

Moderation Panel

Moderation Panel, was set up in 1998, following a review of Wakefield's policy and practices relating to Special Educational Needs (SEN). It moderates additional SEN support in schools, as part of a system which ensures fairness and equity in resources across the whole district.

Moderation Panel considers requests from schools for additional support over and above the "standard levels" of support for pupils, which have been recommended to LEAs by the Government. "Standard levels" of support were introduced as guidance to try to ensure national consistency in the way in which additional resources are identified on children's Statements of Special Educational Needs. Each child is an individual and SEN children have a very wide continuum of different needs. However, an appropriate "standard level" of support has been identified, based on national survey data, for several types of relatively low-incidence SEN.

For example, a child with a statement of SEN for speech and language impairment could have a "standard level" of support of 6 hours a week ESA time. A school might consider that they have a pupil with speech and language impairment who needs more than 6 hours ESA support to gain proper access to the curriculum.

Following an Annual Review, the school could apply to the Moderation Panel for an increase in support. Moderation Panel would consider the school's request and decide whether or not the case merits a higher level of support than the "standard level" of 6 hours.

Note that "Standard level" is expressed as "up to ..." so standard level of support for ASD is not 15 hours, but up to 15 hours; 15 hours is the maximum "standard level of support". Also, in determining a level of support, the LEA is required to take account of any other support which is already in the school.

Membership

Chairperson: Principal SEN Officer or representative

Members: Principal Educational Psychologist or representative

Head of Special Educational Needs Support Service, or representative

A High School Head Teacher, or representative

A Primary School Headteacher, or representative

A Special School Headteacher, or representative

Clerk: An Administration Officer from the SEN Group

Any three of the above constitute a quorum.

Standard levels of support

Special Educational Need	Standard level of ESA support
Autistic Spectrum Disorder	Up to 15 hrs
Hearing Impairment Visual Impairment	Up to 15 hrs
Physical Difficulty	Up to 12.5 hrs
Speech, Language/ Communication	Up to 6 hours
Emotional, Social and Behavioural Difficulty	Devolved
Moderate Learning Difficulty	Devolved
Specific Learning Difficulties	Devolved

Meetings

Moderation Panel meets 12 times a year, normally for around 3 hours. If more than 12 cases are due to be considered, then Moderation Panel may meet for up to a full day.

Just occasionally, if there are an unusually high number of applications, cases may be deferred to the next meeting. Panel members do not consider applications from their own schools.

During August each year, dates are fixed for the following year's meetings. Panel members are sent the relevant papers prior to each meeting.

Papers have to be copied and sent out, so there is a final date, before each meeting, for submission of applications to Moderation Panel.

Applications must be received by 4pm at the latest on the final date for receipt for consideration by the next Moderation Panel.

Meeting dates and final submission dates for the current year are as follows:

A parent or carer cannot refer a case to Moderation Panel, but because the level of support will form part of a Statement of Special Educational Needs, parents/carers have a right of appeal to a Special Educational Needs and Disability Tribunal if they do not agree with the level of support in their child's Statement, even when the level of support has been agreed by Moderation Panel.

When can a school apply to Moderation Panel for additional support?

There are four specific events that can trigger an application to Moderation Panel:

- 1) The LEA issues a new, first-time, Proposed Statement of Special Educational Needs which specifies a standard level of support, or less; if the school considers the level of support to be too low, an application can be made.
- 2) The school holds an Annual Review of a pupil's statement in which the additional support is at or below the standard level; if the Annual Review recommends that support should be increased to an above-standard level, an application can be made.
- 3) An Annual Review recommends the continuation of an above-standard level of support which had been allocated for a specific time, to be followed by a reduction.

- 4) When a previous Moderation Panel decision has instructed that the case be reconsidered at a specific time (e.g. end of a Key Stage).

Submissions to Moderation Panel must always follow an Annual Review, except for a new, first-time Proposed Statement. If you consider that a child needs additional support, it will be because you believe the child has additional needs which are not covered by their current statement. In such a case, a review of the statement is appropriate.

Of course, it is not necessary for a school to wait until the anniversary of the last Annual Review, as an interim Review, sometimes called an emergency review, can be held at any time(See Annual Reviews paper).

When a school submits an application to Moderation Panel for additional support, or for the retention of a higher than standard level of support, the level of support specified on the current statement remains in force until a new Final Statement is issued, following a Moderation Panel decision.

How Schools Make Applications for Discussion at Moderation Panel

There is a standard Moderation Panel application form which a school fills in. This is sent to the SEN Group Office, together with relevant documentation as follows:

After an Annual Review, a school needs to send in the Moderation Panel application form, together with a copy of the current Statement, the Annual Review summary of recommendations (which could include a report of oral advice from an Educational Psychologist or other professionals) and reports which have been received by the Annual Review.

A checklist of the documents which must be included in a submission is on page 3 of the application form. Please note that papers submitted as part of an application should be single-sided copies on A4 white paper with no added highlighting or colour, as colour can cause problems in copying.

The only additional paperwork for a school should be completion of the Moderation Panel application form, as the other paperwork will either be appendices to a first-time Statement or recommendations and reports relating to an Annual Review.

Following a new, first-time, Proposed Statement of Special Educational Needs, a school needs to send in the Moderation Panel application form, together with copies of the Proposed Statement and the reports which have been sent out as appendices to the statement. Details of these reports are shown on the last page of the proposed statement.

A pack of previous submissions to Moderation Panel, (edited for anonymity) which exemplify good practice, can be borrowed from SEN Group - contact Sian or Jackie on 6711.

Priority Cases

If a Moderation Panel meeting is due to consider an exceptionally high number of cases, priority would be given to any cases where a child may clearly be vulnerable, for example where there are serious health or safety concerns.

How are parents / carers involved?

Parents / carers should be kept informed if a school is applying to Moderation Panel. In most cases, parents / carers will attend the Annual Review which makes a recommendation for increased support.

The Moderation Panel procedure should be explained to parents / carers. The school should share the rationale with parents or carers when they are informed of the outcome of the application.

Evidence from Schools

The school's evidence should show how the child is functioning in school on a daily and weekly basis. It should also highlight areas and situations where the child needs additional support.

What questions will Moderation Panel ask?

- What is the school asking for?
- How much "above tariff" support is required for the child to access the curriculum?
- Could support be made available from other sources?
- Are the child's needs particularly severe for their disability?
- Does the child have complex needs, for example, where the child's prime need

exists in association with a variety of other needs?

- Is the school targeting support to meet the child's essential needs and the objectives described on the statement?
- Is the school objectively monitoring the child's progress with a view to reducing support?
- What is the recommendation of the SEN Officer, Advisory Teacher or Educational Psychologist?
- How will the child's needs be met by providing the additional support requested?

Moderation Panel decides, on the basis of the evidence, whether a higher level of support is needed and what that level should be. Every decision of Moderation Panel is made on the merits of each individual case.

Procedures Following the Meeting of Moderation Panel

After a Moderation Panel meeting, the Principal SEN Officer (Chair) and the Admin Officer from the SEN Group (Clerk) complete a form which shows the Moderation Panel decision and a rationale for the Panel's decision. The form is posted to the school.

There is no process by which an appeal can be lodged against a Moderation Panel decision although the child's parents/carers retain the right to appeal against the contents of a statement.

If a decision has been made to change the level of support, the SEN Officer will issue a proposed amended statement showing the new level of support. This will be sent to the child's parents/carers and to the school.

The date on which the new level of support (and the funding) becomes effective will be indicated in the Final Statement.

If the level of support has not been changed, the SEN Officer will send out a letter stating that there is no change to the child's statement.