Appendix 1: Naming of placements in Section I of EHCPs decision trees

NAMING OF SETTINGS IN SECTION I

The Children and Families Act 2014 secures the general presumption in law that children and young people with SEND should be educated within a mainstream setting.

Section 33(2) Children and Families Act 2014 states that:

"The LA must secure that the plan provides for the child or young person to be educated in a mainstream placement, unless that is incompatible with:

a) *the wishes of the child's parent or the young person, or*
b) *the provision of efficient education for others."*

Where the parent/carer/young person, expresses a preference for a setting, Section 39(4) Children and Families Act 2014 states that:

The LA must secure that the EHC plan names the school or other institution requested by parent or YP unless:

a) *the school or other institution requested is unsuitable for the age, ability, aptitude or special educational needs of the CYP concerned, or*
b) *the attendance of the CYP at the requested school or other institution would be incompatible with—*
    i. *the provision of efficient education for others, or*
    ii. *the efficient use of resources.*

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All decisions about placement should be underpinned by an expectation that all avenues for a mainstream education should be exhausted, through reasonable adjustments, best endeavours, and provision of additional resource. Parents and young people should be supported to understand how a mainstream setting can meet the CYP's needs.

SEND Panel determines the LA view on the setting the LA thinks would be appropriate for the CYP. This does not override the parental/YP preference but provides officers with the LA's view on the type of setting which should be named if we cannot name the preferred setting.

There are very limited circumstances where Section I should name a type of setting, especially mainstream.

The decision trees below will support officers in their decision-making regarding Section I. If no consultation response is received, officers should follow the negative response process.

KEY

Blue – preference and LA view

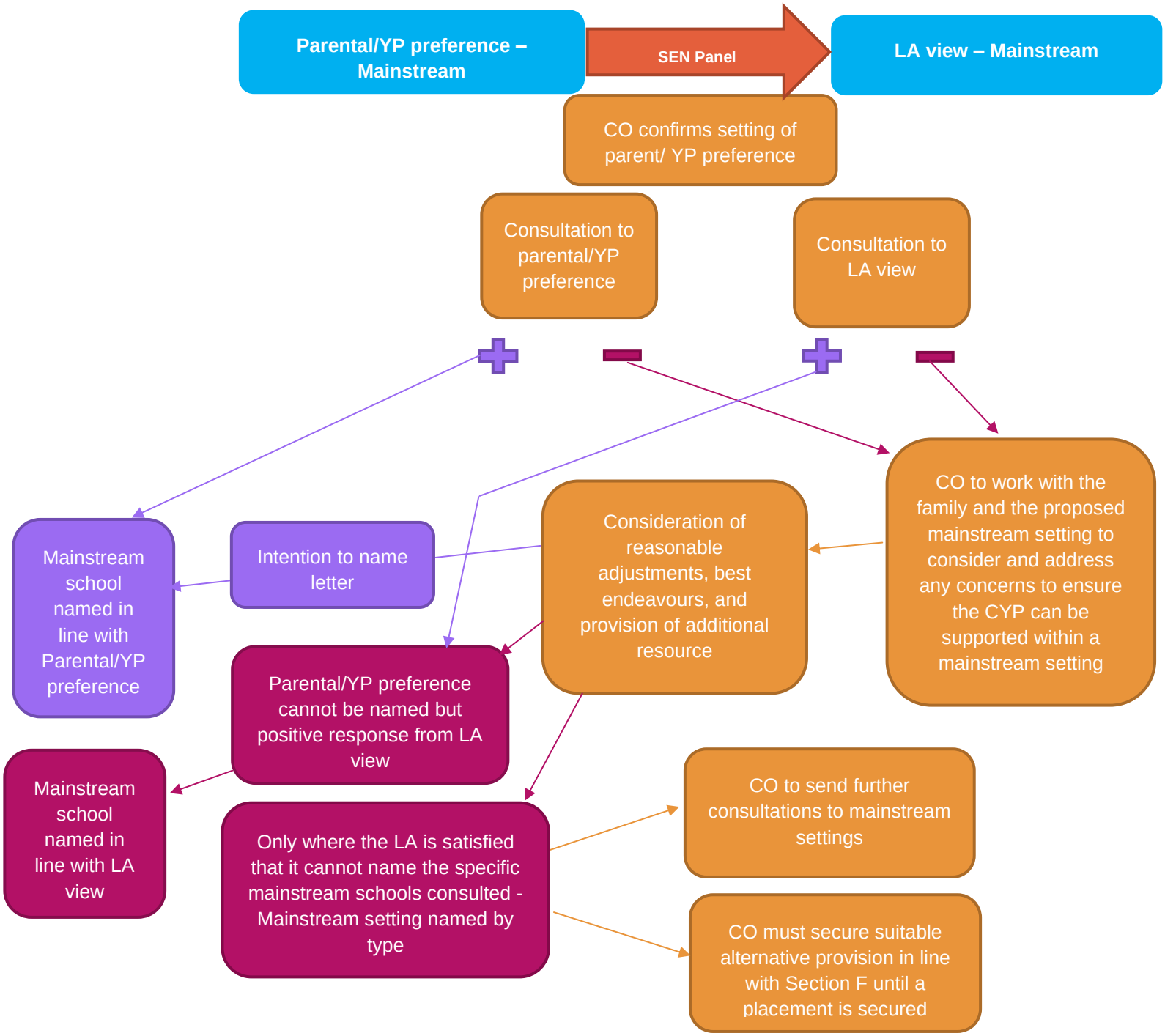
Yellow – actions for CO/PO

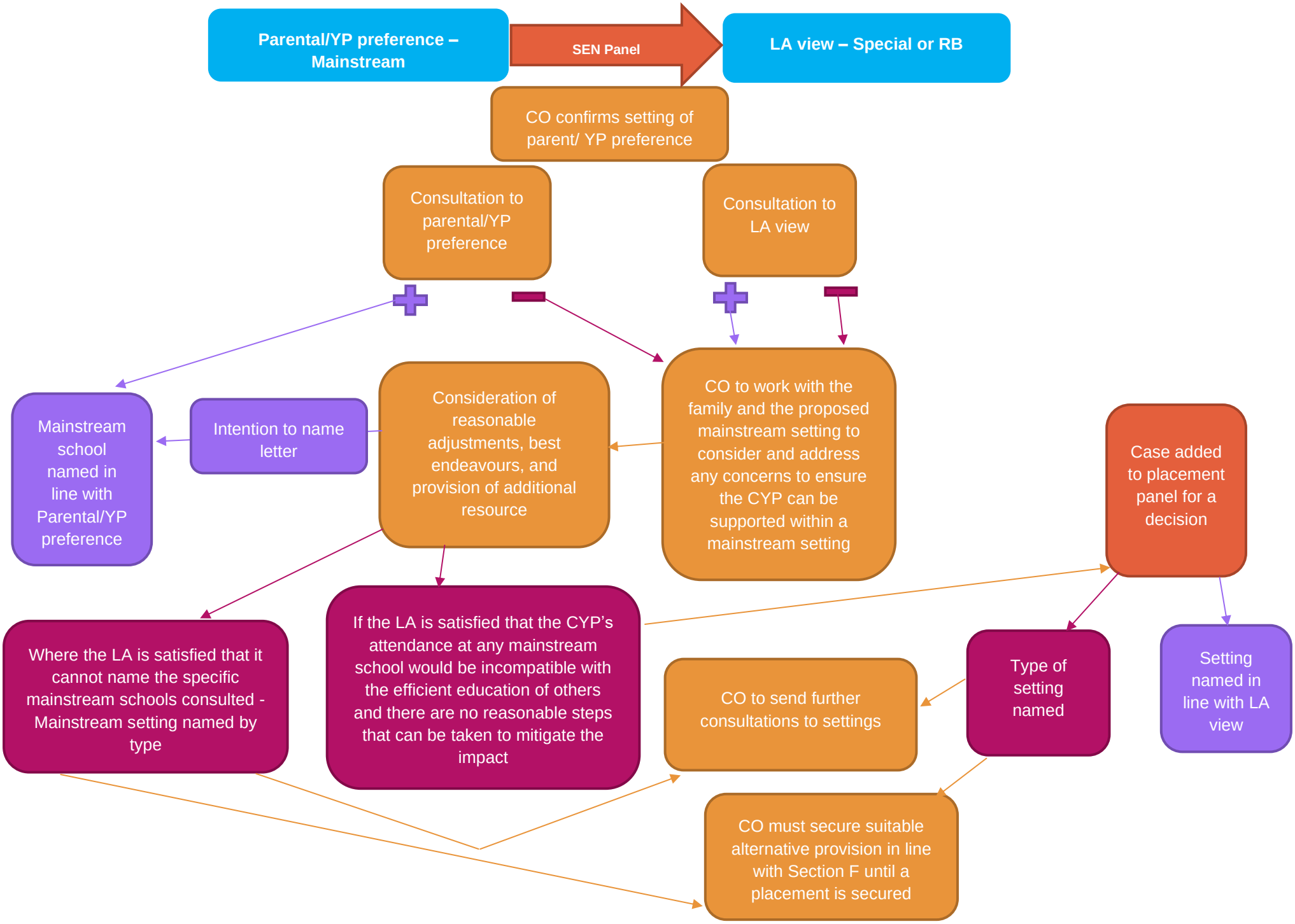
Orange – decision making

Purple – positive response/outcome

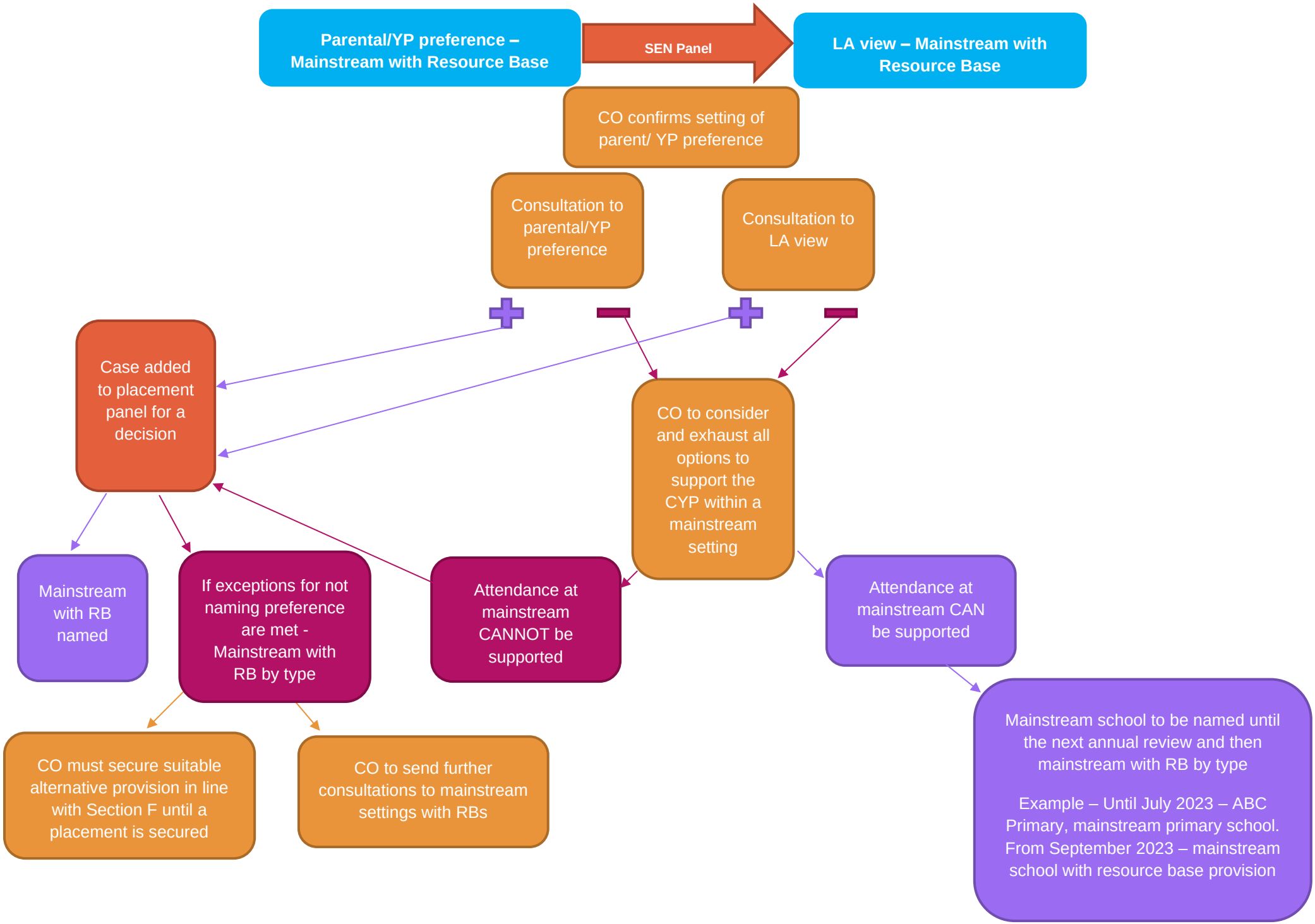
Pink – negative response/outcome

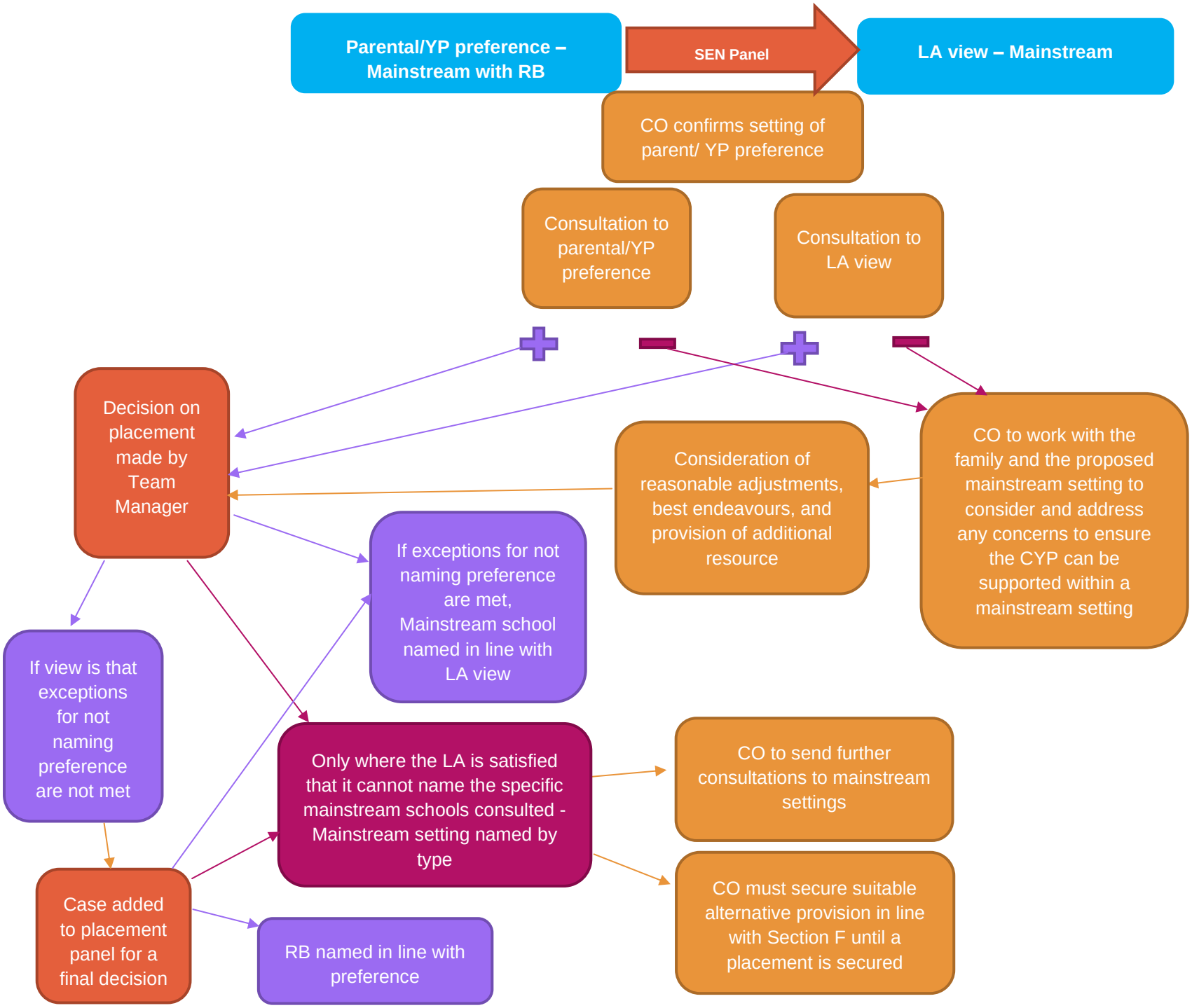
Preference – Mainstream

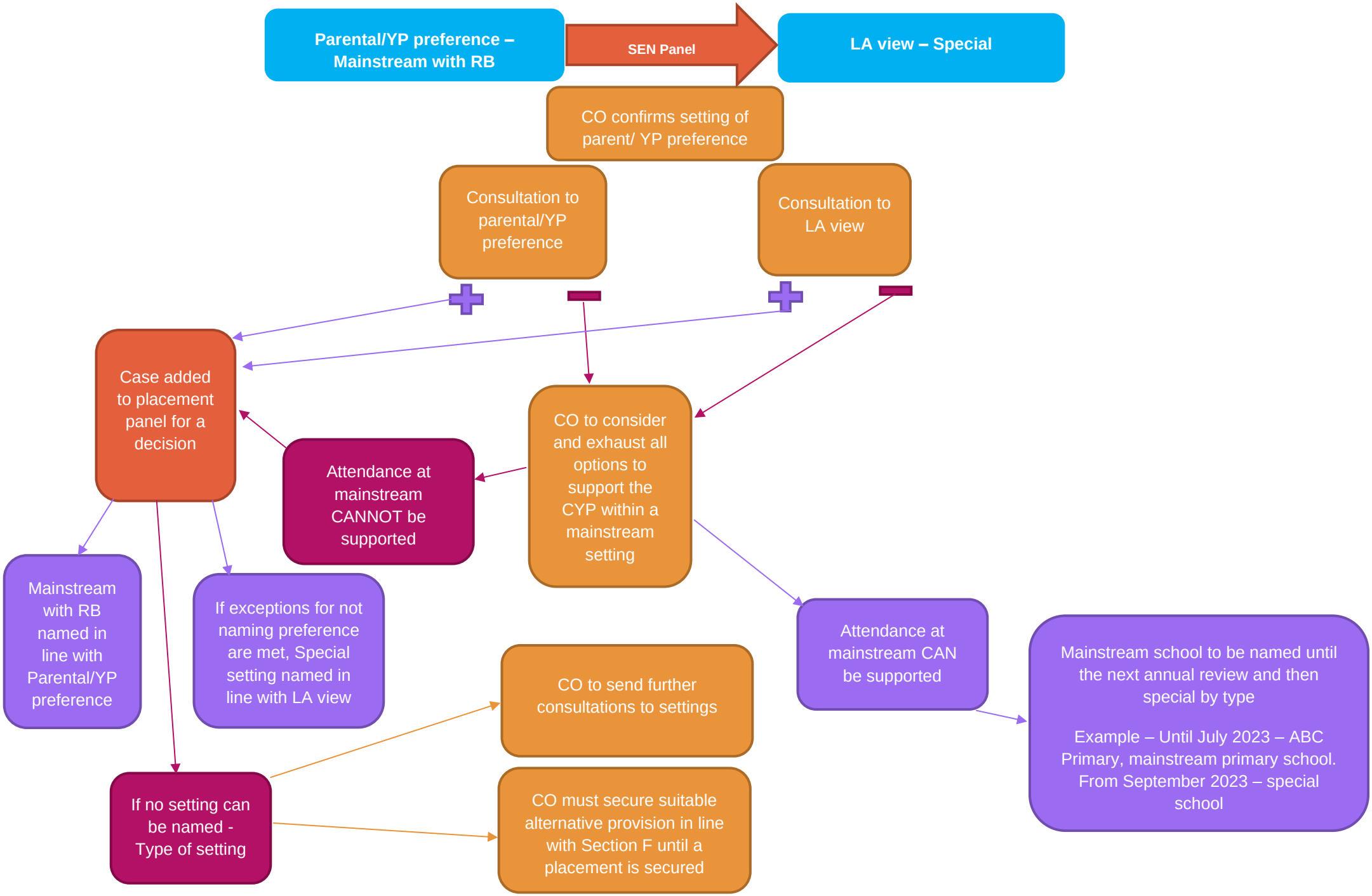

Parental/YP preference – Mainstream
SEN Panel
LA view – Mainstream
CO confirms setting of parent/ YP preference
Consultation to parental/YP preference
Consultation to LA view
Mainstream school named in line with Parental/YP preference
Intention to name letter
Consideration of reasonable adjustments, best endeavours, and provision of additional resource
CO to work with the family and the proposed mainstream setting to consider and address any concerns to ensure the CYP can be supported within a mainstream setting
Parental/YP preference cannot be named but positive response from LA view
Mainstream school named in line with LA view
Only where the LA is satisfied that it cannot name the specific mainstream schools consulted - Mainstream setting named by type
CO to send further consultations to mainstream settings
CO must secure suitable alternative provision in line with Section F until a placement is secured


Parental/YP preference – Mainstream
SEN Panel
LA view – Special or RB
CO confirms setting of parent/ YP preference
Consultation to parental/YP preference
Consultation to LA view
Mainstream school named in line with Parental/YP preference
Intention to name letter
Consideration of reasonable adjustments, best endeavours, and provision of additional resource
CO to work with the family and the proposed mainstream setting to consider and address any concerns to ensure the CYP can be supported within a mainstream setting
Case added to placement panel for a decision
Where the LA is satisfied that it cannot name the specific mainstream schools consulted - Mainstream setting named by type
If the LA is satisfied that the CYP's attendance at any mainstream school would be incompatible with the efficient education of others and there are no reasonable steps that can be taken to mitigate the impact
CO to send further consultations to settings
Type of setting named
Setting named in line with LA view
CO must secure suitable alternative provision in line with Section F until a placement is secured

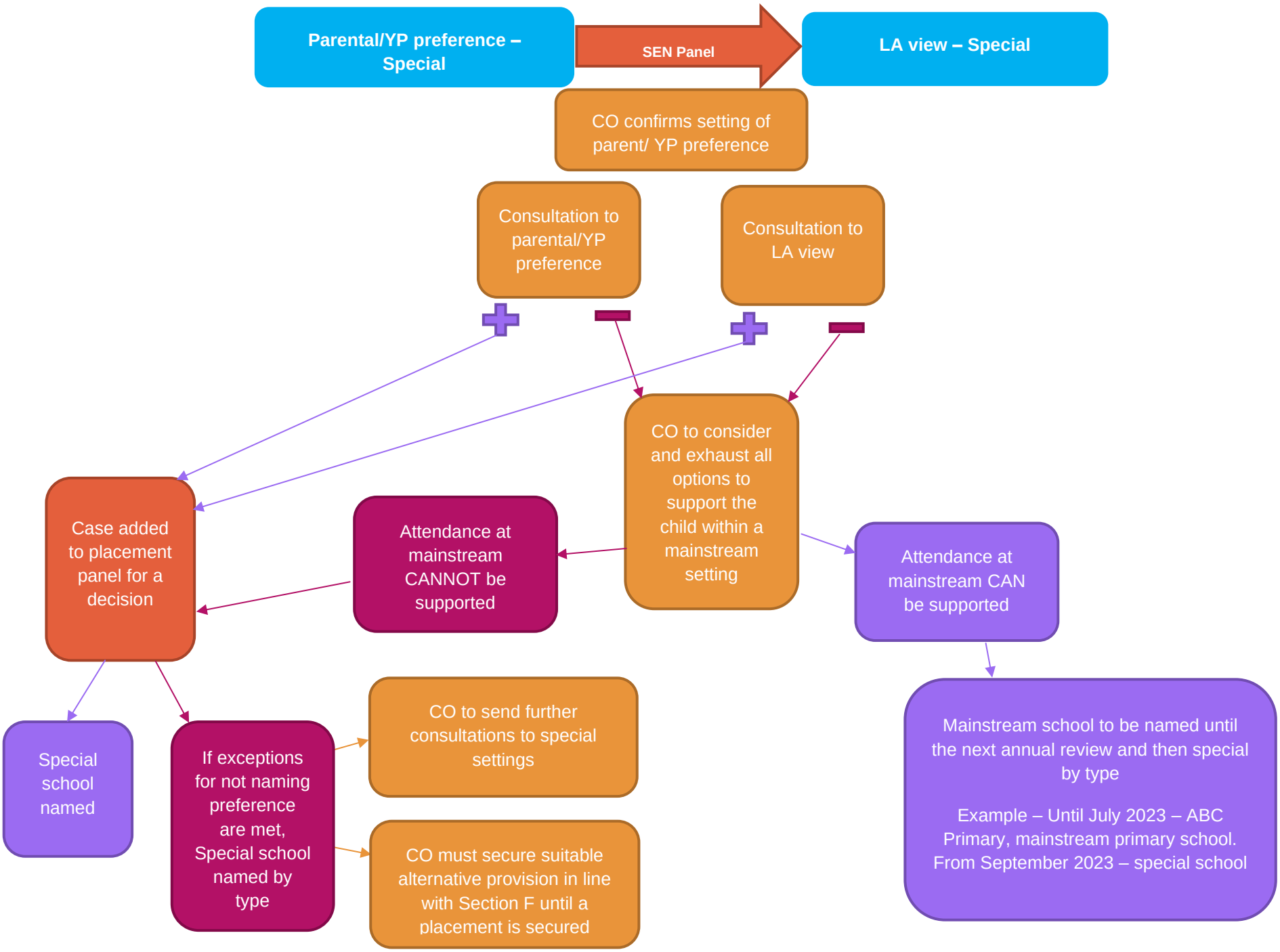
Preference – Mainstream with Resource Base Provision

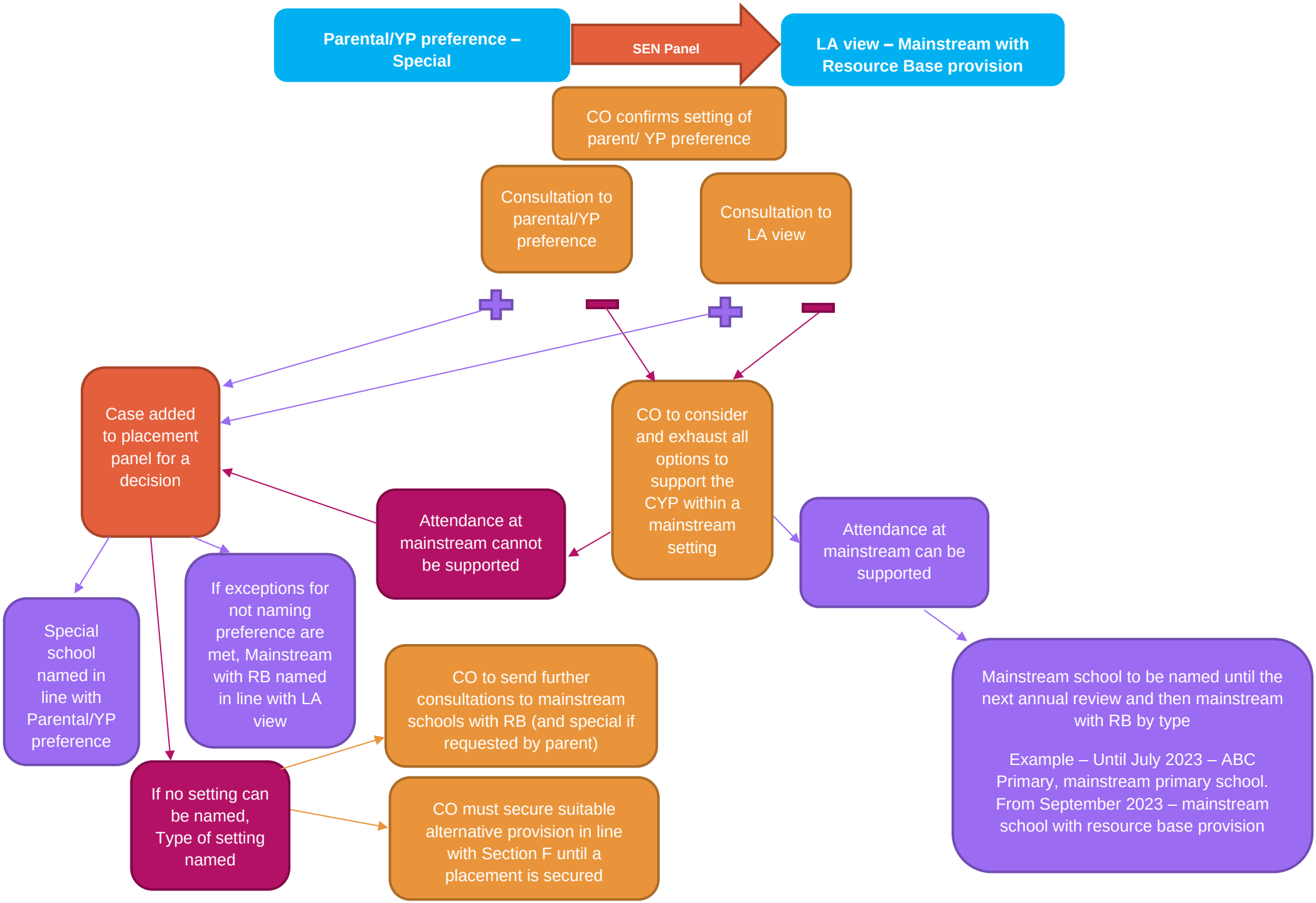

Parental/YP preference – Mainstream with Resource Base
SEN Panel
LA view – Mainstream with Resource Base
CO confirms setting of parent/ YP preference
Consultation to parental/YP preference
Consultation to LA view
Case added to placement panel for a decision
CO to consider and exhaust all options to support the CYP within a mainstream setting
Mainstream with RB named
If exceptions for not naming preference are met - Mainstream with RB by type
Attendance at mainstream CANNOT be supported
Attendance at mainstream CAN be supported
CO must secure suitable alternative provision in line with Section F until a placement is secured
CO to send further consultations to mainstream settings with RBs
Mainstream school to be named until the next annual review and then mainstream with RB by type
Example – Until July 2023 – ABC Primary, mainstream primary school. From September 2023 – mainstream school with resource base provision

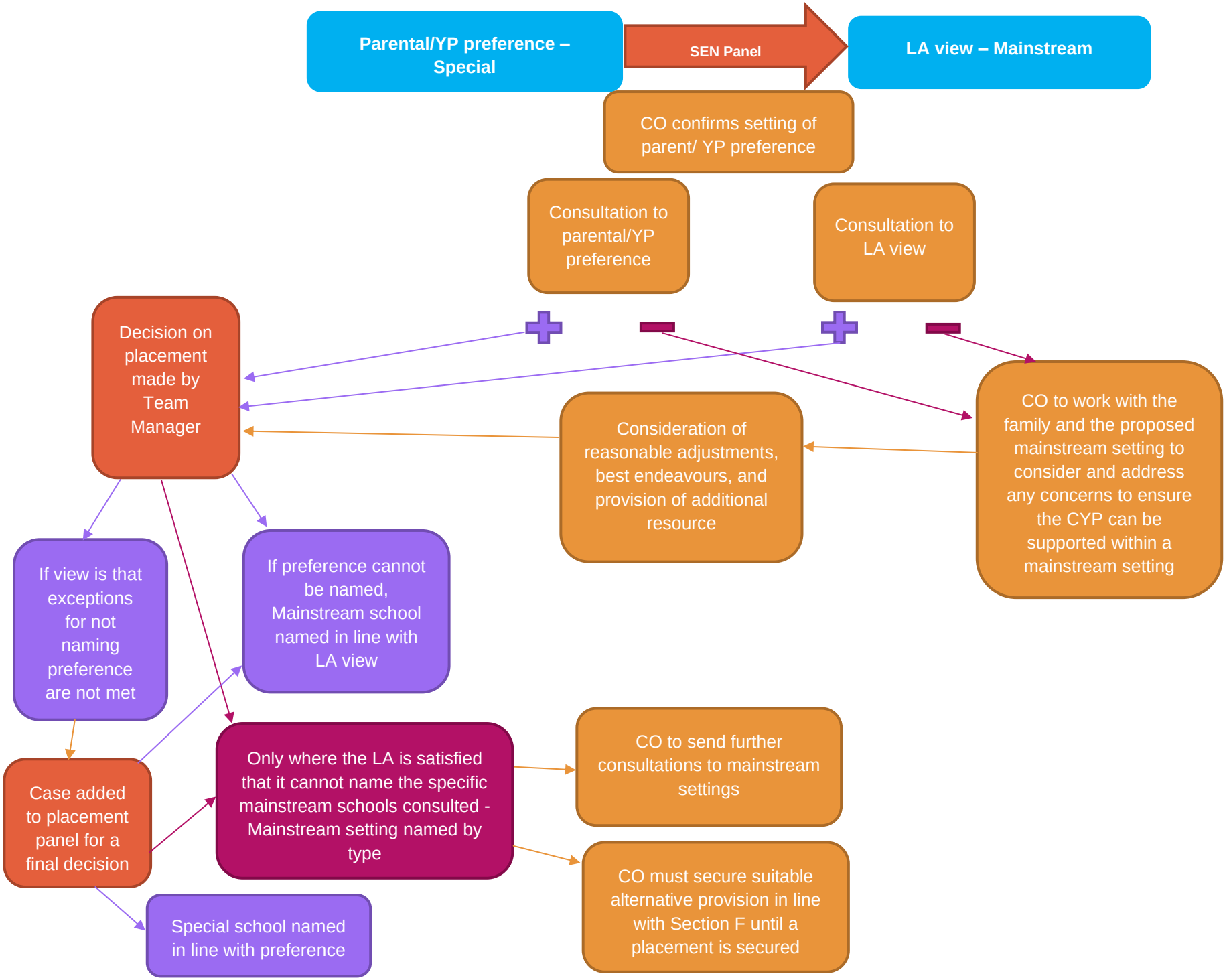

Parental/YP preference – Mainstream with RB
SEN Panel
LA view – Mainstream
CO confirms setting of parent/ YP preference
Consultation to parental/YP preference
Consultation to LA view
Decision on placement made by Team Manager
Consideration of reasonable adjustments, best endeavours, and provision of additional resource
CO to work with the family and the proposed mainstream setting to consider and address any concerns to ensure the CYP can be supported within a mainstream setting
If exceptions for not naming preference are met, Mainstream school named in line with LA view
If view is that exceptions for not naming preference are not met
Only where the LA is satisfied that it cannot name the specific mainstream schools consulted - Mainstream setting named by type
CO to send further consultations to mainstream settings
CO must secure suitable alternative provision in line with Section F until a placement is secured
Case added to placement panel for a final decision
RB named in line with preference


Parental/YP preference – Mainstream with RB
SEN Panel
LA view – Special
CO confirms setting of parent/ YP preference
Consultation to parental/YP preference
Consultation to LA view
Case added to placement panel for a decision
CO to consider and exhaust all options to support the CYP within a mainstream setting
Attendance at mainstream CANNOT be supported
Mainstream with RB named in line with Parental/YP preference
If exceptions for not naming preference are met, Special setting named in line with LA view
Attendance at mainstream CAN be supported
Mainstream school to be named until the next annual review and then special by type
Example – Until July 2023 – ABC Primary, mainstream primary school. From September 2023 – special school
CO to send further consultations to settings
If no setting can be named - Type of setting
CO must secure suitable alternative provision in line with Section F until a placement is secured

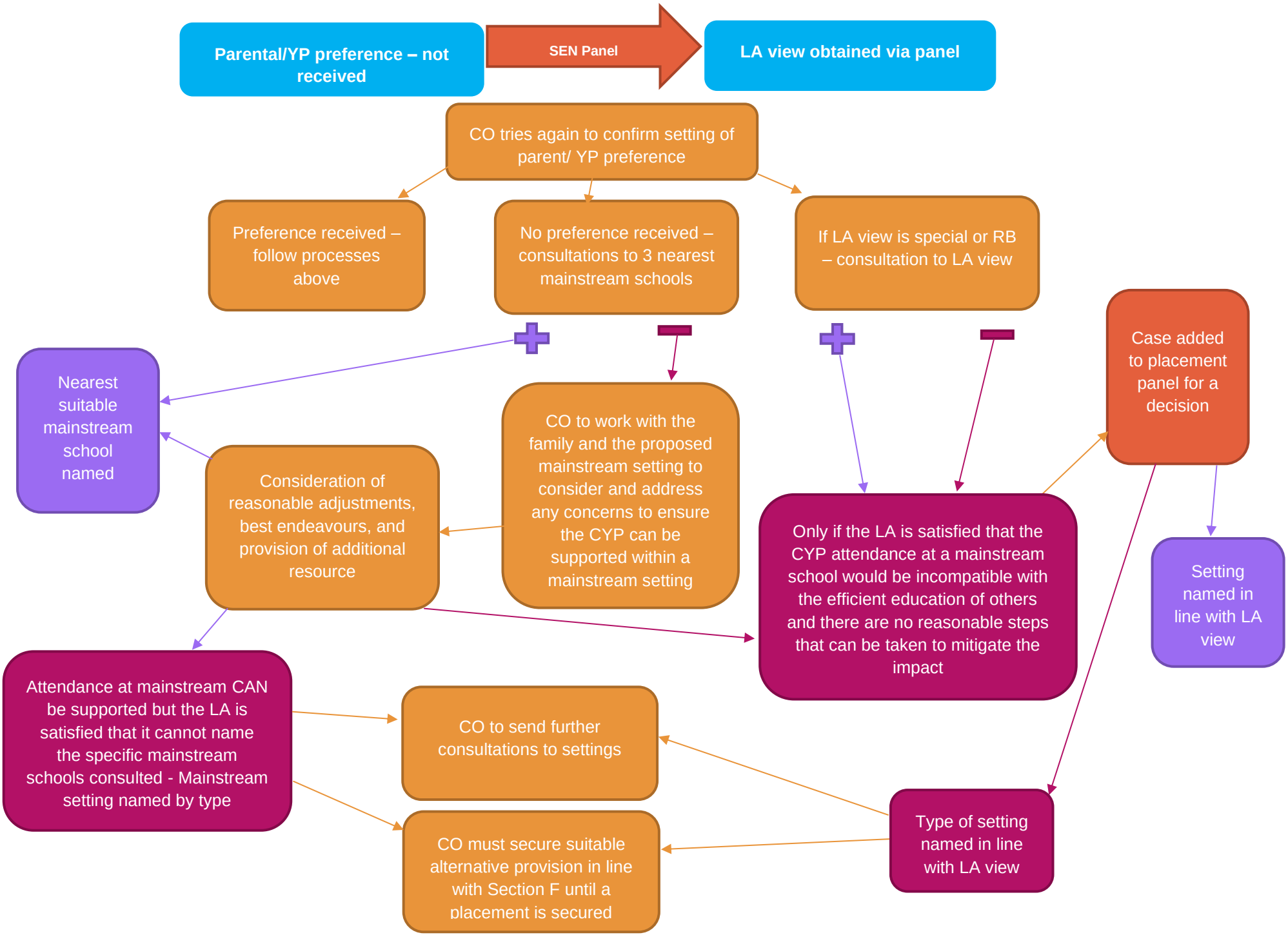
Preference – Special


Parental/YP preference – Special
SEN Panel
LA view – Special
CO confirms setting of parent/ YP preference
Consultation to parental/YP preference
Consultation to LA view
CO to consider and exhaust all options to support the child within a mainstream setting
Case added to placement panel for a decision
Attendance at mainstream CANNOT be supported
Attendance at mainstream CAN be supported
Special school named
If exceptions for not naming preference are met, Special school named by type
CO to send further consultations to special settings
CO must secure suitable alternative provision in line with Section F until a placement is secured
Mainstream school to be named until the next annual review and then special by type
Example – Until July 2023 – ABC Primary, mainstream primary school. From September 2023 – special school


Parental/YP preference – Special
SEN Panel
LA view – Mainstream with Resource Base provision
CO confirms setting of parent/ YP preference
Consultation to parental/YP preference
Consultation to LA view
Case added to placement panel for a decision
CO to consider and exhaust all options to support the CYP within a mainstream setting
Attendance at mainstream cannot be supported
Attendance at mainstream can be supported
Special school named in line with Parental/YP preference
If exceptions for not naming preference are met, Mainstream with RB named in line with LA view
If no setting can be named, Type of setting named
CO to send further consultations to mainstream schools with RB (and special if requested by parent)
CO must secure suitable alternative provision in line with Section F until a placement is secured
Mainstream school to be named until the next annual review and then mainstream with RB by type
Example – Until July 2023 – ABC Primary, mainstream primary school. From September 2023 – mainstream school with resource base provision


Parental/YP preference – Special
SEN Panel
LA view – Mainstream
CO confirms setting of parent/ YP preference
Consultation to parental/YP preference
Consultation to LA view
Decision on placement made by Team Manager
Consideration of reasonable adjustments, best endeavours, and provision of additional resource
CO to work with the family and the proposed mainstream setting to consider and address any concerns to ensure the CYP can be supported within a mainstream setting
If view is that exceptions for not naming preference are not met
If preference cannot be named, Mainstream school named in line with LA view
Case added to placement panel for a final decision
Only where the LA is satisfied that it cannot name the specific mainstream schools consulted - Mainstream setting named by type
CO to send further consultations to mainstream settings
CO must secure suitable alternative provision in line with Section F until a placement is secured
Special school named in line with preference

No preference received


Parental/YP preference – not received
SEN Panel
LA view obtained via panel
CO tries again to confirm setting of parent/ YP preference
Preference received – follow processes above
No preference received – consultations to 3 nearest mainstream schools
If LA view is special or RB – consultation to LA view
Nearest suitable mainstream school named
CO to work with the family and the proposed mainstream setting to consider and address any concerns to ensure the CYP can be supported within a mainstream setting
Consideration of reasonable adjustments, best endeavours, and provision of additional resource
Only if the LA is satisfied that the CYP attendance at a mainstream school would be incompatible with the efficient education of others and there are no reasonable steps that can be taken to mitigate the impact
Case added to placement panel for a decision
Setting named in line with LA view
Attendance at mainstream CAN be supported but the LA is satisfied that it cannot name the specific mainstream schools consulted - Mainstream setting named by type
CO to send further consultations to settings
CO must secure suitable alternative provision in line with Section F until a placement is secured
Type of setting named in line with LA view