

FREEDOM OF INFORMATION ACT 2000

Your request for information has now been considered and the Council's response to your questions is shown below.

You asked:

The questions relate to your statutory powers of decision-making under the Education Act 1996.

1. Who is the statutory decision-maker?

Please confirm who is responsible for exercising statutory decision-making powers on behalf of your authority under the Education Act. These powers include, but are not limited to, the responsibility for agreeing to statutory assessments of SEN and for making decisions on the issue of, or provision in, a statement.

Formally the decision maker is the Director of Children's Services, and all relevant letters are issued in her name, however the authority for taking decisions is delegated to an SEN Panel- see below.

2. Is information about the decision-maker shared with parents?

Please confirm whether the identity of the person/persons responsible for decision-making under the Education Act explicitly communicated to the parents, i.e. are parents told that a specific person or body will be responsible for making decisions on behalf of the authority? If it is, please confirm how this is done. If it is not done, please explain why.

At the point of initial request parents are given information about the statutory assessment process and the decision-making practices of the local authority. This is done in the form of the DfE information booklet and a letter. Parents are also directed to the independent Parent Partnership Service if they require assistance with and support through the process.

3. Do you have a SEN Panel? If your local authority utilises a SEN Panel system, please confirm its role and its place within the statutory SEN system. Please confirm who sits on the Panel and how they are appointed. Please also confirm whether the role of the SEN is communicated to parents and, if so, how this is done. If this is not done, please explain why.

The local authority's SEN Panel makes all key decisions regarding whether a statement should be issued or not, and what type of school provision should be made for the child bearing in mind any stated parental preference. The Panel is made up of:-

- LA SEN Officer (chair)- appointed by LA
- Representatives of key LA support agencies- Psychology Service, Special Needs Teaching Service, Behaviour Support Service (primary and secondary), Early Years Support Team- each agency selects its representative to attend Panel meetings

- Representative Head Teacher from LA special schools- on a rolling programme
- One representative Head Teacher each from mainstream primary and mainstream secondary schools- chosen by the schools

Parents are informed of SEN Panel's key role by means of letter and through telephone conversations where parents have made further enquiries. Details of the Panel, its members and role are communicated in publicly available documents which have recently been revised and widely consulted upon. Parents were specifically targeted as part of this consultation.

4. Is your SEN Panel the statutory decision-maker?

Does your SEN Panel make statutory decisions about the provision in or the issue of a statement? If it does, is any oversight exercised in relation to the panel by executive officers of the authority or by elected members? Please confirm whether parents or parental representatives may attend meetings which make decisions about their child. If your SEN Panel has a decision-making role, please confirm whether information about the identity of those making the decisions is shared with parents. Please confirm whether SEN Panel meetings are minuted. If they are minuted, is the decision-making process or just the decision recorded? Is this information available to parents? If so, how is it made available, e.g. does it have to be requested under the FOI Act? If your SEN Panel exercises statutory powers of decision-making under the Education Act but does not minute its meetings or record its decision-making or share these decisions with parents, please explain why.

SEN Panel makes statutory decisions about provision and issue of statements and these decisions are then shared with immediate line managers. Executive Officers and Elected Members do not play a part in this process, though ultimately they have the authority to overturn decisions. To date, this has never happened. Parents and/or their representatives are not invited to Panel meetings, however their views are actively sought and considered. Parents are invited to Annual Review Meetings where subsequent decisions about statements may be made. The LA is considering ways of furthering the parental voice, including having representative parents as part of the decision-making Panel.

Panel members' identities are not made known to parents; however the Panel's composition is publicly available.

Decisions taken at Panel meetings are formally recorded on a single sheet. This is not routinely available to parents, but decisions about their own child are fully shared, formally in a letter and often by 'phone as well.

5. Duty to explain decisions under the Education Act.

Irrespective of the identity of the statutory decision-maker, please confirm how decisions on SEN issues under the Education Act (for example, about the quality or quantity of provision or undertaking a statutory assessment) are recorded and whether

decision-making is then shared with parents. This question refers not to the fact of the decision but the reason for it and relates to the guidance set out in para 8.32 in respect of decision-making. Para 8:32 of SEN COP, advises local authorities, in the event of an evidential dispute about the nature or quantity of provision, to resolve and give reasons for their conclusions on the choice of opinions or evidence. How does your authority comply with this statutory guidance? If it does not, please explain why.

Those most immediately involved in managing and presenting the case (Casework Officers) note the reasoning behind decisions and will share these with parents where appropriate or sought. Where the decision is to refuse statutory assessment or not to issue a statement following assessment, the reasons for these decisions are always communicated both to parents and to schools.

The legislation allows you to use the information supplied for your own personal use. Please be aware that any commercial or other use, for example publication, sale, or redistribution may be a breach of copyright under the Copyright, Designs and Patents Act 1988 as amended unless you obtain the copyright holder's prior permission.

Not all the information that is supplied which is covered by copyright will be the Council's copyright, for example it may be the copyright of a government department or another Council. You should seek either the Council's consent or their consent as appropriate. The Council is willing to advise you of any such potential issues on request. In order to make a request to re-use the information please contact the Information Governance Manager using the details below.

If you are dissatisfied with the handling of your request please write to:

**Information Governance Manager
Information and Support
Leicester City Council
FREEPOST (LE985/33)
New Walk Centre
LEICESTER LE1 6ZG**

e-mail: FOIA@leicester.gov.uk

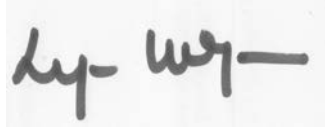
Your request for internal review should be submitted to the above address within 40 (forty) working days of receipt by you of this response. Any such request received after this time will only be considered at the Council's absolute discretion.

You can also complain to the Information Commissioner at:

**Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow SK9 5AF
Telephone: 01625 545 700
www.informationcommissioner.gov.uk**

Please be aware that the Information Commissioner does not normally consider appeals or complaints until the internal appeals and complaints processes of the public authority which is answering the request have been exhausted. You are therefore advised to complain or appeal to the Information Governance Manager before contacting the Commissioner.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Lynn Wyeth', written on a light-colored rectangular background.

Lynn Wyeth
Information Governance Manager