plans.pdf](https://apcp.csp.org.uk/system/files/guidance_for_paediatric_physiotherapists_writing_a_dvice_for_education_health_and_care_plans.pdf)

## **Other resources**

<https://www.kids.org.uk/sendiass>

Link to CYC Local Offer:

[Yorks Local Offer for SEND \(yor-ok.org.uk\)](Yorks Local Offer for SEND (yor-ok.org.uk))

Link to NYCC Local Offer:

<https://www.northyorks.gov.uk/send-local-offer>

Link to ERCC Local Offer:

<http://eastridinglocaloffer.org.uk/>