

A Parents Guide to Education, Health and Care Needs Assessment and EHC Plans

Special educational needs and disability

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Special Educational Needs Assessment Team

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Education, Health and Care Needs Assessment

What is an Education, Health and Care (EHC) Needs Assessment?

This is a detailed assessment to identify your child's special educational needs and any special help they may require. It will include reports from a variety of people, such as –

- You and your child
- your child's school, pre-school or post 16 setting
- an appropriately qualified teacher if your child has a visual or hearing impairment
- an Educational Psychologist;
- health professionals with a current role in your child's health (such as doctor, occupational therapist, speech and language therapist, physiotherapist or health visitor);
- social services (who will only give advice if they know your child)
- from Year 9 onwards advice and information in relation to provision to assist your son/daughter in preparation for adulthood
- others who work with or support your child.

The Code of Practice (July 2014) is very clear in its advice that most children with special educational needs should be supported in their education through extra help provided in the school, pre-school or post 16 setting. At this stage, all of the help a child needs is provided from the school's own budget for special educational needs. However, for a small number of pupils who are likely to have more severe and/or complex needs that are long-term in nature, additional support may be required from the Local Authority (LA). This is when an assessment of your child's education, health and care needs may be carried out.

The purpose of the EHC Needs Assessment is to determine whether an EHC plan is necessary to make the special educational provision that your child needs, in order to secure the best possible outcomes for them as they get older and in preparation for adulthood.

Who can request an EHC needs assessment?

- you (the child or young person's parent or carer)

- the young person themselves (over the age of 16 but under the age of 25)
- a person acting on behalf of a pre-school/school/post 16 setting
- other agencies (health or social care professionals)
- a young person under the age of 19 in Youth Custody
- anyone else who thinks an EHC plan might be necessary to support the child or young person's special educational needs

If the school, pre-school or post 16 setting request an EHC needs assessment, the Local Authority (LA) will write to inform you, and to seek your views. The special educational needs (SEN) Assessment Officer will talk to you about how you and your child can be best kept informed and supported to participate as fully as possible in decision making.

As a parent, you can request an EHC needs assessment if you feel that your child's needs are not being met through the measures being taken by the school. It is a good idea to discuss this with your child's school first. You may also wish to talk it through with the Parent Partnership Service on 01582 548156 or 01525 719754.

To request an EHC needs assessment yourself, you should write to: -

Rosie Newbury
 Special Educational Needs Assessment Team
 Futures House
 The Moakes
 Luton, LU3 3QB

Alternatively, you can e mail senat@luton.gov.uk

What information should be provided with an assessment request?

It is useful to include details about your child such as:

- date of birth
- pre-school/school/college he/she attends
- if you have already spoken to anyone about your child
- copies of any reports
- an example of your child's work

- your child's views
- You should also explain why you would like your child to be assessed

If the request for an EHC needs assessment is made by you, the LA will write to:

- your child's school/pre-school/post 16 setting and ask them to send in any information about his/her needs
- if your son/daughter is over 16 we will write directly to them to seek their views (you can help you child to provide their views if they are not able to do so themselves, or in some circumstances you will be able to represent them)
- other agencies to notify them that they may be asked for advice on your child

What happens after making a request for an EHC needs assessment?

In Luton, all requests for an EHC needs Statutory Assessment are considered by a 'Moderation Group' which includes LA and school representatives. From the information sent to the Special Educational Needs Assessment Team (SENAT), the panel will decide whether to carry out an assessment. The Moderation Group looks for clear evidence that, despite the best efforts of the school using its own resources, the child continues to have a very serious learning difficulty or barrier to learning which the school cannot respond to adequately using its own resources.

In most cases the LA must make a decision about making an EHC needs assessment within **6 weeks** of receiving the request.

After considering all the information supplied, the LA may decide that either:

- your child's special educational needs can continue to be met appropriately through the support and resources usually available to the school/setting. Therefore the decision will be not to start an EHC needs assessment; **or**
- more detailed information is required about your child's special educational needs and an EHC plan is likely to be required. The LA will start an EHC needs assessment.

You will be notified of the decision in writing

If the LA has decided to start an assessment we will contact you by telephone to talk through the process and to begin to gather an understanding of your views about you child's special educational

needs and your hopes and aspirations for them. If the LA has decided not to start an assessment, you will be offered an appointment to discuss the reasons for the decision and find out more about your rights.

If you cannot agree, you have the right to use the disagreement resolution service. This will involve the help of an independent mediator. A mediator can help two parties to try and reach an agreement. You can ring Parent Partnership on 01582 548156 or 01525 719754 for more information.

Is there a right of appeal against a 'no' decision?

You can appeal to the Special Educational Needs and Disability Tribunal (SEND) by writing to HM Courts and Tribunals Service at -
HM Courts and Tribunals Service
Special Educational Needs and Disability
1st Floor, Darlington Magistrates Court
Parkgate
Darlington DL1 1RU

Helpline: 01325 289350 E-mail: sendistqueries@hmcts.gsi.gov.uk

Twitter @NBC_HMCTS

You can get a leaflet about how to appeal from the Special Educational Needs Assessment Team (SENAT), or from the Parent Partnership office.

If you are thinking about appealing to the tribunal you will need a mediation certificate to confirm that you have engaged in mediation, or have considered mediation, in order to register an appeal. You would normally need to register your appeal within two months of receiving the Local Authorities decision, though this can be extended if you are engaged in the mediation process.

If you have been refused an EHC needs assessment, either you or the school can make another request after six months.

What happens during the EHC needs assessment?

If the LA decides to go ahead with the EHC assessment, you will be given the name of your Assessment Officer, who will be able to discuss and help you with any part of the process.

We will gather advice about your child’s special educational needs and then meet with you, and with any professionals who have contributed advice to the assessment, to agree the outcomes for you child and the provision that they will need from different services in order to reach these outcomes.

How long does it take to complete an EHC needs assessment?

The EHC Needs Assessment must usually be completed within 20 weeks from the day that the request is received.

Requests for an EHC needs assessment are logged onto a data base by the Special Educational Needs Assessment Team as soon as the request is received. We will write to you straight away to tell you that we have received the request and that this is being considered.

Timescales:

<p>0- 6 weeks</p> <p>Processing the request</p>	<p>The request is considered at the Moderation Group where the panel decides whether to make an assessment.</p> <p>You will receive the decision in writing as soon as possible and within 6 weeks.</p>
<p>6 – 12 weeks</p> <p>Gathering advice and information</p>	<p>The LA gathers advice and information about your child’s special educational needs which forms the basis of the assessment.</p>
<p>12 – 16 weeks</p> <p>Producing the EHC Plan</p>	<p>Weeks 12 – 13</p> <ul style="list-style-type: none"> • The Assessment Officer considers the advice and prepares part of the EHC plan (the description of your child’s special educational, health and care needs)

	<p>Week 14</p> <ul style="list-style-type: none"> • A co-ordination meeting is held with parents, school and other professionals to agree the outcomes for your child and the provision required. <p>Week 15</p> <ul style="list-style-type: none"> • The Assessment Officer completes the proposed EHC plan and this is considered at the Statutory Provisions and Assessment Group (SPAG) panel. • The panel will decide whether or not to issue the EHC plan and agree the funding allocated to support the plan. <p>Week 16</p> <ul style="list-style-type: none"> • The draft EHC plan is issued or (in rare circumstances) a letter explaining the decision not to issue the plan. Parents have 15 days to respond.
Week 16-20 the consultation period	The LA will consult the maintained mainstream or special school requested by the child's parents. The school have 15 days to respond,
Week 20 Finalising the EHC Plan	Parents have a right of appeal to the SEND Tribunal if they do not agree with the contents of the plan or the named school.

Sometimes there may be exceptions to the time. These are always outlined in a letter from the LA or by contact with your Assessment Officer.

During the assessment, the LA will request and then collate information from:

- you;
- your child;
- your child's school/pre-school/college;
- an appropriately qualified teacher if your child has a visual or hearing impairment
- an Educational Psychologist;
- health professionals currently involved with your child
- social services;
- other agencies/professionals who might be involved with your child.

How can parents' contribute to the EHC needs assessment?

Your views about your child's special educational needs and your hopes and aspirations for your child's future will form a central part of the EHC assessment. We therefore want to ensure that you are able to participate fully in the assessment process. We will identify a key worker who will contact you by telephone within the first few days of the decision being made to talk through the process and to begin to understand your views about your child's needs and the outcomes that you would like for them. The key worker is likely to be an SEN Assessment Officer from the SENAT team, but might sometimes be a professional who is already known to you, such as an Early Years Advisor or Educational Psychologist.

You will also be asked to give your views in writing. In the decision letter that we send to you at the end of week 6, we will ask you to tell us about your child's strengths and needs so that we can begin to understand what is important to your child and your hopes and aspirations for them. With the letter, we will send you detailed "Guidelines for Parents' contribution to their child's EHC Needs Assessment" which will offer you a guide on the sort of information you might want to include. If you have requested the help of an Independent Parental Supporter, he or she should be able to help you with this. However, you do not have to use this framework if you do not want to, and may contribute your views in any format that you prefer

What happens when all the information has been collected?

Once all the advice has been received, we will hold a meeting with you and the key professionals who have been involved in writing advice, in order to agree the future support arrangements for your child and the desired outcomes.

This meeting will be held during week 14 of the process. The date will have been set at the beginning of the process when the request was agreed and will have been given to you and to involved professionals in the letter sent giving the decision at week 6.

The Assessment Officer will have populated some parts of the plan prior to the meeting, but the outcomes and provision will be agreed at the meeting so that we achieve a co-ordinated response against the agreed outcomes.

Following the co-ordination meeting, the Assessment Officer will complete the draft EHC Plan and this will be taken to the Statutory Provisions and Assessment Group (SPAG) panel for approval. The panel includes LA, school and health authority representatives.

The panel considers:

- whether the Local Authority should issue an EHC Plan for your child
- the provision and support that the EHC plan should provide
- any funding allocated to support the EHC Plan

By Week 16 you will either receive a draft EHC Plan for your child, or (in rare circumstances) a letter to tell you why the Local Authority has decided not to issue the plan.

What is an EHC Plan?

An EHC Plan is a legal document that records what is important to you and your child and identifies your child's special educational, health and social care needs. A central part of the assessment will be to agree what the outcomes should be for your child during the next phase of their education and the provision that they will require to enable them to achieve these outcomes.

The LA will issue an EHC plan if the school cannot reasonably provide for your child's needs from its own resources. The assessment will identify any health and social care provision that your child requires and this will be incorporated into the EHC plan.

The format of the EHC plan is locally determined but must include sections clearly labelled A-K as follows –

- The views, interests and aspirations of the child and their parents or the young person (Section A)
- The child or young person’s SEN (Section B) health needs (Section C) and social care needs (Section D)
- The outcomes sought for the child or the young person, including outcomes for adult life where appropriate (Section E)
- The special educational provision required by the child/young person (Section F)
- Any health provision (Section G) reasonably required by the learning difficulties and disabilities which result in the child or young person having SEN.
- Any social care provision which must be made for the child or young person under 18 resulting from section 2 of the Chronically sick and Disabled Persons Act 1970 (Section H1)
- Any other social care provision reasonably required by the learning difficulties and disabilities which result in the child or young person having SEN (Section H2).
- Section I – the name and type of the school/setting
- Section J – where there is a personal budget, the details of how the personal budget will support the outcomes, the provision it will be used for And the arrangements for any direct payments

More detailed information is described in the booklet ‘Special educational needs and disability - A guide for parents and carers’ published by the Department for Education (August 2014) which the SENAT Team will send to you with the letter informing you that the EHC assessment process has begun.

What happens when an EHC plan has been prepared for my child?

The LA will send you a proposed (draft) plan by the end of week 16. This will include copies of all the reports that contributed towards the assessment (listed in Appendix K).

If you have any questions or concerns about the proposed EHC plan, you can discuss these with the LA Named Officer (Assessment Officer).

The draft EHC plan will not contain the name of the school or setting that your child will attend, but at this point you can request a specific setting or school. This could be a maintained mainstream or special school. The Local Authority will consult this school on your behalf. You will be asked to approve the proposed EHC plan and indicate your choice of school within 15 days.

Normally your child will continue to be educated in their local school. However, you have a right to express a preference for a particular school, and the LA must name your preferred school providing that:

- the school is suitable for your child's age, ability and aptitude and the special educational needs identified in the EHC plan
- your child's attendance is compatible with the education of other pupils in the school; and
- the placement is an efficient use of the LA's resources.

When will I get my child's final statement?

Once we have agreed the contents of the EHC plan with you and consulted your preferred school, we will finalise the EHC plan.

The final EHC Plan will be issued within **20 weeks** of the request being received.

The final plan will record the type of setting and the name of the school that your child will attend.

If you have not been able to reach an agreement, the LA will finalise the EHC plan in order to open your right of appeal to the SEN and Disability Tribunal.

Details of your right to appeal, and arrangements for an independent disagreement resolution service and mediation will be sent to you with the final statement.

My child has received an EHC Plan

What happens next?

An EHC Plan must be reviewed at least once a year. This is called an Annual Review. You will be invited to a meeting at school so that you are fully involved in talking about your child's progress and the arrangements which are being made. At the meeting, the EHC plan will be reviewed and recommendations can be made to the LA about possible changes to the plan.

The LA will carefully consider these recommendations before issuing an Amendment Notice which will clearly show any changes to the EHC plan that the LA believes are necessary. At this stage, you will be given 15 days to consider the proposed amendments and to raise any concerns which you may have with the Assessment Officer. Once this has been done, the LA will issue a signed Amended EHC Plan, which then becomes the new legal document. You have a right of appeal to the Tribunal against the Amended EHC Plan if you do not agree with the final version.

In some cases, it may be agreed that an EHC Plan is no longer required. Alternatively, if a child's needs have changed very considerably since the previous plan was written, a request for a re-assessment may be made.

How can any problems be sorted out?

Occasionally, problems can occur during the assessment process that may give you cause for concern. If you are unhappy about any aspect of the service provided by SENAT, please speak or write to the person you are already dealing with and explain the problem. She/he may be able to solve it. Most misunderstandings can be sorted out as simply as this. If you have tried this approach and are still unhappy, you can speak to the Parent Partnership Officer who will see whether there is anything he/she can do to help resolve the situation. If you still feel dissatisfied with the outcome, you can make a formal complaint by writing to the Director of Children and Learning at Unity House, 111 Stuart Street, Luton LU1 5NP.

How to find out more

To find out more about the Education, Health and Care needs assessment process and EHC Plans, please get in touch with the Special Educational Needs Assessment Team:

- telephone: **01582 548132**
- email: **rosamaria.newbury@luton.gov.uk**
- write to:

The SEN Assessment Team
Children and Learning Department
Futures House
The Moakes
Luton
LU3 3QB

For independent advice and support

To speak in confidence to a knowledgeable person who can give you independent advice, please get in touch with the Parent Partnership Service:

Parent Partnership Officers: Vicki Lloyd and Olwen Davies

- telephone **01525 719754** or **01582 548156**
- email: **vicki.lloyd@luton.gov.uk** or **olwen.davies@luton.gov.uk**
- write to:

The Parent Partnership Service
C/o Futures House
The Moakes
Luton LU3 3QB

Translating/Interpreting Services

If you do not speak English as your first language you may experience additional difficulties understanding these procedures. If you are unable to seek assistance from a family member, a member of your community or your child's school, or feel uncomfortable about doing so, please contact the Special Needs Team who will arrange translation of documents or interpreters where necessary.