



Education, Health and Care (EHC) needs assessment A guide for parents and carers

This leaflet is about education, health and care (EHC) needs assessment. It can help you to understand what a plan is and whether your child might need one, and the stages you need to go through before, during and after an assessment. There is also information about what to do if you disagree with a decision about whether your child needs an assessment or not.

DIAS is a free, confidential and impartial service providing information, advice and support to parents, carers, children and young people about special educational needs and disability. We give support about any aspect of SEND education and support.

Education, Health and Care plans

What is an EHC plan?

Education, health and care (EHC) plans are for children or young people aged up to 25 with special educational needs (SEN), who need more support than can be given through SEN support in their mainstream nursery, school or college.

Your child or young person's EHC plan is a legal document. It explains

- what their special educational, health and care needs are (needs)
- the support they will get to help them to achieve (provision)
- how that support will make a difference to them (outcomes)

EHC plans are made by a local authority after an EHC needs assessment. A plan can include your child's health or social care needs as well as their educational needs, but they won't get a plan if they **only** have health or social care needs that don't affect their education.

Your local authority must make sure that your child gets everything that's set out in their EHC plan, but the school will deliver what's in the plan. Sometimes a school or college may give support that's different from what is written in the plan. If this happens the support that's given must achieve the same thing for your child, even if it's given in a different way.

EHC plans became law in 2014 and have now replaced Statements and Learning Difficulty Assessments.

Important to know

One of the main aims of an EHC plan is to give a child or young person support that helps them achieve the best possible results in their journey towards adulthood. Even from early years, the support set out in a plan should challenge a child to become as independent as possible. This means taking small regular steps towards developing the skills they'll need for adult life.

What goes into an EHC plan?

An EHC plan is made up of information given to the local authority by

- you
- your child or young person
- the people who support your child or those who have assessed their needs.

The plan should

- describe positively what your child can do and what they've already achieved
- set out your views, your child's views and their goals for the future
- clearly and specifically list what your child's needs are and the support they will have
- say what difference the support will make to them (outcomes) – these should be SMART – Specific, Measurable, Achievable, Realistic and Time-bound.

Because an EHC plan is a legal document and what's in it must be delivered, it's important that it describes your child and their needs accurately. An EHC plan should be clear, to the point and easily understood by you. There should be enough detail in the plan so that you're clear about exactly what your child will be getting, who will be giving the support and when they will be getting it.

The [SEND Code of Practice](#) is the legal guidance about special educational needs and disability (SEND) support for local authorities to follow. It gives a detailed list of what should be in an EHC plan. The Council for Disabled Children also has a [guide to good examples](#) for the different parts of an EHC plan. Details are at the end of this leaflet.

The EHC needs assessment

To help you go through the process of an EHC needs assessment, we've divided it into four main steps:

1. Thinking about applying for an EHC needs assessment.
2. Asking for an EHC needs assessment.
3. Deciding whether your child needs an assessment.
4. The EHC needs assessment.

Step One

Thinking about applying for an EHC needs assessment

Many parents ask themselves whether their child might need an EHC plan, particularly if they're struggling at school or they are worried that the support they're getting isn't right or isn't enough. In reality, only a few children have an EHC plan. For every ten children in England with special education needs or a disability (SEND), about two will need an EHC plan and eight won't.

SEN support in schools and colleges

Most children and young people with SEND go to a mainstream nursery, school or college and are supported by their staff, resources and funds. Teachers and other professionals regularly review how a child or young person is getting on and support them to learn, develop and feel safe. This is called **special educational needs support** or **SEN support**.

All schools and all school and academy sixth forms, sixth form colleges, further education colleges and 16-19 academies have funding for children with SEND. Early years settings such as nurseries can also get extra money to support a child with SEND. Your child doesn't need an EHC plan to get funding and support in nursery, school or college.

SEN support in nurseries, schools and colleges is based around the specific needs of each child or young person. The staff, equipment, resources and support your child gets is decided using something called **the graduated response**. This is an 'assess, plan, do, and review' cycle. That means if your child special educational needs, their school or college should:

- assess what support they need
- plan the support
- do the support set out in the plan and then
- review how well it's working

This cycle is ongoing – it doesn't happen just once. Your child will have their needs and support regularly reviewed. If you want to know more about the graduated response and what kind of support can be given by schools and colleges, you can read about it on [Devon's Local Offer](#) website.

Information about your child's needs, support and goals should be written down in a plan, which is used by staff and updated regularly. Schools and colleges use all kinds of plans, so your child's plan may look different from one for a child at a different school. What's important is that your child has a clearly written plan which lists all their needs, support and goals. For most children and young people with SEND the support the school gives works and they make progress.

When to think about an EHC needs assessment

Sometimes the support for a child isn't enough or isn't right. Your child may not make the progress that's expected and start to fall behind other children their age. Or their difficulties in school get worse not better, and their behaviour at school or home becomes more challenging.

If things aren't going well for your child and they're not making progress, your first step is to ask for a meeting to review their nursery, school or college plan. At the meeting you can talk about the support they're getting, what may need to change and how you'll know if any new support is working. You can ask whether your child needs more support or whether some of their needs aren't clear.

If reviewing the plan and making changes to the support doesn't make a difference, you can ask whether a needs assessment for an Education Health and Care (EHC) plan should be the next step.

Parents are sometimes told by professionals that they don't think their child needs an EHC needs assessment, or that an assessment would show they don't need a plan. This can feel uncomfortable, as ideally it makes sense for everyone to support the application for an EHC needs assessment.

If your child's teacher or the SENCO don't want to support an application for assessment, ask if you can meet to talk about it, to see whether you can come to an agreement. If that's not possible and you want to go ahead and apply, you can ask for a needs assessment yourself without the support of nursery, school or college. You can also contact DIAS for advice and information.

Important to know

If your child may need a lot of adult support or lots of help from specialist services, or if they may need to go to a special school, these would be the kind of reasons why an assessment for an EHC plan might be needed.

When is an EHC needs assessment done?

Before the local authority's special education 0-25 team (0-25 team) can make an EHC plan for your child or young person, they'll need to find out whether they need one. To do this they will do an **EHC needs assessment**.

The local authority must carry out a needs assessment if:

- they believe your child has, or may have, special educational needs and
- they may need special educational support to be made through an EHC plan.

In other words, if they think that your child may need an EHC plan to help them achieve their best, they must do an EHC needs assessment.

Important to know

Having an EHC needs assessment doesn't always lead to getting an EHC plan. The information that's collected as part of an assessment may show ways that the school, college or other provider can meet your child's needs without an EHC plan.

Asking for an EHC Needs Assessment

You can ask for an EHC needs assessment for your child. If your young person is over the age of 16 and under 25 they can ask for one. Your child or young person's nursery, school or college can ask for a needs assessment too.

Whoever is doing the asking, it makes sense to let others know. If you're making the request, it's a good idea to tell your child's nursery, school or college.

If your child's nursery, school or college is making the request you will need to agree to it and sign the application form. If you don't sign it, it will be sent back to the school and the application won't go any further until you've signed it.

Anyone else can tell the Special Education 0-25 Team (0-25 team) about a child they think might need an assessment, such as a health professional, a foster carer, social worker or family friend.

Children and young people under 19 in youth custody also have the right to request an assessment for an EHC plan. The child's parent, the young person themselves or the professionals working with them can also ask the home local authority for an assessment.

Important to know

When you ask for an assessment, you must put your request in writing. If you call the 0-25 team they will ask you to send them an email or letter saying you would like an assessment.

You can apply for an EHC needs assessment by

1. Going to the Local Offer website, where you will find a '**request for assessment form**'. Fill out the form and send it to the 0-25 team.
2. Writing directly to the 0-25 Team at Room L102, County Hall, Topsham Road, Exeter, EX2 4QD telling them you would like your child to be assessed.
3. Emailing the 0-25 Team with your request to: specialeducation0-25-mailbox@devon.gov.uk

When you ask for an assessment, you'll need to give some information about your child and why you think they need an assessment. The local authority will also get in touch with their nursery, school or college and ask them about their needs and support. You can find out more about how to fill in the request form and what information to give in our How to Guide - Asking for an EHC needs assessment.

Important to know

When you've sent your request, you'll get a letter from the 0-25 team to tell you they have received it and that the assessment process has started. If you haven't had a letter a week after sending your request, contact the 0-25 team and ask them to check whether they've got it.

Step three

Deciding whether your child needs an assessment

Gathering information

When a parent or school asks for an EHC needs assessment, a member of staff at the 0-25 team will look at the information that's been given. If you've put in the request, they will contact your child's nursery, school or college to ask them for information. They will also contact other Devon services such as:

- social care services
- the main hospitals and health services
- specialist services, such as educational psychology, youth intervention team and specialist teachers

When they contact these services, the 0-25 team will send them all the information that you or the school have given. They will ask whether your child is 'known to them' which means, 'has your child been seen by that service for assessment or treatment?'

- If your child is known to a service, that service will send information to the 0-25 team about your child.
- If your child isn't known to a service, they may look at the information about them and decide that they should know about them. If that happens they may arrange for your child to be assessed. So, for example, if staff at your child's school have said they're having difficulty communicating, then speech and language services may arrange for your child to be assessed to find out more. Depending on the service, this may not happen within the time it takes for the needs assessment to be done.

Staff from the 0-25 team won't contact every professional named on the application form directly. The requests for information and to see whether a child is known to a service are sent to central mailboxes, not to individuals. This means that if your child is supported by professionals outside Devon, or by private practitioners they may not be contacted directly at this stage.

While this is being done, the support your child gets at school or college will stay in place. The assess, plan, do and review cycle should carry on too and any regular meetings or reviews should still happen.

Important to know

Your views and those of your child or your young person are an important part of an EHC needs assessment, so make sure you give yourself plenty of time to gather these. The local authority must take them into account when they make decisions. They should be listened to equally, alongside those of professionals.

You can find out more about helping your child or young person to give their views, and about how you can give yours on the DIAS website or by contacting us for a factsheet.

If you have relevant recent reports, letters and assessments from education, health or care professionals, send them to the 0-25 team along with your request for an assessment or with your views. This helps to make sure the 0-25 team have the information they need to decide whether to go ahead with a full needs assessment. You can find out more about this in our 'How to Guide' – Asking for an EHC needs assessment.

Making the decision

Based on the information they have from you, your child and other services, the 0-25 team must decide whether they think your child should have a needs assessment. This must be decided **within six weeks** of the date when you put in the request.

The final decision about whether a needs assessment should go ahead is made by a panel of people from education, health and social care. They decide by looking at the support your child is already getting, and what difference it's making. A wide range of evidence is considered, such as

- your child or young person's academic progress, or their developmental milestones if they're very young

- information about their special educational needs and what support has already been given
- information which shows that where they've made progress it's because of the support they've had, which is more than what's usually given
- evidence of their physical, emotional and social development and health needs, including information from doctors and other health professionals

If the panel decides your child or young person **does need to be assessed** for an EHC plan, a needs assessment will go ahead. See below for more information.

If the panel decides your child or young person **doesn't need an assessment**, the local authority must tell you why and give you information about your right to appeal their decision. You can find out more about this on page 9 and 10.

Step four (a)

The EHC needs assessment

When an assessment starts you'll be given information about the services that can give you independent support and advice, and who to contact in the 0-25 team.

The assessment and deciding whether to then issue a plan must take the local authority **no more than 16 weeks** from the date when an assessment was asked for.

A needs assessment includes the following:

- Asking you and your child for your views (if you haven't already given them). You can find out more about how to do this on the DIAS website.
- Asking the professionals already involved with your child to give information about their needs and recommended support. This might include people like teachers, an educational psychologist and health and social care staff.
- Sometimes a service may carry out a new assessment for your child, such as a speech and language assessment or an assessment by an educational psychologist. This might happen during the EHC needs assessment itself or after it, depending on how long the waiting list to be assessed is.

In reality, getting the information that's needed from the various services and professionals involved with your child can sometimes take time. The 0-25 team will keep asking until the information is sent, but that can sometimes delay things. Some parents tell the professionals that support their child about the assessment and ask them to send reports and recommendations.

Important to know

The EHC needs assessment process is set out in law and there is a clear timetable for what should happen by when. The whole process from the point when an assessment is requested until the final EHC plan is issued, must take no more than 20 weeks. There are some specific exemptions to this – you can find out more about these in the SEND Code of Practice (page 152).

If the needs assessment for your child is taking longer than it should, contact the 0-25 team for your area of Devon and ask for information about why there is a delay. You can also contact DIAS for information and advice.

Top tips to help an assessment go smoothly

- Read everything carefully and make sure you know what you need to do and when. Put a note in your diary or on your phone about any deadlines.
- If you're not sure about something, ask for help or more information. You can find information about who to contact on the letter you received about the assessment and the [Local Offer website](#). DIAS Officers can also advise and support you.
- Keep copies of all your letters and emails plus details of any phone calls, so you know who you talked to and what was discussed or sent when. It can be a good idea to keep a copy of the envelope as well as letters, as these will have a postmark saying when it was sent to you. This can help when working out the time by which things need to be done, or how long the assessment has been underway.
- Put all your paperwork in a folder or all in one place somewhere so you have everything to hand if you need it.
- The 0-25 team sometimes use an email service called Egress which keeps information confidential. The system automatically deletes emails after a while, so print or download and save copies of any email correspondence using Egress.
- If you have queries about the assessment, talk to the 0-25 team administration staff first. They can usually help with general enquiries more quickly and effectively than the Commissioning Officers. You can also send an email to the mailbox for your area - this should be on your letter about the assessment.
- Sometimes it's hard to resist calling the 0-25 team every day, especially if your child is really struggling at school. Because it can take time for professionals to respond during the assessment not much usually changes from day to day, so you may find weekly contact more useful.
- When you're asking questions or giving your views, try and be as concise as you can. Keep it brief and to the point and stick to the things that are the issue now. That should help you get a response that's relevant and useful.

Moderation panel

When all the reports from the assessment are put together they should give a full picture of your child's needs and the kind of support they should have. The 0-25 team staff make a draft plan from the information they've been given and decide if an EHC plan should be issued. That gets taken to a moderation panel.

The moderation panel is made up of staff from the 0-25 team and health and social care, as well as representatives from other services such as educational psychology when needed. The panel members discuss the evidence and decide whether they think your child or young person needs an EHC plan. This helps to make sure that the decisions made are consistent and fair.

If the local authority decides your child **does need an EHC plan**, they will send you a copy of the draft plan for you to check. You can find out more about how to do this in our 'How to Guide to checking a draft EHC plan'. You can find information about EHC plans and reviews in our leaflet 'The EHC plan and reviews'.

At this point, you can ask for a personal budget which shows the amount of money that's needed to deliver personalised support that's set out in the plan.

A decision not to issue an EHC plan after a needs assessment

If the local authority does a needs assessment and then decides that your **child does not need an EHC plan**, they should tell you no later than 16 weeks from the date of the original request for assessment. They must tell you why they have decided not to issue a plan and give you information about your right to appeal their decision.

If the local authority decides not to issue a plan, you have two choices: you can accept the decision, or you can disagree with it. You can find out more about this in the next section.

Step four (b)

If a request for an EHC needs assessment is refused or a plan isn't issued (refusal to assess and refusal to issue)

If the local authority decides your child doesn't need an EHC needs assessment, or if there's been an assessment but they decide your child doesn't need a plan, they must tell you why. They must also tell your young person if they're over 16. They must tell you about your right of appeal and the how long you have to appeal the decision.

If your child or young person has had an assessment, the local authority should give you some feedback about it. This should include giving you copies of any written reports and recommendations.

If the local authority refuses to do an assessment or issue a plan, you have two choices.

1. You can accept the decision.

Sometimes parents and carers choose to do this because their child's nursery, school or college makes changes after the request is put in, which mean an assessment isn't needed any more. Or if your child has had a needs assessment, it helps to make their needs clearer and that changes the support that's being given so that a plan isn't needed.

If you decide to accept the decision, your child should continue to be supported at nursery, school or college. You should meet regularly with the staff involved to make sure your child is well supported and making progress.

If things change or there's new information or concerns about your child's learning or behaviour, you can ask for an EHC needs assessment again. If you've had an assessment request turned down, there is no minimum time you need to wait before you can apply again. If you've had an assessment but a plan isn't issued, you can only ask for another needs assessment if there hasn't been one in the last six months.

2. You can disagree with the decision.

If you disagree with a decision, the first thing to do is to talk to your contact at the 0-25 team. You can tell them why you think the decision is wrong and talk about the main issues. Many disagreements can be sorted out this way.

If you can't come to an agreement that way, then you can ask for disagreement resolution or mediation. These are ways of discussing things with local authority staff which are led and supported by someone independent. You can find out more about these in our leaflet 'What if we can't agree'.

If these options don't work, you can appeal a decision. This means going to an SEND tribunal which is part of the court system. At an appeal tribunal, an independent panel including a judge will listen to both sides of the argument before deciding. A judge can either:

- overturn the decision of the local authority and if that happens an assessment will go ahead, or a plan will be issued
- agree with the decision of the local authority, in which case an assessment will not go ahead, or a plan won't be issued

You must appeal a 'refusal to assess' or a 'refusal to issue' decision within two months of the date on your decision letter, or one month from the date of the mediation certificate - whichever is later.

How to appeal

Before you can register your appeal, you must contact a mediation advisor. This is to see whether mediation could help you to resolve your disagreement about the EHC needs assessment or plan without going to appeal. Mediation is independent of the local authority and free for you to use.

The Mediation Service is provided by Global Mediation and you can contact them on 0800 064 4488 or email: sen@globalmediation.co.uk. After you've spoken to them, if you decide to use mediation, a mediation meeting will be set up between you and the local authority. If you decide not to use mediation, you'll be given a certificate which will enable you to start your appeal.

To register an appeal, you must fill out a 'Notice of Appeal' form. You can find this online at www.gov.uk/government/collections/special-educational-needs-and-disability-tribunal-forms. Or you can contact HM Courts and Tribunal Service for a form at: Special Educational Needs and Disability Tribunal, 1st Floor, Darlington Magistrates Court, Parkgate, Darlington DL1 1RU Tel: 01325 289350

It usually takes about 12 weeks from when you register an appeal to when you go to the tribunal hearing. This gives you plenty of time to prepare, but it can also be a challenge if you need a quick decision, such as if your child has been permanently excluded. For more information or advice, contact the HM Courts and Tribunal Service.

<p>Devon SEND Local Offer Information about education, health and social care services and support for children and young people (0-25) with special educational needs and disabilities (SEND) in Devon – including EHC needs assessment information and application forms new.devon.gov.uk/educationandfamilies/special-educational-needs-and-disability-send-local-offer</p>	<p>SEND Code of Practice – version for parents and carers Guidance on the special educational needs and disability (SEND) system for children and young people aged 0 to 25. www.gov.uk/government/publications/send-guide-for-parents-and-carers</p>
<p>Council for Disabled Children - Education, Health and Care Plans: Examples of good practice Aimed at professionals, this guide is also helpful for parents and carers. https://councilfordisabledchildren.org.uk/help-resources/resources/education-health-and-care-plans-examples-good-practice</p>	<p>First-tier Tribunal (Special Educational Needs and Disability) Information from HM Courts service about appealing. www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability</p>

Giving feedback about the EHC needs assessment

If you want to give feedback about the EHC needs assessment, you can do that by:

- During the assessment process you can email your feedback to the mailbox for your area or call the 0-25 team on 01392 380434 and choose option 3.
- When a final EHC plan is issued you'll be sent a questionnaire asking for views on all different aspects of the process. You can fill that in.
- If you want to make a formal complaint or compliment, you can contact customer relations at Devon County Council:
<https://new.devon.gov.uk/haveyoursay/feedback-and-complaints/>

How can Devon Information Advice & Support (DIAS) help?

We can give you information, advice and support with all stages of the EHC needs assessment process. There is information on our website, or you can contact us for copies of our leaflets and factsheets. We can also support you to:

- make a request for a needs assessment and gather information to include with it
- understand the process and paperwork
- prepare for meetings with professionals
- share your views and your child's
- take part in mediation or appeal decisions that you disagree with

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Published: March 2019

Review date: December 2020

Important to know

If you have asked for an EHC needs assessment before and had your request turned down, you can apply again whenever you wish.

If you had an assessment but a plan wasn't issued, you can ask for a new assessment if the previous one wasn't carried out in the past six months. The local authority can do one earlier than that if they feel it's needed.