



# SEND Single Route of Redress National Trial

## Autumn Newsletter: October 2020

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Welcome to the Autumn 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 2518 cases registered under the First-tier Tribunal's extended powers and 800 decisions have been issued.**

*Please note: The 2518 cases identified above were registered between the 03/04/2018 and 20/10/2020. Updates on the number of cases registered under the national trial will be provided on an ongoing basis in the national trial newsletter.*

### **Extension of the SEND Single Route of Redress National Trial**

On the 18 June 2020 Minister Vicky Ford, Parliamentary Under-Secretary of State for Children and Families, announced that the Department for Education are extending the national trial until the 31 August 2021.

The trial was due to end on 31 August 2020. However, as a result of the Covid-19 pandemic the department made a decision to further extend the end date. This was



in recognition of the additional burdens and pressures placed on families and local authorities (LAs).

You can find the letter from Minister Vicky Ford on the Guidance and Toolkit page of the [online toolkit](#), under ministerial communications.

### **National Trial Evaluation**

IFF Research are beginning the next phase of the evaluation. This phase involves interviews with LA and CCG representatives to further understand the costs of the additional education, health and social care provision recommended by the Tribunal within the trial, and how these compare with pre-trial costs of provision.

IFF have begun contacting LAs to set up these interviews. The LAs selected are those with the highest number of redress cases. The interviews take no more than an hour, and are taking place over the phone, Microsoft Teams or Zoom and at a time convenient to the LA. If your LA is contacted, IFF would be very grateful if you were able to spare the time to speak with them, as your answers will be extremely valuable to the evaluation.

If you have any queries about these interviews, or about other parts of the evaluation, you can contact IFF at [SENDtrial@iffresearch.com](mailto:SENDtrial@iffresearch.com).

### **HM Courts and Tribunals Service Update – Tribunal Processes during COVID-19**

During this unprecedented public health emergency, HMCTS are working hard to keep the justice system working. This has meant introducing new practices and procedures to make sure their buildings are safe and to minimise risks to the judiciary, staff and all those who attend our courts and tribunals for hearings. This has included increased use of telephone, video and other technology to hold many hearings remotely.

For the latest guidance for all court and tribunal users during COVID-19, please visit <https://www.gov.uk/guidance/coronavirus-covid-19-courts-and-tribunals-planning-and-preparation>.

To see the HMCTS weekly operational summaries on courts and tribunals during COVID-19, please visit <https://www.gov.uk/guidance/hmcts-weekly-operational-summary-on-courts-and-tribunals-during-coronavirus-covid-19-outbreak>



## **2. SEND National Trial Expense Claim Webinar**

In September, Mott MacDonald hosted a webinar for LAs on how to make an expense claim for SEND tribunal activities under the national trial. This grant award can be claimed to reimburse the reasonable costs incurred by LAs and health commissioning bodies when attending or preparing for the SEND Tribunal.

The webinar features a live run-through of how to fill out the claim forms and provides a detailed breakdown of the three stages of the claim process. A Q&A document was also produced which includes responses to all the questions asked at the end of the webinar.

We encourage LAs who are making their first expense claims to watch and read these resources to support you through the submission process. It can also support LAs who have made claims previously to remind them of the full process and stages involved in claiming the grant funding.

The webinar recording and Q&A document can be found in the expenses section of the [online toolkit](#).

## **3. Local Authority Response to Recommendation Letters: Reminder**

As noted in the last newsletter, we would like to again remind LAs of their duties regarding responding to recommendations under the national trial.

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.

In 2019, LAs were asked that, as part of the national trial, their SEND teams share their responses to Tribunal recommendations letters with IFF, the DfE's independent evaluation contractor. This is in line with the [guidance](#) released in April 2018 when the national trial was launched.

It is required for LAs to keep recommendations letters on file as these will be obtained by Ofsted and the Care Quality Commission (CQC) for the purpose of



SEND inspections, as well as them being an important element of feedback for the DfE and IFF to judge the effectiveness of the national trial.

IFF are receiving small amounts of response to recommendation letters, so DfE are encouraging all LA SEND teams to now forward any outstanding and new copies of the health and social care commissioners' responses, including cases where the recommendations are fully agreed to, to the evaluators at [SENDletters@IFFResearch.com](mailto:SENDletters@IFFResearch.com) as set out in the SEND Tribunal guidance.

#### **4. Have your say: Future webinar suggestions**

Later this year we will be hosting two webinars about the SEND National Trial; one for LAs and one for parents/carers. To help us ensure these are of the most benefit to you we would like to hear from you about what you'd would like to see covered in the webinars. Would you like to know more about preparing bundles? Do you have questions about the case management process? Would you like more information about witnesses or preparing evidence?

To share your suggestions and ideas, please fill out the forms linked below:

- If you are part of an **LA SEND team, Social Care team or Health Commissioning Body/CCG**, click [here](#).
- If you are a **parent/carer**, click [here](#).

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#### **Guidance and toolkit reminder**

We would like to remind you of the [disagreement resolution online toolkit](#) available to support LAs 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).

#### **Share the newsletter with your colleagues**

Please forward 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



Department  
for Education

**M**  
**MOTT**  
**MACDONALD**

Friday, 23 October 2020

- 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.