



# SEND Single Route of Redress National Trial

## Summer Newsletter: June 2020

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Welcome to the Summer 2020 SEND Single Route of Redress National Trial newsletter. This edition includes:

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### 1. Key Updates

**Since the launch of the national trial on the 3rd April 2018 there have been 1,956 cases registered under the First-tier Tribunal's extended powers and 537 decisions have been issued.**

*Please note: The 1,956 cases identified above were registered between the 3<sup>rd</sup> April 2018 and 11<sup>th</sup> May 2020. 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 Evaluation

As you will be aware the first phase of the SEND tribunal national trial evaluation report was due to be published in March 2020, the report alongside stakeholder feedback will inform the Department for Education, to provide a range of information for them to make recommendations to the Government about the future of national trial and the extended powers.

The COVID-19 pandemic has meant that this, along with all other research field work, has been paused and therefore this first stage of the evaluation timetable cannot be completed at this time.

We will continue keep you up to date on progress with the evaluation report as soon as we are able to.

## Guidance and toolkit reminder

We would like to remind you of the [disagreement resolution online 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](mailto:SENDdeliverysupport@mottmac.com).

## COVID-19 Update – Extension of Temporary Changes to the Law for Children & Young People with Education, Health and Care Plans

On Friday 29<sup>th</sup> May, the Secretary of State issued a notice to extend the temporary changes to the law on what provision has to be made currently for those with Education, Health and Care (EHC) plans.

The temporary changes to the law have been in place since the 1<sup>st</sup> of May and these changes have now been **extended to the 30<sup>th</sup> June**. Once the notice expires, the Secretary of State can issue a further notice for a period of up to a month if it would be appropriate to do so in the context of Coronavirus.

The full notice can be found [here](#).



## **2. COVID-19 Summary of Guidance**

We have compiled a list of the latest information and government guidance on COVID-19 in relation to SEND disagreement resolution to produce a COVID-19 Summary of Guidance document. It also includes a section on frequently asked questions. If you have a question that is not covered in the FAQs, then please email us at [SENDdeliverysupport@mottmac.com](mailto:SENDdeliverysupport@mottmac.com).

We will be updating the document as and when new information is made available.

Please find the summary of guidance on the [disagreement resolution online toolkit](#)

## **3. Disagreement Resolution Factsheets**

We have developed a series of factsheets for local authorities providing key information, helpful tips and advice on mediation services and disagreement resolution services, as well as a summary of the different routes to disagreement resolution.

The factsheets can be accessed on the [disagreement resolution online toolkit](#).

## **4. Local Area Briefing Event: Presentation Slides**

Earlier this year, we held a number of local area briefing events on the national trial which featured presentations by André Imich from the Department for Education and Judge Jane McConnell from the SEND Tribunal Service. Presentation slides from the event are now available and can be downloaded from the [disagreement resolution online toolkit](#).

## **5. Q&A Webinar on the National Trial**

This month we published a Q&A webinar on the national trial delivered by André Imich, DfE Special Educational Needs and Disability Special Adviser. In the webinar André responds to some common questions about the national trial and other routes to disagreement resolution. The questions and answers have been produced from event queries and feedback, as well as through the trial facilitator Mott MacDonald's helpdesk. If you have any further questions, please contact us at [SENDdeliverysupport@mottmac.com](mailto:SENDdeliverysupport@mottmac.com).



## **6. SEND National Trial Expenses Reminder**

As you will be aware, 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. We would like to remind you that local authorities must submit all expenses claims within **3 months of the appeal conclusion**, this can be at a hearing or an agreement reached through Tribunal casework.

Claims submitted after 3 months 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.

For all resources to make an expense claim for your local authority, please see the [disagreement resolution online toolkit](#).

## **7. Local Area Reminder: Responding to National Trial Appeal Recommendations**

We would like to remind local authorities 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](mailto: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 [disagreement resolution online toolkit here](#).

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### Share the newsletter with your colleagues

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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](mailto:SENDdeliverysupport@mottmac.com) who will deal with your request accordingly.