

Education Health and Care (EHC) Statutory Assessments and Plans



A Guide for Parents & Carers

DIAS4 January 2015
www.devonias.org.uk
01392 383080

funded by
Devon
County Council 

The Children & Families Act 2014 came into force on 1 September 2014. This details some changes concerning the arrangements for supporting special educational needs (SEN) in schools and for supporting young people up to the age of 25. The new law includes new statutory guidance in the form of the *Special Educational Needs and Disability Code of Practice: 0 to 25 Years*.

A statutory Education Health and Care (EHC) needs assessment may be needed if the early years setting, school or college can not meet a child's or young person's special educational needs (SEN) using the SEN Support approach (see our leaflet '**Special Educational Needs Support in School**').

What is a statutory EHC needs assessment?

This is a very detailed statutory education, health and social care assessment of a child by the Local Authority (Devon County Council) under the terms of the Children and Families Act 2014. It will include information from you, your child, your child's teacher and other professionals who work with or support your child. If the EHC assessment concludes that it is necessary for special educational provision to be made in accordance with an EHC plan, the Local Authority must prepare a plan.

What is an Education Health and Care plan (EHC plan)?

An EHC plan is a single plan of outcomes and support in relation to the education, health and care needs of your child. An EHC plan will be written by the Local Authority if it is felt your child's complex needs could not reasonably be met within the expected resources and experience normally available within a mainstream education setting. From 1 September 2014, new statements of Special Educational Need and Learning Difficulty Assessments will no longer be written – and current ones will be reviewed, in a phased way by 2018, to assess if an EHC plan is required.

An EHC plan can continue into further education and training for some young people until they are 25 years old. It is a legal document and the Local Authority is responsible for the provision that is set out in the plan for your child.

In Devon an EHC plan is drawn up by the SEN 0-25 Team at the Local Authority on DAF2b paperwork (which is part of the Devon Assessment Framework - DAF). It is the Local Authority that has responsibility for the provision within the plan.

Does my child need an EHC plan to access funding and resources for school support?

No. School SEN funding arrangements changed in April 2013 and there is now a focus on using the funding allocated to support children more efficiently. Under the new arrangements, most of the SEN funding available to support children is held within schools' own budgets. The Local Authority holds a smaller amount which can be used for 'top-up' funding. This can be requested by your child's school to provide additional support for your child, even if they do not have an EHC plan. The school would need to complete a DAF3 'Request for additional resources' form, set out how its funding has been used to support your child so far and identify clearly why more resources may be required.

Who can ask for an EHC Needs Assessment?

- you - by writing to the SEN 0-25 Team at the Local Authority at:
SEN 0-25 Team, Room L102, County Hall, Topsham Road, Exeter EX2 4QD
- young people themselves, if they are between 16 and 25 years old
- the school, college or early years setting (this should be with the knowledge and agreement of you or the young person where possible)

In addition, anyone else (eg professional, family friend, another carer) can bring a child/young person who has (or may have) SEN to the attention of the Local Authority and the SEN 0-25 Team will then make a decision about the next steps.

What happens after the request for an EHC needs assessment is made?

Following a request for an EHC needs assessment, the SEN 0-25 Team must decide if such an assessment is necessary and, **within 6 weeks**, must communicate this decision to you or directly to the young person.

What happens if the SEN 0-25 Team decides not to do an EHC needs assessment?

The SEN 0-25 Team may decide not to conduct an assessment because it has concluded that your child's needs can be met through a non-statutory My Plan (DAF2a) within the resources normally expected of the school or college. If the decision is not to assess, the SEN 0-25 Team must inform you of:

- your right to appeal that decision at the Special Educational Needs & Disability Tribunal
- the requirement for you to consider mediation if you do wish to appeal
- the availability of services you can access for support, such as Devon Information Advice & Support (DIAS) and disagreement resolution services

What happens if the SEN 0-25 Team agrees to do a statutory EHC Needs Assessment?

The SEND Code of Practice says: 'Local Authorities must consult the child and the child's parent or the young person throughout the process of assessment and production of an EHC plan'. (9.21)

When the SEN 0-25 Team decides to carry out an EHC needs assessment it will:

- let you know which services can provide you with independent support - for example, Devon Information, Advice & Support (DIAS).
- ask you if you want to provide more detailed written information for the assessment. Your involvement is important because you know your child best - see our leaflet '**Assessments, Plans and Reviews**'.
- ask for the views, wishes and feelings of your child/young person - see our leaflet '**Your child or young person has a view too**'.
- tell you who your named Area Education Commissioning Officer (AECO) will be within the SEN 0-25 Team. This person will be your contact at the Local authority during the assessment process.
- gather advice from relevant professionals about the child's or young person's needs, desired outcomes and provision that may be required. This might be from:
 - your child's school
 - educational psychologist
 - health professionals such as a paediatrician, doctor, occupational therapist or speech therapist
 - social care staff
 - any other relevant professional involved with your child if you ask for them to be contacted - you can also send in any recent professional reports if you have them.

When does the Local Authority tell me if an EHC plan will be written?

When the reports from the assessment are put together, with your written contribution and your child's views, they should give a full picture of your child's needs so that the SEN 0-25 Team can make an accurate assessment and then tell you whether or not they will write an EHC plan for your child.

If the decision is not to write a plan, you will be notified of this (by **no later than 16 weeks** from the date of the original request for assessment) and told about your right to appeal that decision.

If the Local Authority does decide to write an EHC plan, you will have the right to request a personal budget showing the amount of money that will be required to deliver the provision set out in the plan. The draft plan must be sent to you no later than 16 weeks from the assessment request.

What happens when I receive the draft EHC plan?

You will be given 15 calendar days to comment on the contents of the plan, suggest any amendments, state your preference for a particular educational institution and seek agreement of a personal budget, if this has been requested. The Local Authority will then consult with the educational institution about naming it in the plan and this can take up to a further 15 days. A final EHC plan will then be issued.

Can I choose the school or college my child attends?

The SEN Code of Practice says (9.78) that the child's parent or the young person has a right to request a particular educational setting to be named within the EHC plan, if it is:

- a maintained nursery school
- a maintained school, academy or free school (whether mainstream or special)
- a non-maintained special school
- a further education or sixth form college
- an independent school or independent specialist college (where it has been approved by the Secretary of State and is included on a published list of approved institutions)

The Local authority **must** comply with this preference unless it would:

- be unsuitable for the age, ability, aptitude or SEN of the child or young person
or
- the attendance of the child or young person there would be incompatible with the efficient education of others or the efficient use of resources

How long does the whole EHC process take?

The whole EHC planning and assessment process – from the initial request to the issue of the final EHC plan (if it is required) - must take **no longer than 20 weeks**. There are some exceptions to the timescales – such as the child being away from the area for 4 weeks or more, or the educational setting being closed for 4 weeks or more etc. These exceptions are detailed in the Special Educational Needs and Disability Code of Practice (9.42).

What will the EHC plan include?

An EHC plan should be made openly and collaboratively with parents, children and young people – so you should participate in decisions about its content. The plan should be written so that it can easily be understood by anyone who has permission to access it. The plan will be based on the evidence that has been gathered by the local authority during the assessment period and it will include all this advice and information within the appendices.

All EHC plans should describe positively what the child or young person can do and has already achieved, as well as describing their additional needs, focussing on what outcomes they hope to achieve in the future, detailing the support that will be required to meet such outcomes and naming the educational institution that the child will attend. Any outcomes in the plan should be **SMART** - **S**pecific, **M**easurable, **A**chievable, **R**ealistic and **T**ime-bound.

In section 9.69, the Special Educational Needs and Disability Code of Practice gives a detailed list of the sections, A to K, that should be in the EHC plan:

- A** views, interests and aspirations of the child, young person and/or parents
- B** special educational needs (SEN)
- C** health needs that relate to the SEN
- D** social care needs that relate to the SEN
- E** outcomes
- F** SEN provision
- G** health provision reasonably required in relation to the SEN
- H1** social care provision in relation to section 2 of the Chronically Sick & Disabled Persons Act 1970
- H2** any other social care provision reasonably required in relation to the SEN
- I** the name of the educational placement
- J** personal budget
- K** appendices that include the advice and information gathered through the assessment

What happens if I disagree with the EHC plan?

When the EHC plan is issued, you will be told about your right to appeal to the Tribunal if you do not agree with its contents and about the requirement to have contact with a mediator before appealing. Devon Information Advice & Support (DIAS) can tell you more about this process.

Can changes be made in the future to the EHC plan?

It is very important to get your child's EHC plan right by discussing any amendments at the draft stage. However, over time your child's circumstances may change and it may be appropriate to request changes at, for example, an annual review of the plan. This could be helpful if:

- your child's educational, health or social care needs change significantly
- your child moves to a different school in Devon because you move house or because they are transferring to the next primary, secondary or further education stage
- your child moves to a different local authority
- your child no longer needs an EHC plan

What happens after an EHC plan is made?

The provision on the EHC plan will be put in place to help support your child. There will be a review every year to assess how well your child is working towards the outcomes in the plan, whether new outcomes should be set and whether any changes to the plan need to be made.

How can Devon Information Advice & Support help?

We can provide information, advice and support with all aspects of the statutory education, health and care assessment process.

We can support you to:

- make the initial request and gather information you may wish to include with it
- understand the process and paperwork
- discuss your concerns
- express your views and set out your parental contribution
- discuss the impact on your child
- respond to letters from the Local Authority
- signpost you to mediation and other services
- appeal decisions that you disagree with
- prepare for meetings with other professionals



Contact Devon Information Advice & Support on **01392 383080** or email **devonias@devon.gov.uk**

We have further leaflets and information online at:
www.devonias.org.uk

You can also find us on Facebook

If you would like this document in another language or format, or you need an interpreter please call **01392 383080**