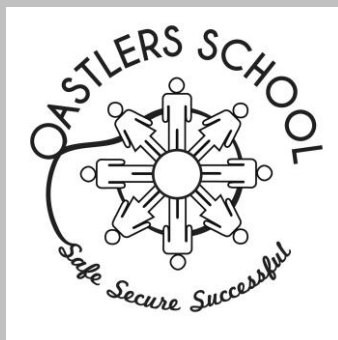


SEND Operational Manual



Oastlers Manual

Approved by Governing Body On	October 2025
To be Reviewed On	October 2026
Signed on Behalf of the Governing Body	David Ward

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1.0 SEND Operational Manual Introduction

Oastlers School supports learners primarily with special educational needs associated with social, emotional and/or mental health disturbances and all our learners have Education, Health and Care Plans (EHCPs). We are committed to ensuring we have effective and compliant SEND processes to support our learners to achieve their best and be confident individuals that are able to live fulfilling lives.

Our SEND operational practices are aligned to the SEND Code of Practice which puts children and young people first and foremost. This SEND Operational Manual provides a framework and practical guide for Oastlers School staff to implement our SEND Policy particularly around the EHCP processes.

2.0 Links with the Wider Oastlers School Approach

This SEND Operational Manual sits within the context of the whole Oastlers School approach which supports and maximises outcomes for learners. Therefore, a range of Oastlers School policies are relevant to the SEND and EHCP processes and practices adopted. In particular, those listed below;

2.1 SEND Policy

Our SEND Policy recognises the importance of identifying and responding to learners needs through effective and compliant EHCP processes. We pride ourselves in robust processes for supporting learners through the design and implementation of bespoke provision. EHCPs ensure children and young people with SEND;

- fully participate in decision making that affects their future
- identify specific needs and early intervention to support those needs
- provide greater choice and control for young people and their parents/carers over support
- include greater collaboration between health, social care and education to provide better support
- provide high quality provision that meets the needs of children with SEND
- focus on inclusive practice and remove barriers to learning
- allow successful transition to adulthood, independent living and employment

The School's Governing Body take its responsibilities to children and young people with special educational needs very seriously. There link SEND governor is Mr David Ward, who is responsible for ensuring that all our learners with special educational needs receive the very best education and that they make good progress.

2.2 Safeguarding Policy

Oastlers School is committed to meeting its statutory responsibility to safeguard and promote the welfare of children as set out in primary legislation and statutory guidance. In line with the overarching 'Working Together to Safeguard Children' (HM Government 2023) framework, Oastlers Schools takes a child centred approach to safeguarding. Oastlers School staff are clear about what is required of them individually and how they and the school work together in partnership with others.

We meet our responsibilities under 'Keeping Children Safe in Education' (DfE, 2025), ensuring Oastlers School provides 'a safe place in which children can learn' and recognising this includes preventing impairment of children's mental and physical health or development. Therefore, it is a priority for Oastlers that we provide an environment that is safe, secure and enables success for all our learners. This can mean balancing a number of statutory obligations alongside our welfare duties, including Equality Act 2010 and Children and Families Act 2014 duties to meet SEND needs. This balance is reflected in relevant school policies e.g. Understanding behaviour and Relationship Policy.

2.3 Understanding Behaviour & Relationship Policy

Trauma informed approach is central to everything we do here at Oastlers. It is essential to all of our values and how we relate to each other. Being a trauma informed school UK brings out the best in all our learners and gives them the best chance to access the education we have to offer them. Oastlers School is also an accredited Nurture UK School. Our policy and practices are underpinned by these approaches. We work with our learners and parents/carers to promote positive attitudes to learning and life, respect for others and the school environment, and individual and collective responsibility. This supports our aim to provide an environment that is safe, secure and enables success for all our learners.

2.4 Health and Safety Policy

The Oastlers School Health and Safety Policy and practice ensures all reasonable steps are taken to maintain the health and safety of learners, staff and visitors. Fundamental to this is a robust approach to risk management which may be relevant when considering prospective placements. Due consideration is given to foreseeable risks, potential hazards that may arise and mitigation measures. Decisions are based on the best interests of Oastlers School learners current and prospective.

3.0 The SEND Legal Framework

3.1 Legislation and Guidance

There is a range of legislation that governs the provision of SEND services. Primarily, this is found in the Children and Families Act 2014 (Part 3), the SEND Regulations 2014 and the SEND Code of Practice 2015 statutory guidance. There is also substantial overlap between SEND and equality legislation. The Children and Families Act 2014 and the Equality Act 2010 share the commonality of removing barriers to learning. Other relevant legislation includes the Care Act 2014 and the Children Act 1989.

The SEND Code of Practice is the statutory guidance which provides supplementary guidance on the implementation of the Children and Families Act 2014 SEND framework. In the SEND Code of Practice where the text uses the word '**must**' it refers to a statutory requirement under primary legislation, regulations or case law. Where the text uses the word 'should' it means the guidance must be considered and there would be an expectation to explain any departure.

3.2 Joint Working

The SEND legal framework has a strong emphasis on joint working; joint commissioning, joint understanding, joint delivery and joint outcomes. The Children and Families Act 2014 places a duty on the local authority to ensure integration between education, health and social care provision. Local authorities and health commissioners must make joint commissioning arrangements for education, health and social care provision for children and young people with SEND. This must cover services for 0-25 year-old children and young people with SEND, with and without EHCPs.

The NHS commissioning structure is facing a significant reconfiguration. Integrated Care Systems (ICSs) are the new partnerships that bring together NHS commissioners and providers, local authorities and other local partners to collectively plan and deliver local health and care services. In July 2022, Clinical Commissioning Groups (CCGs) were dissolved and Integrated Care Boards (ICBs) were established. This significant structural change is likely to have an impact on how EHC processes and systems work in the short, medium and long term.

3.3 Assessments and Preparation of an Education, Health and Care Plan

Parents/carers, young people over the age of 16 and a person acting on behalf of a school or post-16 institution have the right to request that a local authority undertakes an EHC assessment for a child or young person aged 0-25 years. To inform the decision about whether an EHC assessment is necessary, the local authority will take into account a wide range of evidence. This will include the child/young person's academic attainment, information about the nature and extent of the SEN and action already taken by the Early Year's provider, school or post-16 institution.

A number of principles have been identified as underpinning the assessment and planning process:

- Involving children, young people and parents in decision-making
- Supporting children, young people and parents
- Co-ordination
- Information sharing
- Timely provision of services
- Cross-agency working

The EHC assessment must seek the views of the parents, child/young person and advice and information from professionals regarding the child/young person's education, health and care needs, provision and desired outcomes. Professional advice should be clear, accessible and specific and should be limited to a professional's area of expertise. Professional advice and information must be provided within 6 weeks of the request or sooner if possible.

The legal framework sets statutory timescales for the assessment process. The local authority must determine if an EHC assessment is necessary and communicate its decision within 6 weeks of receiving the request. If the decision is to undertake an assessment and to issue an EHCP, the assessment and EHCP preparation must not take more than 20 weeks from the time the assessment was requested. If following an assessment, the decision is not to issue an EHCP, the local authority must notify the parents/young person, Early Year's provider/school/post-16 institution currently attended and the health service and give reasons for the decision.

3.4 The Education, Health and Care Process – Transparent and Consistent Decision-Making

The SEND Code of Practice stresses the importance of transparent and consistent decision-making. Local authorities should have robust arrangements in place to support decision-making relating to assessments and issuing EHCP. The Code of Practice states that decision-making must be clearly understood by schools, Early Year's settings, post-16 institutions, young people and parents (SEND Code of Practice, para. 9.60). The Code of Practice also states that moderating groups are helpful in supporting transparent and consistent decision-making.

3.5 Education, Health and Care Plans

Content and Specificity

The SEND legal framework sets out the content of the EHCP. There is a statutory requirement for needs, provision and outcomes to be specified. The SEND Code of Practice describes the EHCP content and what specificity looks like for the different sections (see pg. 164-169). For

example, to meet the specificity requirement for Section F, special educational provision see text box below:

Extract from SEND Code of Practice:

Section F, Special Educational Provision

- Provision **must** be detailed and specific and should normally be quantified, for example, in terms of the type, hours and frequency of support and level of expertise, including where this support is secured through a Personal Budget
- Provision **must** be specified for each and every need specified in section B. It should be clear how the provision will support achievement of the outcomes
- Where health or social care provision educates or trains a child or young person, it **must** appear in this section
- There should be clarity as to how advice and information gathered has informed the provision specified. Where the local authority has departed from that advice, they should say so and give reasons for it
- In some cases, flexibility will be required to meet the changing needs of the child or young person including flexibility in the use of a Personal Budget
- The plan should specify:
 - any appropriate facilities and equipment, staffing arrangements and curriculum any appropriate modifications to the application of the National Curriculum, where relevant
 - any appropriate exclusions from the application of the National Curriculum or the course being studied in a post-16 setting, in detail, and the provision which it is proposed to substitute for any such exclusions in order to maintain a balanced and broadly based curriculum.

SEND Code of Practice pg. 166

The Children and Families Act 2014 requirement for specificity stems from earlier case law. Specificity serves two purposes. Firstly, to avoid general statements that could lead to specific needs being ignored or inadequately provided for. Secondly, to ensure that the provision is sufficiently specific to allow the provision to be enforced (see *E v Flintshire* [2002] EWHC). In *L v Clarke and Somerset County Council* (1998), it was noted that a statement should be:

‘So specific and so clear as to leave no room for doubt as to what has been decided is necessary in the individual case. Very often specification of hour per week will no doubt be necessary and there will be a need for that to be done.’

The Code of Practice does acknowledge there will be times when flexibility is needed and again, this is supported by case law. Flexibility is permissible if it is in the interests of the child or young person. This was seen in *SB v Herefordshire County Council* (2018) where it was

deemed unnecessary to specify a group size because of the child's needs in that particular case.

When flexibility is necessary, a factor in the acceptable degree of flexibility might be whether the setting is specialist or mainstream. The rationale being that a specialist setting is expected to have a higher level of expertise in meeting and responding to children and young people's SEN. However, even in the context of specialist settings, this flexibility principle cannot be used as justification for failing to specify. The case of *B-M and B-M v Oxfordshire County Council* (2018) reinforced this position with the judge stating:

'Even for a child in a specialist provision, the requirement of specificity cannot be abandoned where detail could reasonably be provided.'

3.6 Consultations and Placements

There is a statutory duty on local authorities securing placements for children and young people with EHCPs to consult the education institutions that are being considered. As part of the EHCP process, parents/young people have a legal entitlement to request a particular school, college or other institution. The EHCP consultation process is outlined in Figure 1.

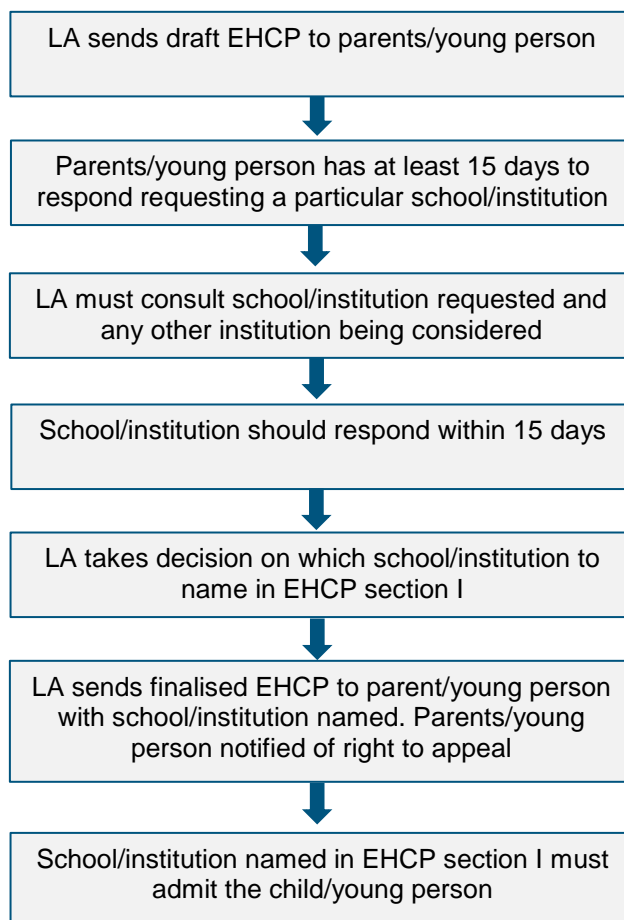


Figure 1: The EHCP Consultation Process

Request for a particular school, college or other institution

The local authority has a duty to consult with the school/institution that the parents/young person has requested and any other institution the LA may be considering naming in the EHCP. The local authority must comply with the parent/young person's request unless any of the exception criteria apply. The exception criteria are;

- **It would be unsuitable for the age, aptitude or SEN of the child or young person, or**
- **The attendance of the child or young person would be incompatible with the efficient education of others, or the efficient use of resources.**

The SEND Code of Practice describes what is meant by the efficient education of others and this is shown in the text box below. Case law has shown that incompatibility with the efficient education of others is a high threshold. This means it is not sufficient to show impact but incompatibility must be shown.

Efficient Education of Others

'Efficient education means providing for each child or young person a suitable, appropriate education in terms of their age, ability, aptitude and any special educational needs they may have. Where a local authority is considering the appropriateness of an individual institution, 'others' is intended to mean the children and young people with whom the child or young person with an EHC plan will directly come into contact on a regular day-to-day basis.'

SEND Code of Practice, para. 9.79, pg. 172

When consulted, the school/institution should respond within 15 days. The use of the word 'should' indicates that this is not a requirement dictated by legislation or case law but it is guidance that must be considered and deviation would require an explanation.

When a local authority consults a school, college or institution, the local authority must consider the consultation response very carefully before deciding whether to name the school, college or institution in the EHCP. This includes demonstrating that consultation feedback has been taken into account and if the feedback (i.e. an objection) has been rejected, why it was rejected (See Public Sector Consultations pg.11).

Where no request is made for a particular school, college or other institution or where the request cannot be met

Within the SEND legal framework there is a strong presumption of mainstream provision (Children and Families Act 2014 s.33). Where a parent or young person does not make a

request for a particular nursery, school or college, or does so and their request is not met, the local authority must specify mainstream provision unless it would be against the wishes of the parent/young person, or it would be incompatible with the efficient education of others.

Notably, mainstream education cannot be refused by a local authority on the grounds that it is unsuitable or incompatible with the efficient use of resources. In effect, a parental request for a mainstream setting may initially meet the unsuitability criteria but it may remain an option if the local authority is considering taking action to overcome the unsuitability/incompatibility. A local authority can rely on the exception of incompatibility with the efficient education of others, in relation to mainstream settings, only if it can show that there are no reasonable steps that could be taken to prevent the incompatibility.

When there is a view that a particular mainstream setting is incompatible with the efficient education of others, there will be a need to demonstrate that there are no reasonable steps that the local authority or the setting can take to prevent that incompatibility. The SEND Code of Practice acknowledges that reasonable steps will be dependent on individual circumstances and provides some examples. Additionally, the SEND Code of Practice sets out factors that may be taken into account when considering reasonable steps. These are shown in the text box below.

Reasonable Steps

The following are some of the factors that may be taken into account:

- Whether taking the step would be effective in removing the incompatibility
- The extent to which it is practical for the Early Year's provider, school, college or local authority to take the step
- The extent to which steps have already been taken in relation to a particular child or young person and their effectiveness
- The financial and other resource implications of taking the step, and the extent of any disruption that taking the step would cause.

Code of Practice, para. 9.91

The Code of Practice recognises there may be reasons why it may not be possible to take reasonable steps to prevent a mainstream place from being incompatible with the efficient education of others. For example, if a child or young person's behavior 'systematically, persistently or significantly threatens the safety and/or impeded the learning of others.'

Code of practice, para 9.93

Wider legislation

Public Sector Consultations: In addition to the SEND legal framework, local authority consultations with schools should adhere to the public sector criteria for lawful consultations. The criteria are based on fairness and covers four requirements. Consultations must: (i) take place at a 'formative stage', i.e. sufficiently early in the decision making to influence the outcome, (ii) provide 'sufficient reasons for any proposal to permit of intelligent consideration and response', (iii) allow 'adequate time' for consideration and response and (iv) ensure that the 'product' is 'conscientiously taken into account' in the final decision (R v Brent London Borough ex p Gunning, 1985).

Safeguarding and Welfare: The Children and Families Act 2014 has limited reference to safeguarding and welfare. However, s.25 places a duty on local authorities to promote integration of provision and this includes the integration of services to ensure the well-being of children. Well-being is defined as including physical and mental health, emotional well-being, protection from abuse and participation in education, training or recreation.

Health and Safety: The Health and Safety at Work Act 1974 imposes a duty on employers to ensure, so far as reasonably practicable, the health and safety of employees and others (including pupils and school visitors). The Management of Health and Safety at Work Regulations 1999 sets out further duties which include undertaking suitable and sufficient risk assessments. There is no reference to health and safety legislation in the Children and Families Act 2014 framework.

Whilst there is no explicit description of how the Children and Families Act 2014 legislation interacts with these wider statutory duties on schools, the Children and Families Act 2014 unsuitability and incompatibility exceptions do provide the mechanism for these duties to be factored in. For example, if pupil A's behaviour was such that there was a persistent threat of physical violence to other pupils, this would not be a safe environment for children to learn nor an environment where the school could ensure the health and safety of other pupils. Therefore, it is imperative that if there are safeguarding and welfare or health and safety concerns, these are tied firmly to the relevant unsuitability and/or incompatibility exception to draw in a school's wider obligations.

3.7 Education, Health and Care Plan Reviews

The SEND Code of Practice sets out the focus of EHCP reviews, see text box below. This must be how the child or young person is progressing towards the outcomes and if existing targets and outcomes remain appropriate.

Reviewing an EHC Plan

9.166 EHC plans should be used to actively monitor children and young people's progress towards their outcomes and longer term aspirations. They **must** be reviewed by the local authority as a minimum every 12 months. Reviews **must** focus on the child or young person's progress towards achieving the outcomes specified in the EHC plan. The review **must** also consider whether these outcomes and supporting targets remain appropriate.

9.167 Reviews should also:

- gather and assess information so that it can be used by Early Year's settings, schools or colleges to support the child or young person's progress and their access to teaching and learning
- review the special educational provision made for the child or young person to ensure it is being effective in ensuring access to teaching and learning and good progress
- review the health and social care provision made for the child or young person and its effectiveness in ensuring good progress towards outcomes
- consider the continuing appropriateness of the EHC plan in the light of the child or young person's progress during the previous year or changed circumstances and whether changes are required including any changes to outcomes, enhanced provision, change of educational establishment or whether the EHC plan should be discontinued
- set new interim targets for the coming year and where appropriate, agree new outcomes
- review any interim targets set by the Early Year's provider, school or college or other education provider

9.168 Reviews **must** be undertaken in partnership with the child and their parent or the young person, and **must** take account of their views, wishes and feelings, including their right to request a Personal Budget.

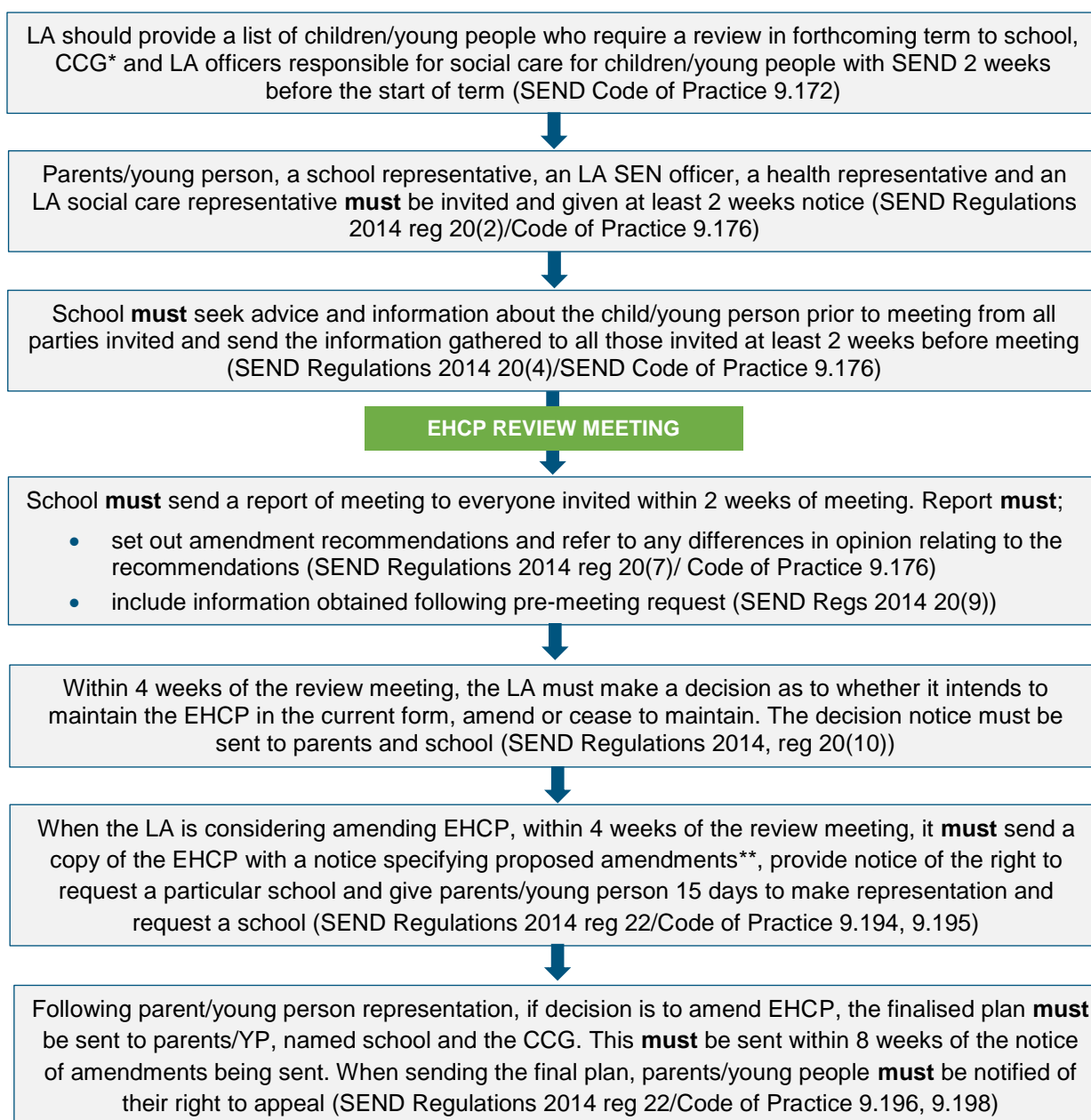
SEND Code of Practice para. 9.166-9.168

The local authority can require schools to convene and hold the review meeting on its behalf. In these instances, schools have an important statutory function in requesting and collating advice and information and inviting parents/young people and professionals to the review meeting.

Following a review, the local authority must notify the parents/young person of its decision to

maintain, amend or cease the EHCP within 4 weeks of the review meeting (and within 12 months of the EHCP issue date or previous review).

Professionals from education, health and social care must co-operate with the review process (Send Code of Practice 9.169). The SEND Code of Practice goes on to state that the local authority and school attended by the child/young person must co-operate to ensure the review takes place. This includes attending the review when requested to do so (SEND Code of Practice 9.173). As schools have a statutory obligation to invite local authority representatives, this would suggest that the local authority should be represented at every school-led EHCP review meeting. Figure 2 shows the statutory process for a school-led EHCP reviews.



*As noted, CCGs now abolished and ICBs have taken over CCG functions

** Recent case law - L, M and P v Devon CC (2021), notice to amend **and** proposed amendments within 4 wks of review

Figure 2: Statutory Process for School-Led EHCP Reviews

3.8 Phase Transfers

In terms of phase transfers, the SEND legislation places statutory timescales on the EHCP process. This is to ensure an EHCP is reviewed and amended in sufficient time to allow for planning and the necessary arrangements to be made for support and provision at the new institution. When a child or young person is within 12 months of transfer, the local authority must review and amend the EHCP before;

- 31 March in the calendar year of the child or young person's transfer from secondary school to a post-16 institution; and
- 15 February in the calendar year of the child's transfer in any other case.

The SEND Legal Framework - Key Points:

- The SEND legal framework primarily consists of the Children and Families Act 2014, the SEND Regulations 2014 and the SEND Code of Practice.
- Parents, young people over the age of 16 and a person acting on behalf of a school or post-16 institution have the right to request an EHC assessment.
- The EHC process should be underpinned by transparent and consistent decision-making.
- In an EHCP, for each identified and specified need there should be corresponding specified provision.
- Specificity is a legal requirement for EHCP education, health and social care needs and provision sections.
- In some cases, flexibility may be required in relation to specificity if this is in the interests of the child or young person.
- A factor that may be taken into account when determining the acceptable degree of flexibility is if the setting is a specialist or mainstream provision.
- Parents/young people have the right to request a particular school and the local authority must comply unless exception criteria (unsuitability/incompatibility) apply.
- Professionals from education, health and social care must co-operate with the EHCP review process.
- In school-led EHCP reviews, schools have an important statutory function in requesting and collating advice and information and inviting parents/young people and professionals to the review meeting.
- When a child or young person is within 12 months of transfer, the local authority must review and amend the EHCP before specific dates of the year of transfer.

4.0 The Bradford Local Authority Approach

4.1 The SEND Portal

In 2021, Bradford Local Authority launched a SEND Portal and this represented a new way of working. The aim is to streamline and improve the EHC process. The portal allows parents/young people to request assessments and to monitor progress of their assessment request. The portal also allows professionals from education, health, social care and other areas to request and contribute to the EHC process.

Initially, the portal has focussed on assessment but the intention is for this to be extended to cover the EHCP review process. According to the Bradford Local Authority local offer webpage, the portal will deliver the following changes and benefits:

- Requests for assessments will be done directly via the Portal and this will speed up the time taken for requests to be initiated
- Notifications will be issued by the system at each stage of the process, removing the need for individuals to schedule reminders for follow up actions
- Parents/young people will have visibility on the portal of where their assessment request is in the process and this will improve transparency
- Individual contributions to the EHCP will be collated into the document within the system.

4.2 Consultation with Schools

When Bradford Local Authority consults with schools for children/young people placements, the request letter asks that the information in the EHCP is considered carefully and there is reference to the SEND Code of Practice guidance on requests for a particular education institution and reasonable steps.

Further information has been provided by Bradford Local Authority as to the required evidence if the unsuitability and/or incompatibility exception criteria apply, see text box over leaf.

Exception Criteria Evidence

- **The school or other institution requested is unsuitable for the age, ability, aptitude or special educational needs of this child / young person**
 - Refer specifically to EHC plan sections B and F in the consultation response
 - Which provisions detailed in the EHC plan section F is the school unable to provide and why?
- **The attendance of this child or young person at your school would be incompatible with the provision of efficient education for others**
 - This part of the test refers to other children/young people in your school
 - Which children/young people would suffer detriment if even 1 more pupil was admitted (specifically this young person)?
 - When would these children/young people suffer detriment?
 - How would these children/young people suffer detriment?
 - What reasonable steps have you considered to overcome these barriers?
 - Why can these steps not be taken?

Email communication from Bradford Local Authority SEND Team Manager to Schools (2021)

Note: The inefficient use of resources exception is a case made by the local authority. According to Bradford Local Authority SEN Team, ‘inefficient use of resources’ may also be used when a school is full – i.e. a special school has reached its approved number. However, it is not sufficient to assert the school is full. The local authority must explain how placing this child in the school would be an inefficient use of resources or possibly affect the efficient education of the other children (see Bradford LA SENDCo Network Summer 2022).

4.3 Phase Transfers

In terms of phase transfers, Bradford Local Authority’s process is that pupils that are due to transition between education phases require a transition review meeting in the year prior to the last in the current school/setting. The review timetable is set out in Table 2, below:

	Autumn 1	Autumn 2	Spring 1	Spring 2	Summer 1	Summer 2
Primary	F1 and F2 Year 4 (1)	Year 3	Year 2	F1 and F2 Year 1	Year 6	Year 4 (2) Year 5 (phase transition review)
Secondary	Year 10 (1)	Year 9	Year 8	Year 7	Year 11	Year 10 (2) (phase transition review)
Post 16 and FE	Post 19	Year 14		Year 13	Year 12	

Source: Bradford LA SENDCo Network Meeting Summer 2022 slide 89

Table 2: Bradford Local Authority’s Review Timetable

Bradford Local Authority write to parents to request that they provide their preferences for placement. The local authority is working towards a fully electronic system and ask that parents submit their preferences via email. When parents are unable to do this, schools are requested to support parents in this process and email the preferences to the local authority on the parent's behalf.

The parental preference codes to be used in the email are:

- PP – name of setting
- PP – name of setting
- PP – name of setting

Parents are asked to provide this information for mainstream and for specialist provision including Resourced Provision in September. Bradford SEN Team update EHCPs during the summer term and break for phase transition year groups. Therefore, Bradford Local Authority request that transition reviews are completed by the end of the Year 5 summer term.

Figure 3 shows the timeline for Bradford Local Authority's transition process for children moving from primary to secondary school. The text box below provides additional information on the Year 5 transition reviews.

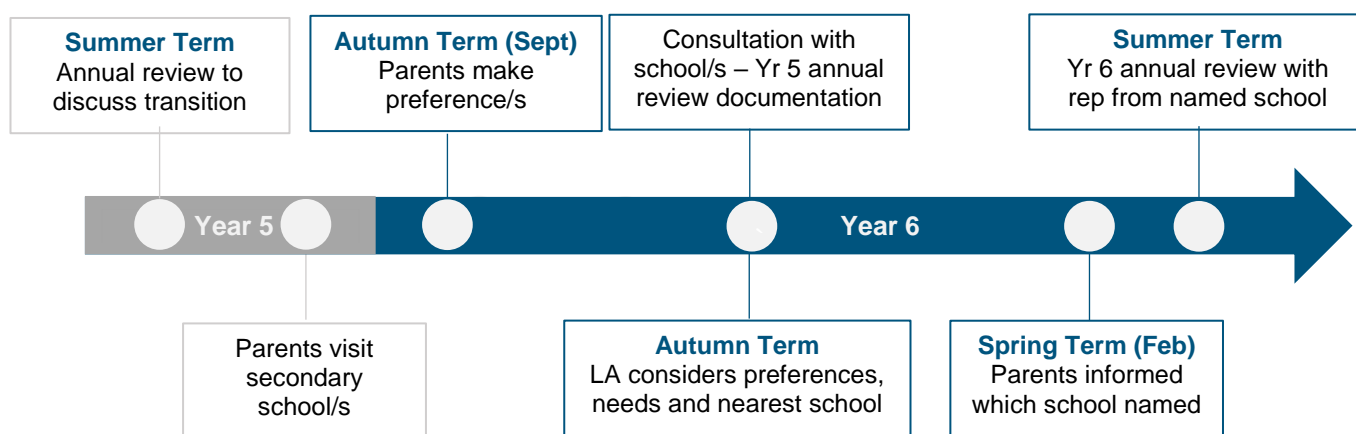


Figure 3: Transition Timescales for pupils with EHCPs moving from Year 6 to Year 7

4.4 The Education, Health and Care Panel

Purpose

The Bradford EHC Panel's purpose is to ensure that the EHC processes are transparent, consistent and fully compliant with the Children and Families Act 2014 legal framework. The role of the EHC Panel is to make decisions and recommendations on a number of elements of the EHC process. Although the EHC Panel is led by Bradford Local Authority, the EHC Panel aims to be a representative group and includes SEN, health, social care, and education (mainstream and specialist) representation.

Scope of Decision-Making

The EHC Panel has a range of decision-making functions which relate to assessment, review, funding and placements. According to the Panel's Terms of Reference (Bradford Local Authority, 2018), decisions are based on documented evidence and full discussion by all the membership. In terms of placements, it is the EHC Panel that considers the school consultation responses, determines the appropriate placement and makes the decision on which school to name in the EHCP Section I.

Decision-Making Framework

In 2020, a draft EHC Panel Handbook was produced. The handbook provides the framework for panel decision-making. There are five components of the decision-making framework.

Decision-Making Framework: Five Components

- The statutory/advisory framework for that decision
- Strategic drivers to be taken into consideration
- Indicators – any clear, agreed criteria the Panel could use to make a prompt and secure decision
- Evidence base – what supporting evidence you should expect to see
- Decision making guidance.

Source: Single Pathway (EHCP) Panel Handbook (Draft) 2020 pg. 2

In July 2021, Bradford Local Authority advised that the draft Handbook was being used as a reference but SEN processes were being reviewed and EHC Panel would be included in the review. It was anticipated that this would lead to a new version of the Handbook being issued. There has been no update on the progress of the updated version.

The Handbook outlines the framework for decision-making for 'Naming the placement' and Table 3 shows the proposed decision-making framework.

Indicators The top level information to indicate a clear positive decision.	Parental Preference Name – Are parents in agreement with the local authority’s recommendation of school? Parental Preference Type – Are Parents in agreement with the type of setting identified as appropriate to meet need?
Evidence The required evidence base for this class of decision.	<ul style="list-style-type: none"> • Consultation Response • Child/Young Person’s Views • HeadT’s Report of AnnRev • Parental Views
Guidance How to interrogate the evidence base.	<ul style="list-style-type: none"> • Can child/young person’s needs be met within the local authority? • Is Parental Preference able to meet needs? • Can school offer a place? • Is the response from the school discriminatory – They should describe what steps they would have to take to make the provision identified in the plan, they can also make their own judgement on whether they think this is reasonable or not. They should NOT say that they cannot meet need.
Quality Assurance	Quality Assurance Module is under development

Extract from Bradford LA, Single Pathway (EHCP) Panel Handbook, pg. 18. July 2020

Table 3: Naming a placement – Decision Framework

The Bradford Approach - Key Points:

- The Bradford SEND Portal allows parents/young people to request assessments and to monitor progress of their assessment request. It also allows professionals from education, health and social care and other areas to request and contribute to the EHC process.
- For pupils transitioning between education phases, Bradford Local Authority request that parents make preferences for placement
- For pupils moving from Year 6 to Year 7;
 - a transition review is required in Year 5 summer term and parents submit preferences by September of Year 6
 - The local authority consults with schools in Year 6 autumn term and in the spring term (prior to statutory deadlines) parents are informed of the placement named on EHCP
- The Bradford EHC Panel aims to provide a transparent and consistent approach to decision-making. According to Bradford Local Authority documentation, decisions are made taking into account parent/young person’s views and professional evidence.

5.0 Oastlers School Approach

5.1 Partnership with Parents/Carers

At Oastlers School, we endeavour to develop a close relationship with our parents/carers. We believe a positive relationship forged between home and school supports and encourages our learners to achieve their full potential. We believe that a strong home/school partnership is an essential element to ensure all our learners enjoy optimal opportunities for continued emotional well-being, academic progress and physical development. We enter into a partnership with our parents/carers as soon as the child is on roll.

In addition to operating an 'Open Door' policy, there are many formal and informal opportunities for parents/carers to discuss their child. Formal events/meetings include EHCP review meetings. We recognise the value of parent/carer contributions in this review process and Oastlers School staff actively support parents/carers to fully participate and contribute their views. Informal opportunities include our parent/carer group which is active within our school community. The School's Education Social Worker works with parents/carers supporting attendance and signposting families to other agencies and sources of advice and support.

5.2 Joint Working with Education, Health and Care Professionals

Oastlers School is committed to multi-agency working. Our partners are wide ranging but include West Yorkshire Police, children's social care, CAMHS, voluntary sector organisations, further education colleges and training providers, school nursing services, specialist health providers, Youth Justice Teams, Education Psychology and other specialist organisations identified for specific need. Working in this manner ensures we are supporting our children and families in a more holistic way with a clear view that if 'Early Help' is identified, it is put into place as soon as possible. This is the most effective way of working in the best interest of the child. We enjoy a truly supportive and collaborative relationship with our partners.

Our ethos is very much based around clear safeguarding principles – putting the child at the heart of everything we do. While we always try to work alongside our families, parents and carers by seeking consent for any referral to a partner agency, in the case of a child protection concern, we will seek the support of the relevant agency without consent if we suspect that the child is at risk of significant harm.

5.3 School-led Education, Health and Care Plan Reviews

The EHCP Annual Review process at Oastlers is a child centred process that brings together the views of everyone around the child. Oastlers School works closely with other professionals, to ensure that a review of Health and/or Social Care Provision is also captured in this review process. The aim of the process is to collectively review how well the outcomes set in the plan are being achieved, consider whether the provision detailed in the EHCP is still effective and relevant and to set new targets for the next 12 months.

As per the Code of Practice, Oastlers School ensures that Annual Reviews focus on the child or young person's progress towards achieving the outcomes specified in the EHCP and consider whether these outcomes and supporting targets remain appropriate. The process includes a review of the special educational provision made for the child or young person to ensure it is being effective in ensuring access to teaching and learning and good progress.

Through this child centred approach, learner's needs and aspirations, success and achievements are monitored by the following:-

- My voice is heard
- I am able to learn
- I am healthy
- I am happy
- I feel supported
- I am safe
- I am in control of my life

This process is monitored by a tracking document that allows us to audit how well school and its partners are doing in terms of a compliant process.

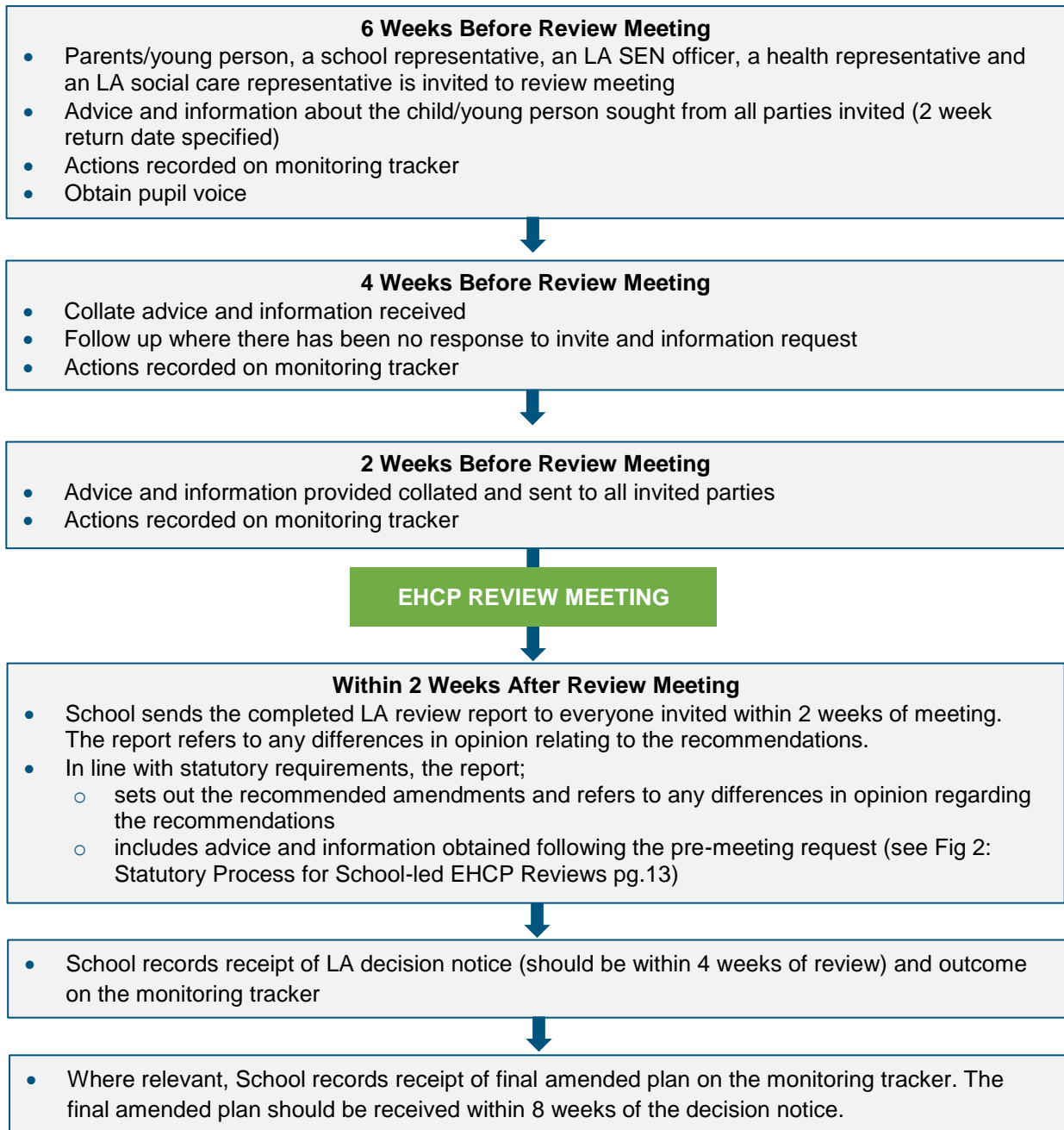


Figure 4: Oastlers School EHCP Review Process

5.4 Local Authority Consultation Documentation – Compliance Parameters

In order to make an informed decision about the suitability of a placement, the Local Authority’s consultation documentation should be statutory compliant. This means the EHCP needs to be up to date, accompanied with the relevant professional advice and information and adhere to specificity requirements. As a consequence, minimum standards have been set for local authority consultation documentation to ensure that our decisions are safe and secure, driven by the best interests of Oastlers School learners – prospective and current.

Minimum Standards

EHCP – Up to date information

As noted in Section 3.7, Bradford Local Authority has a statutory obligation to review EHCPs every 12 months. Following a review, a decision to continue a plan will result in decision to either amend the EHCP or retain the plan in its current form. The outcome from this decision process will be evident from the EHCP and the annual review paperwork. For this reason, Oastlers School require both the current EHCP and the annual review documentation (assuming the EHCP timescales is subject to an annual review).

Due to the current status of Bradford Local Authority's annual review backlog, Oastlers School has decided that the threshold to accept EHCP consultation documentation will be dated within 18 months. The rationale for this was to balance the interests of children and young people, avoid unacceptable blocks and make secure decisions. This 18 month threshold will be continually monitored and as Bradford Local Authority's annual review backlog is addressed, this will be reduced accordingly.

Professional Reports

When a professional report has been obtained to inform an EHCP content or an annual review, there is a statutory requirement that this report to be appended to EHCP documentation. Access to these professional reports during the consultation process can be essential when making decisions about the appropriateness of a proposed placement. For this reason, where an EHCP and/or annual review indicates a professional report has been obtained, Oastlers School requires that this report is provided as part of the consultation documentation.

EHCP Specificity

Compliance with the statutory requirement for specificity in EHCPs is the basis of an informed and comprehensive consultation response. As noted, for EHCP Section F (and Section G and H), this means provision must be detailed, specific and quantified. So the type, hours and frequency of support and level of expertise of staff delivering the provision.

As outlined in Sec 3.5, a degree of flexibility can be permissible for specificity and so it is not possible to set specific parameters. Instead, this will need to be determined on a case by case basis.

What does specificity look like?

SEND case law provides a helpful guide as to how specificity is determined.

S v SENDIST (2007): Held - much more detail was needed to describe the provision:

- Speech and language therapist input *'initially a visit once a week for a term thereafter reducing to once a fortnight'* – What is the duration of the session or the content of the session?
- *'Speech and language therapist also needs to manage a structured programme, which will include training, to support 'out of school' professionals'* – which professionals will be supported?
- *'LS's parents and carers need support'* – what type of support and what quantity?

M v Brighton and Hove City Council (2003): Held - provision too ambiguous:

- *'opportunities for individual and/or small group support' and 'taught by specialist teachers trained in teaching pupils with severe specific learning difficulties'*

JD v South Tyneside Council [2016] UKUT 9 (AAC): Held - statement did not meet required standard of specificity:

- There was reference to *'individual programmes tailored to needs. She will require a handwriting programme, a PE programme and a reading programme'*. Whilst programmes required have been described, their content is not specified at all.

B-M and B-M v Oxfordshire County Council (SEN) [2018] UKUT 35 (AAC): Held – provision descriptions unlawful:

- *'C will have support from a Learning Support Assistant'* Fails to identify how much support, or what training and experience the Learning Support Assistant should have.
- *'C requires a programme to develop his social communication and social interaction skills delivered in 1:1 and small group settings with opportunities to practice new skills learnt throughout the day.'* Whilst the programme was described, its content was not specified. Also, the word 'opportunities' is vague and unenforceable.
- *'C requires the equivalent 25 hours of support to be used flexibly across the school day to include individual, small group and whole class teaching to meet the outcomes described.'* This, again, is vague and lacks the required specificity. For example, what is meant by "equivalent"? Who is to provide the support?

The text box below provides some examples of specificity. The examples are taken from SEND case law and legal summaries. **A tip is to think who, what, where and when.**

Specificity



- Elkan trained staff/staff trained in zones of regulation
- Mentoring programme of at least 1 hr per week 1:1 with a trained/experienced mentor
- Implementation of a social skills intervention, such as Talkabout, twice a week for 20 mins



- Support staff with appropriate training and experience
- Opportunities for talking to staff about feelings
- A programme to develop social skills
- Opportunities for individual and/or small group support
- Phrases like 'as appropriate', 'as required', 'regular' and 'periodic' likely to be considered insufficient

Local Authority Compliance Parameters Decision Tree

Appendix 2 outlines a decision tree to support decision-making regarding Local Authority documentation compliance and school responses. The decision tree reflects the compliance parameters outlined in this section. Where the consultation documentation fails to meet minimum requirements, the Local Authority will be notified and advised what is required in order for Oastlers School to respond to the consultation. The text below describes example scenarios and actions.

Decision Tree Examples:

- EHCP or most recent annual review report absent - Request from Local Authority
- EHCP dated 18 months+ and annual review report indicates a review has taken place in the interim with recommended amendments - Request confirmation that the Local Authority decided not to amend i.e. request copy of decision notice.
- EHCP dated 18 months+ with no annual review at 12 months - Advise Local Authority unable to make an informed decision about the proposed placement due to lack of current/up to date information.
- Consultation documentation fails to include professional advice and information listed in the EHCP section K - Advise Local Authority that a response cannot be provided without the relevant Section K information.

5.5 School Consultation Response - Quality Indicators

The approach described below is adopted in the Oastlers School Negative Consultation Template.

- *Unsuitability/incompatibility exceptions*

At the outset and throughout a negative consultation response, the unsuitability and/or incompatibility exceptions terminology should be used. When each substantive point is made e.g. unsuitability, a health and safety risk or a safeguarding and welfare concern, the point should be tightly tied to the relevant exception criteria. To add emphasis, an option would be to highlight in bold key sentences that make the unsuitability and/or incompatibility point. For example:

Oastlers School is unable to provide the group intervention specified in X's EHCP as there is no suitable peer group and so the proposed placement of X at would be **unsuitable for X's SEN and required provision**.

- *Evidence-based response*

Risk Assessment: Where the proposed placement presents safeguarding and welfare/health and safety concerns for pupils and staff, it would be beneficial to demonstrate a structured approach to the risks and mitigation that have been considered. This could be achieved by completing the Oastlers School Risk Assessment Template. This would cover:

- Likelihood of occurrence – Based on the pupil's past behaviour (EHCP)
- Severity of outcome – Injuries sustained by similar incidents in school (EHCP)
- Identified control measures – Identified mitigating measures e.g. breakout facilities or additional staff in classroom (EHCP - potential mitigation used previously)
- Risk rating – Risk not sufficiently reduced due to inability to implement the control measures e.g. due to capacity issues.

Reasonable Steps: To support the decision-making process, consideration is given to what reasonable steps could be taken to overcome incompatibility. A structured approach for this process has been adopted and includes the SEND Code of Practice factors to consider (see Appendix 3 for an example).

Where relevant and appropriate, supplementary evidence should be incorporated into a negative consultation response e.g. risk assessment and/or a reasonable steps framework by appending to the consultation response.

Bradford Matrix of Need: The Bradford Matrix of Need provides detailed descriptions of needs, expectations around provision, setting types, staff ratios and staff training/expertise. It would be beneficial to cross check EHCP information and the Matrix of Need to identify any disparities or gaps in EHCP information.

Building Bulletin 104: Where there are issues relating to capacity and space either general capacity restrictions of the school site and facilities or more specifically, in the context of risk and reasonable steps, Building Bulletin guidance should be used as evidence. The negative consultation template letter includes an appendix that describes capacity constraints at Oastlers School and provides examples of BB104 recommended room sizes and actual room sizes at the Bradford and Keighley site. This information should be referred to as relevant.

Oastlers School Approach - Key Points:

- Oastlers School is committed to working in partnership with parents/carers and professionals. A positive relationship between home and school supports and encourages learners to achieve their full potential. Multi-agency working ensures holistic working in the best interest of the child or young person.
- A statutory compliant EHCP review process is in place. This brings together the views of the child or young person and everyone involved in supporting them. As per the SEND Code of Practice, Oastlers School ensures that annual reviews focus on progress towards outcomes and that supporting targets remain appropriate.
- EHCP processes are monitored using a tracking document that captures auditable data to assess how well the school and its partners are doing in terms of compliance.
- In order to make informed decisions about the appropriateness of a proposed placement, the local authority consultation documentation must be statutory compliant. As a consequence, minimum standards have been set for consultation documentation. These relate to up to date EHCP information, inclusion of professional reports and specified information.
- A decision tree has been developed based on these compliance parameters.
- Oastlers School has also set quality indicators for its negative consultation responses. The basis of these indicators is two-fold; statutory compliance and evidence-based.

References

HM Government (2018) Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/942454/Working_together_to_safeguard_children_inter_agency_guidance.pdf

DfE (2022) Keeping Children Safe in Education: Statutory guidance for schools and colleges.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1101454/Keeping_children_safe_in_education_2022.pdf

Bradford Local Authority (2018) Education, Health and Care Panel Terms of Reference

<https://bso.bradford.gov.uk/userfiles/file/Special%20Educational%20Needs/Jaspal/Bradford%20EHC%20Panel%20ToRs.pdf>

Bradford Local Authority (2022) SENCo Network Meeting Summer Term Powerpoint Presentation

<https://bso.bradford.gov.uk/content/special-educational-needs-and-disabilities/senco-support/senco-networks>

Bradford Local Authority (2021) The Bradford Matrix of Need

<https://bso.bradford.gov.uk/content/revised-range-guidance>

Oastlers School Polices <https://www.oastlers.com/policies.html>

Appendix 1 – EHCP Review Meeting Invite and Information Request

Date

Dear All,

The Education, Health and Care Plan (EHCP) Annual Review meeting for [Pupil Name] will be held on **(date)** at **(time)** at Oastlers [@ Keighley] School. This review will be conducted in line with the Children and Families Act 2014 statutory framework (see Appendix 1).

To help you to prioritise your level of involvement we believe that your attendance at the review meeting is essential.

I am inviting you to participate by:

- Attending the meeting to be held as above
- Sending a written report to the school by **(date)**.

The report will be distributed to everyone invited prior to the meeting and is essential as indicated below.

Please specify the following in your report:

- A description of [Pupil's Name] current and future needs
- A detailed and quantified description of the provision that is required to meet these needs (type of support, who will provide it, regularity of provision)
- The anticipated outcomes for [Pupil Name]

To assist you in the preparation of your report, see appendices for a health care template (Appendix 2) and a social care template (Appendix 3). If an alternative format is used, **please ensure that the advice and information provided is sufficiently specified to comply with statutory requirements.**

I look forward to hearing from you.

Yours sincerely

Lindsey Shaw / Robyn Brennan

SENCo

Appendix 1 - EHCP Annual Reviews - SEND Code of Practice 2015

Para 9.169

- Professionals across education, health and care **must** co-operate with local authorities during reviews.

Para 9.176

The following requirements apply to reviews where a child or young person attends a school or other institution:

- The child's parents or young person, a representative of the school or other institution attended, a local authority SEN officer, a health service representative and a local authority social care representative **must** be invited and given at least two weeks' notice of the date of the meeting. Other individuals relevant to the review should also be invited, including youth offending teams and job coaches where relevant.
- The school (or, for children and young people attending another institution, the local authority) **must** seek advice and information about the child or young person prior to the meeting from all parties invited, and send any advice and information gathered to all those invited at least two weeks before the meeting.
- The meeting **must** focus on the child or young person's progress towards achieving the outcomes specified in the EHC plan, and on what changes might need to be made to the support that is provided to help them achieve those outcomes, or whether changes are needed to the outcomes themselves. Children, parents and young people should be supported to engage fully in the review meeting.



Appendix 2 – Advice and Information Relating to Health Care¹

This information is sought in accordance with the Children and Families Act 2014. Oastlers [@ Keighley] School is seeking health professional advice and information as part of an Education, Health and Care Plan Annual Review.

Child/Young Person's Details

Full Name		DoB	
Address		NHS No.	
Parent/Carers Name		Gender	

Advice Giver's Details

Name(s) of professionals contributing to this advice:	Job Title(s)
Services	Address/Contact Details

Health Care Needs

<ul style="list-style-type: none"> Including health care needs which relate to the child/young person's SEN as well as health care needs that are not linked to the child/young person's SEN but may be relevant. Please describe how any medical conditions, impairments or other health needs impact on the child/young person at school, home and in the community. This advice should relate to your area of specialism, and should be accessible for non-specialists.

Recommended Health Provision

<ul style="list-style-type: none"> Please describe what provision is recommended to meet the identified needs and support progress towards outcomes. Be specific about what will be done, who will be involved (and is responsible), the frequency of provision and review and other resources. Outcomes should be SMART i.e. specific, measurable, achievable, relevant and time-bound. Please describe any health care plan, medication taken regularly as a result of his/her medical needs or general health advice. 												
<table border="1"> <thead> <tr> <th>Health Provision (Link to the specified needs)</th> <th>Outcomes Sought</th> <th>Monitored by</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Health Provision (Link to the specified needs)	Outcomes Sought	Monitored by									
Health Provision (Link to the specified needs)	Outcomes Sought	Monitored by										

*Please insert additional rows as necessary

¹ Template adapted from CDC (2017) 'Securing good quality health advice for education, health and care (EHC) plans'

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

Appendix 3 - Advice and Information Relating to Social Care²

This information is sought in accordance with the Children and Families Act 2014. Oastlers [@ Keighley] School is seeking social care professional advice and information as part of an Education, Health and Care Plan Annual Review.

Child/Young Person's Details

Child's Name		DoB	
---------------------	--	------------	--

Advice Giver's Details

Name(s) of professionals contributing to this advice:	Job Title(s)
Services	Address/Contact Details

Social Care History

Is the child/young person known to statutory Social Care or Early Help?					
Early Help		Children's Social Care		Adult's Social Care	
Lead professional or social worker contact details:					

Has there been an assessment of the child and family?					
Early Help		Child and family (SW assessment)		Care Act	
Other, please specify:					

Does the child or young person have a current plan?											
Early Help		CIN		CP		LAC (s.17, s.20 or s.31)		Short Breaks Plan		Care and Support Plan	
Other, please specify:											

Social Care Needs

<ul style="list-style-type: none"> <i>Including social care needs which relate to the child/young person's SEND as well as social care needs that are not linked to the child/young person's SEND but may be relevant.</i>

² Template adapted from Council for Disabled Children (2017) 'Securing good quality social care advice for education, health and care (EHC) plans' <https://councilfordisabledchildren.org.uk/sites/default/files/uploads/attachments/Social%20Care%20Advice.pdf>

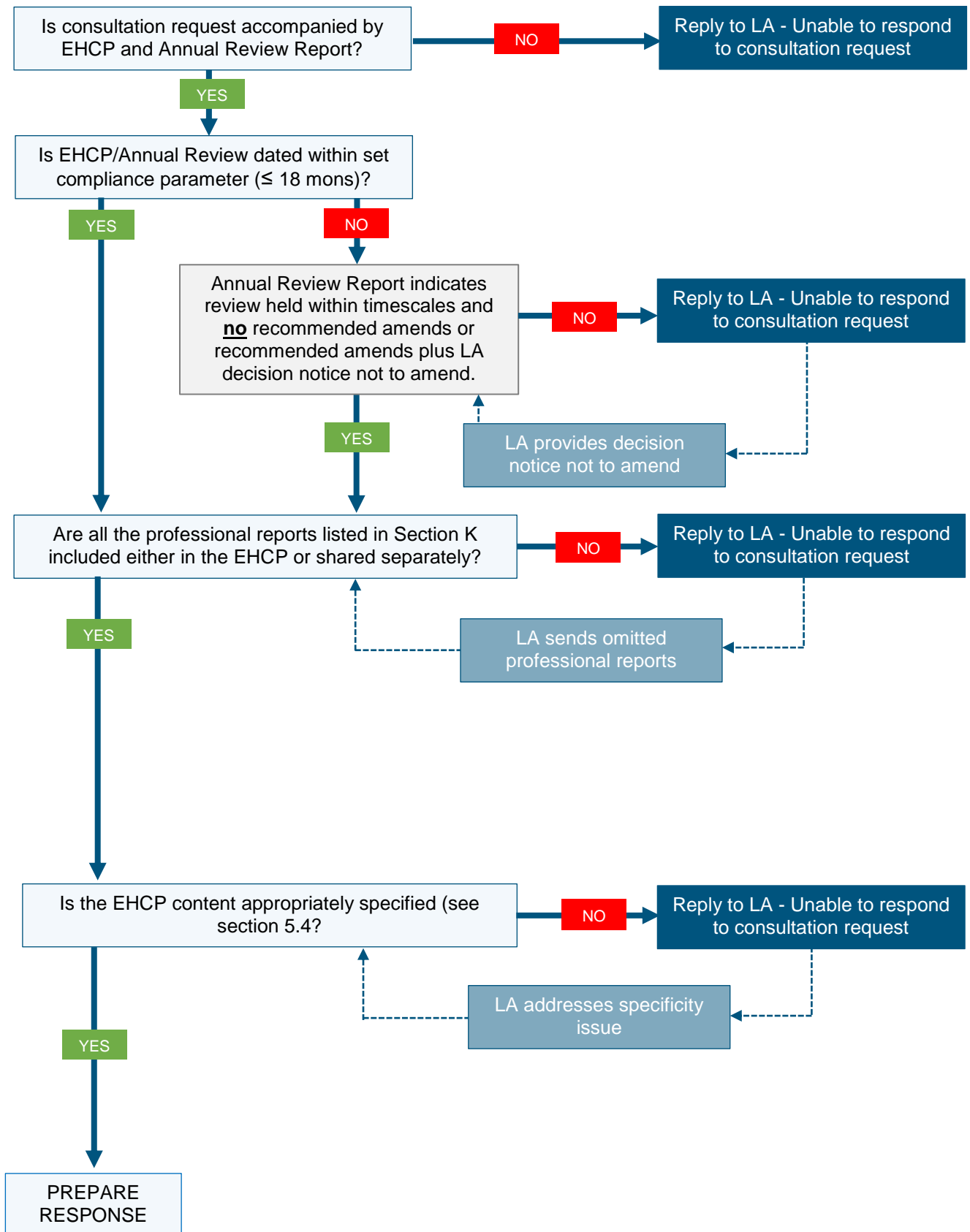
Recommended Social Care Provision

- Please describe what provision is recommended to meet the identified needs and support progress towards outcomes. Be specific about what will be done, who will be involved (and is responsible), the frequency of provision and review and other resources.
- Outcomes should be SMART i.e. specific, measurable, achievable, relevant and time-bound.

Social Care Provision - Section H1 <i>Please provide detail of provision under the CSDPA s.2</i>	Outcomes Sought	Monitored by
Social Care Provision – Section H2 <i>Please provide detail of other social care provision</i>	Outcomes Sought	Monitored by
Is the child or young person receiving a personal budget?		

*Please insert additional rows as necessary

Appendix 2 - Consultation Response Decision Tree



- If unable to respond to the consultation, the SEN Team must be contacted with an explanation as to why. Where appropriate, make a request for additional/omitted information (e.g. Annual Review Report, LA decision notice, professional reports).

Appendix 3 – Reasonable Steps Framework

REASONABLE STEPS ASSESSMENT	
Learner Name:	
Learner DoB:	
Proposed Year /Class Group:	

PART A

INCOMPATIBILITY WITH THE EFFICIENT EDUCATION OF OTHERS	
Questions	Example
1. What is the issue that makes the proposed placement incompatible with the efficient education of others?	
2. Which children/young people would suffer detriment?	
3. When would these children/young people suffer detriment?	
4. How would these children/young people suffer detriment?	

PART B

When considering the reasonable steps that could be taken to overcome the incompatibility with the efficient education of other learners, the factors that should be taken into account are:

- Whether taking the step would be effective in removing the incompatibility
- The extent to which it is practical for the school to take the step
- The extent to which steps have already been taken in relation to this child/young person and their effectiveness
- Financial and other resource implications of taking the step
- Extent of any disruption caused

(SEND Code of Practice para. 9.91 pg. 175)

Outcome:

A reasonable step that could be taken/would prevent the incompatibility

Not a reasonable step that could be taken/would prevent the incompatibility



REASONABLE STEPS		
Steps Considered	Assessment (<i>Please consider the factors above and refer to evidence as appropriate</i>)	Outcome
<i>Examples</i>		
1.		
2.		
3.		
4.		

Appendix 4 – Additional Information and Resources

Council for Disabled Children (CDC) Resources

e-Learning Courses [CDC e-learning Courses](#). Courses include:

- Introduction to Mental Health
- Introduction to Children’s Social Care
- Information, Advice and Support
- Holistic Outcomes in Education, Health and Care Plans
- Delivering Quality Annual Reviews
- Focus on Health Advice
- CETRs and DSRs

CDC Guidance – Advice for Education, Health and Care Plans [Advice for EHCPs](#)

Case Law

Annual Reviews and amending EHCPs

- R (L, M and P) v Devon County Council [2022] EWHC 493 (admin) [L,M and P v Devon CC](#)

EHCP Specificity

- B-M and B-M v Oxfordshire County Council (SEN) [2018] UKUT 35 [B-M and B-M v Oxfordshire CC](#)
- L v Clarke and Somerset County Council [1998] ELR 129 [L v Clark and Somerset CC](#)
- SB v Herefordshire County Council [2018] UKUT 141 (AAC) [SB v Herefordshire CC - CDC Case Law Update 28](#)
- Case summary CDC EHCP Sec. F Specificity London Borough of Redbridge v HO [2020] UKUT 323 (AAC) [Redbridge v HO 2020](#)

David Wolfe QC (Matrix Chambers) and Leon Glenister (Landmark Chambers): Noddy ‘no nonsense’ Guide to SEN Law, February 2022 [Noddy Guide to SEN Law 2022](#)