



EDUCATION, HEALTH AND CARE NEEDS MANAGEMENT BOARD

Terms of Reference

1.0 Purpose of the Management Board

The Education, Health and Care Needs Management Board will consider requests and make decisions about Education, Health and Social Care provision to meet the assessed needs of children and young people with special educational needs disabilities aged 0-25 when those needs are:

- exceptional *i.e. cannot be met by provision normally available through the Local Offer* or:
 - set out in the provision section of an EHCP and the EHC Support Plan.
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- The Management Board has been established to ensure that fair and reasonable decisions are made.
 - Each case will be considered against relevant guidance / indicators (e.g. *Special Schools and Resource Base Admission Arrangements*). Indicators are used rather than criteria, as a set of absolute standards for judgements would not permit individual cases to be considered according to the particular needs and circumstances of the child.

1.2 Information Sharing

Any information that is to be shared at this Management Board should either have the consent of the parent and/or young person OR the professional sharing the information should be clear about why it has chosen to share the information without consent. The evidence of consent does not have to be presented to Management Board but it should be evidenced on the child or young person's records of the agency whose information is being shared (e.g. RIO, Capita One or LCS/LAS).

In seeking consent to share information practitioners should outline to the parent and/or young person which information is proposed to be shared and ask if there is anything they would particularly wish to be restricted and make a note of their agreements and/or restrictions and ask them to sign this is what needs to be evidenced on the case record.

There are several resources available to practitioners to help them consider circumstances where consent might be dispensed with and about good practice in information sharing.

Here are the web links:

DfE (general guidance on information sharing for children's practitioners):
<https://www.gov.uk/government/publications/information-sharing-for-practitioners-and-managers>

Working Together (specific guidance in relation to children who may be at risk of significant harm):
http://www.workingtogetheronline.co.uk/chapters/chapter_one.html#information

Information Commissioners Office (national good practice guidance linked to the Data Protection Act 1989): https://ico.org.uk/media/for-organisations/documents/1068/data_sharing_code_of_practice.pdf

Where a practitioner needs advice or guidance they should consult their line manager before escalating their query to their Information Governance Officer or Caldecott Guardian.

2.0 Key responsibilities of the EHC Management Board

The EHC Management Board has responsibility to:

- Consider requests and make decisions about the need to carry out a statutory EHC assessment
- Consider EHC assessment advice and make decisions about the need to issue an Education, Health and Care Plan (EHCP)
- Consider requests and make recommendations about Continuing Care funding and additional Social Care funding to meet exceptional needs
- Consider and make recommendations about requests for overnight care or overnight short breaks
- Consider and make recommendations about access to special education placements outside of mainstream schools, in accordance with *Special Schools and Resource Base Admission Arrangements*.
- Ensure all relevant plans and resources (direct and commissioned services, personal budgets) that meet exceptional needs are monitored and reviewed
- Audit the EHC process at least six monthly, reporting to the Head of Pupil Services, and to inform best practice and development of local guidance
- Provide information, advice and recommendations related to the strategic commissioning of Education, Health and Social Care services.

3.0 Membership

The Education, Health and Care Needs Management Board will consist of the following:

- SEN Commissioners
- Health Commissioners
- Social Care Commissioners
- Adult and Children Social Care Commissioners
- Relevant Clinical/Practice Advisors

Where a member cannot attend, they should identify a nominated representative with delegated authority. The Management Board will be supported by Local Authority Officers. There will be a rotating Chair for meetings.

NB: Social Care referrals will be presented by a manager who is familiar with the circumstances of the family.

4.0 Arrangements for the Conduct of Business

4.1 Quorum

At least three representatives (representing at least 2 agencies) will be required to be present. Where an agency is not represented, their agreement will be sought outside of the meeting for any resources to be committed.

4.2 Frequency of meetings

The Management Boards will be held fortnightly on a Tuesday afternoon. 1pm – 4pm.

4.3 Location

Management Board meetings will take place at a central location. e.g.: 222 Upper Street, Laycock PDC or Islington Town Hall. Rooms will be booked in advance by the Management Board administrator.

4.4 Referrals to EHC Management Board

Referral paperwork must be submitted at least 4 working days before the EHC Management Board meeting. Referrals must be made by emailing:

ehcpanel@islington.gov.uk

The paperwork required for each referral is set out in table within the terms of reference (*Appendix A*)

4.5 Agenda

An agenda and papers will be circulated to Management Board members by 5.00pm on Thursday before Management Board.

The agenda will list cases by type of request so that non Management Board members are only required to attend for the cases that relate to their areas of expertise and interest.

4.6 Recording and notification of Management Board decisions

Decisions will be recorded using the EHCN Management Board Decision Form (Appendix A).

A copy of the completed decision form will be saved on the relevant systems (e.g. RIO, ICS, IAS, ONE) and sent to the referrer, who will be responsible for communicating that decision to the child/ young person and their family as appropriate. Decisions about Continuing Care support will come from the Chair using a letter drafted by Health.

Action notes will be used to record actions related to Management Board processes, strategy and joint working but will not be used to record decisions related to individual cases.

4.7 Management Support and Administration

A designated Business Support Administrator will ensure the co-ordination of all requests, correspondence and Management Board meetings but each agency is expected to quality assure their own paperwork for referrals.

Incomplete referrals *cannot* be considered by the Management Board, and will be returned.

4.8 Declaration of Interests

If any member has an interest, in any matter and is present at the meeting at which the matter is under discussion, he/she will declare that interest as early as possible and shall not participate in the discussions. The Chair will have the power to request that member to withdraw until the Management Board consideration has been completed. This may involve the chair standing down for particular items.

4.9 Confidentiality

Every reasonable effort will be made to ensure confidentiality of the individual child/ young person and their family concerned.

4.10 Ethical Considerations

The Management Board shall not discriminate on the grounds of physical, sensory or learning disability, age, gender, sexual orientation, ethnicity, social position, religious beliefs, employment status, financial status, family or other personal circumstances or lifestyle in line with the following public documents, Race Relations Act 1976, Employment Act 1990, Disability Discrimination Act 1995 and the Equality and Diversity programme. In general terms however, emergency and lifesaving interventions will take precedence over routine intervention.

4.11 Appeals

Requests may be reconsidered by the Management Board if new pertinent evidence or information is submitted by the referrer that was not available at the initial Management Board.

Requests will not be considered to be an appeal but a continuation of the original request (if within 3 months) or a re-referral if outside of that timescale.

Where no further information is available, but the family is unhappy and wishes to challenge the decision, a formal complaint must be made through Islington Council's existing formal complaints process, or other relevant statutory processes set out below:

Islington Complaints process: http://www.islington.gov.uk/about/contact-complaints/involvedcomplaints/complaints_csass/Pages/default.aspx

EHCP: <http://www.islington.gov.uk/services/social-care-health/disabled-people/local-offer/education/going-to-school/Pages/statutory-assessments-statements.aspx>

Health

**Appeals process regarding continuing care eligibility and funding decisions*

Following a decision to change NHS funded continuing care provision, or in those cases where children and young people do not meet the continuing care eligibility criteria, the family will be verbally informed by the continuing care nurse and a letter will be sent from the responsible Children's Commissioning Manager to the parent/carer within 5 working days of the EHC Management Board.

If a parent/carer wishes to challenge the NHS continuing care funding decision, on receipt of the NHS continuing care funding decision letter, an appeal must be made in writing to the responsible Children's Commissioning Manager (contact identified on the NHS continuing care funding decision letter) no later than 6 months from the date the parent/carer were in receipt of

the letter. The reasons for the challenge to the NHS continuing care funding decision must be clearly stated in the letter.

In the event of an appeal the Islington Clinical Commissioning Group's policy to appeal Children's NHS Continuing Care funding decisions must be followed.

*Subject to ratification by CCG

Social Care:

Appeals process regarding the outcome of a resource decision under the Children Act 1989.

These is normally where the Local Authority have either not agreed or partially agreed with a proposed social care budget presented to the Management Board. This is usually for services that relate to section 17 (e.g. personal budgets and direct services for meeting the needs of children with severe and complex disabilities).

Parents should firstly appeal to the Management Board and ask for the decision to be reviewed. They may choose to put their reasons for the appeal in writing themselves or ask their social worker or other lead professional to help them to do that. If there is evidence that was not presented or clear enough for Management Board previously then the paperwork submitted for the appeal should include all the new evidence as well as their reason for appeal.

If on appeal the Management Board's decision remains one that the parent is not happy with, they may refer the matter under the Children Act Complaints Procedure. They should contact the Customer Care and Complaints Manager. Their social worker or lead professional must supply his or her contact details on request and should also provide them with a leaflet about the complaints process.

The Customer Care and Complaints Manager will identify a senior manager to review the decision as part of Stage 1 of the complaints procedure. This manager should not have had any involvement in the Management Board decision that led to the complaint.

4.12 Review of Terms of Reference

These Terms of Reference will be reviewed annually or sooner if required as a result of national/local policy changes.

Papers related to decision

SEN/ EHCP	Papers required
EHC Assessment decision	<input type="checkbox"/> Summary of papers submitted with FA1 <input type="checkbox"/> Managers comment and recommendation
Decision to issue a <u>draft</u> EHC Plan	<input type="checkbox"/> Draft EHCP (Sections A – H) <input type="checkbox"/> Managers comment and recommendation
Sign off of <u>final</u> EHC Plan	<input type="checkbox"/> Draft EHCP (All sections complete) <input type="checkbox"/> Managers comment and recommendation
Decision about an Assessment Placement at a Special School	<input type="checkbox"/> Summary of papers submitted <input type="checkbox"/> Managers comment and recommendation
Decision about a Placement at a Special School	<input type="checkbox"/> Summary of papers submitted <input type="checkbox"/> Managers comment and recommendation
Review of EHC Plan and agreement to revised plan	<input type="checkbox"/> Existing EHCP <input type="checkbox"/> Existing IEP/ Support Plan <input type="checkbox"/> EHCP Review Form <input type="checkbox"/> Proposed EHCP (All sections complete) <input type="checkbox"/> Proposed IEP/ Support Plan <input type="checkbox"/> Managers comment and recommendation
Request for transfer review/ conversion to EHCP	<input type="checkbox"/> Cover email
Childrens Social Care	Papers required
Allocation of support from Early Support Team	<input type="checkbox"/> CAF or C&F assessment <input type="checkbox"/> Proposed support plan
Targeted short breaks services only (sec 17 and short breaks funded only)	<input type="checkbox"/> CAF or C&F assessment
Request for overnight Short Breaks, outreach support, counselling support for parents or other services that are listed as 'exceptional'	<input type="checkbox"/> C&F assessment <input type="checkbox"/> Proposed costed CIN plan
Review of Social Care Funded Support Package	<input type="checkbox"/> Updated and proposed costed CIN Plan <input type="checkbox"/> Updated assessment evidencing a need to change provision following any significant change in circumstances
Health	Papers required
Continuing Care Package	<input type="checkbox"/> Continuing care assessment <input type="checkbox"/> Completed decision support tool <input type="checkbox"/> Supporting health reports
Health Personal Budget	<input type="checkbox"/> Indicative budget and care/EHC plan <input type="checkbox"/> Copy of decision support tool if it relates to Continuing care needs <input type="checkbox"/> Review Plan Clinical/Financial
Review of Health Support Package	<input type="checkbox"/> Review health report from relevant clinician
Other exceptional health needs	<input type="checkbox"/> Supporting Clinical Evidence
Other	Papers required
For information or advice	<input type="checkbox"/> Cover email
For JAP threshold advice	<input type="checkbox"/> Most recent assessments and reports