



SEND Single Route of Redress National Trial

6th December 2019 Newsletter

Welcome to the December 2019 SEND Single Route of Redress National Trial newsletter. This newsletter focuses on:

- 1. Key updates**
- 2. Summary of anonymised national trial decisions, January – March 2019**
- 3. Local Area reminder: responding to national trial appeal recommendations**
- 4. Timescale for claiming national trial expenses – changes for local areas**
- 5. Update from the national trial evaluation team – commissioners survey launches**
- 6. Deadline for SEND Mediators intending to passport to accreditation**



1. Key updates

Since the launch of the national trial on the 3rd April 2018 there have been 1426 cases registered under the First-tier Tribunal's extended powers.

Please note: The 1426 cases identified above were registered between the 3rd April 2018 and 20th November 2019.

212 decisions have been issued, 313 consent orders have been made, 73 appeals have been withdrawn and 39 appeals have been conceded.

Updates on the number of cases registered under the national trial will be provided on an ongoing basis in the national trial newsletter.

National trial extension to August 2020

On the 4th November 2019 the Parliamentary Under Secretary of State for Children and Families, Michelle Donelan, wrote to Directors of Children's Services informing them of the extension of the current Trial of the Special Educational Needs and Disability (SEND) Tribunal. The Trial, which was due to run until 31 March 2020, will now be extended until 31 August 2020. A copy of the letter that went to DCSs is available [here](#).

In line with Schedule 2 of the [Special Educational Needs and Disability Regulations 2014](#) - which requires all local areas in England to publish details in their Local Offer for 'notifying parents and young people of their right to appeal a decision of the local authority to the Tribunal' – all LAs will need to update their Local Offers with the new end date of August 2020. To help you in fulfilling this duty we have updated sample text that can be used on your Local Offer, this can be found [here](#).

Guidance and toolkit reminder

We would like to remind you of the [guidance](#) and [toolkit](#) available to support local authorities, health commissioners, parents and young people throughout the trial.

Please disseminate the resources with your relevant teams and networks. If you are experiencing any issues with the resources there is a helpdesk that can be contacted at SENDdeliverysupport@mottmac.com or on 0207 651 0308.



2. Summary of anonymised national trial decisions, January – March 2019

The updated summary of anonymised national trial decisions issued by the First-tier Tribunal Special Educational Needs and Disability, can be found [here](#). The summary now covers the period of September 2018 – March 2019, with the latest quarter (January – March 2019) added.

Summary of decisions issued by the
First-tier Tribunal in National Trial cases:
anonymised summary of decisions
issued not subject to onward appeals
Sept 2018– March 2019

The national trial decisions summary is published on a quarterly basis and includes:

- Breakdown of the grounds of appeal e.g. sections of the plan being appealed
- Summary of the case
- The outcome
- Where the appeal was raised by a young person

3. Local area reminder: responding to national trial appeal recommendations

We have previously written to all local authorities to remind them of their duties regarding responding to recommendations under the national trial. It is important for the evaluation of the national trial that an anonymised copy of the response to recommendations letter is sent to the evaluation team for all national trial responses, templates for these letters are available on the national trial [toolkit](#).

When the Tribunal makes recommendations about health or social care needs or provision under the single route of redress national trial, the responsible health commissioning body or LA social care team **must respond** in writing to the parent or young person within five weeks of the date of the recommendation, unless the Tribunal imposes a different time limit (see Regulations 6 and 7). If a health commissioning body is responding to a recommendation about health provision in an EHC plan, it **must** also send a copy of its response to the LA SEND team.

Please note that a response must be issued to all recommendations made by the Tribunal, whether the decision is to follow them in full, in part, or not at all.

Responses **must** be in writing and state what steps the health commissioning body or LA social care commissioner has decided to take following consideration of the Tribunal's recommendations.

If a decision has been taken not to follow all or part of the recommendations, the health commissioning body or LA social care commissioner must give sufficiently detailed reasons for that decision.



For the purposes of evaluating the trial, LA SEND teams **must** send a copy of their response to recommendation letter(s) for all recommendations under the national trial to the evaluator at SENDletters@IFFResearch.com. This will help the DfE to collate data about how the trial has worked in practice and will feed into any future decisions around its continuation and the nature of recommendations. The response to recommendation letters will be obtained by Ofsted and the Care Quality Commission for the purpose of their local area SEND inspections.

A sample letter for LAs to use – setting out whether the recommendations will be followed fully, followed in part or not followed at all and also sets out the actions that will be taken going forward - can be found in the [national trial toolkit here](#).

Full details on responding to recommendations can be found in the guidance [here](#). The sharing of responses to recommendation letters will continue to be monitored.

4. Timescales for claiming national trial expenses

A grant is available to local areas - up to the value of £4,000 per case - for expenses incurred as part of national trial appeals. Funding is available for trial appeals against local authority decisions or EHC plans issued or amended between 3 April 2018 and 31 August 2020. Full information on how to claim via the Grant Funding Agreement letter can be found [here](#).

New time limit to claim expenses

Please be aware that for all trial appeals heard on or after 4 November 2019 and until the end of the trial period, local authorities should ensure that they submit all expense claims within 3 months of the appeal hearing.

For all appeals heard before 4 November 2019, local authorities will have 3 months from 4 November 2019 to submit any outstanding expenses claims. If local authorities submit claims outside these deadlines, the claim will not be accepted, barring exceptional circumstances. If exceptional circumstances apply, local authorities must evidence these and DfE will consider whether to accept such claims on a case-by-case basis.

5. Update from the national trial evaluation team – commissioners survey

The evaluation of the national trial has recently gathered momentum. As part of that process, an online survey of commissioners was launched last week. The survey is designed to provide an understanding of the impact on staff time and overall costs for a typical trial case and look at how this compares with non-trial cases and alternative routes of redress. The evaluation team appreciate that estimating time and costs is not an easy task, but it's hugely important for understanding how single route of redress cases are impacting on local authorities and CCGs. A unique link has been sent to a SEND representative in each local authority with a request to pass the survey on to the most



appropriate person in the education, social care and CCG teams to ensure it covers all perspectives in the research. If you have any questions about the survey or not received a link please contact the evaluators at SENDtrial@iffresearch.com.

6. Deadline for SEND Mediators intending to passport to accreditation

The [professional practice standards for SEND mediators](#) launched May 2018 and a register of SEND mediators is now in operation. The professional standards were developed with a variety of mediation providers and trainers, approved by the Civil Mediation Council (CMC) and the College of Mediators (COM), and supported by the Department for Education.

Whilst registration is voluntary, joining the register allows mediators to demonstrate that they meet the professional practice standards.

The funding provided by the Department for Education to establish the register will end in March 2020. If you are a training provider and intend to apply for SEND Mediation Training Course Approval, or a SEND Mediator intending to join the register, you must apply before the March 2020 deadline.

For more information about the SEND Mediator register and how to apply, go to <https://civilmediation.org/send-register-information-for-mediators> or <https://www.collegeofmediators.co.uk/special-educational-needs-and-disability>

If you have any questions please feel free to contact CMC at applications@civilmediation.org or COM at admin@collegeofmediators.co.uk.

Please disseminate this newsletter to your teams and relevant organisations. Additionally, if you:

- Have received this newsletter but are not on the mailing list and would like to be
- Know anyone who would like to be added to our newsletter mailing list
- Have any requests for specific information or updates regarding the national trial you would like to be included in future newsletters
- Have any specific queries regarding the national trial
- No longer wish to receive this newsletter

please contact: SENDdeliverysupport@mottmac.com who will deal with your request accordingly.