

EHC needs assessment for children in early years settings or at school



**SEND Information, Advice & Support Service
September 2015**

EHC needs assessment for children in early years settings or at school

This leaflet provides information about an Education, Health and Care needs assessment, which is also called statutory assessment. It covers:

- Children in early years settings
- Children of school age

You can access the SEND Code of Practice online at www.gov.uk and search SEND Code of Practice.

What is an EHC needs assessment?

An EHC needs assessment is a detailed look at a child's special education needs (SEND) and the support that he or she may need in order to learn.

Local authorities are responsible for carrying out EHC needs assessment under the **Children and Families Act 2014**. The needs assessment brings together information about:

- What your child can and cannot do
- The special help they need

It includes information from:

- You
- Your child
- The early years' setting or school
- Other professionals who work with or support your child

The assessment is to see if your child needs an **Educational, Health and Care plan (EHCP)**.

When is an EHC needs assessment necessary?

The school or early years setting can often give your child help through **SEND support**. This means that the school makes additional or different provision to meet the needs of the child. Other professionals can also give advice or support to help your child learn.

Some children need more intensive and specialist help. If your child does not make progress despite the SEND support an EHC needs assessment might be the next step.

The SEND Code of Practice says:

(11.5) In considering whether an EHC needs assessment is necessary, the local authority should consider whether there is evidence that despite the early years provider, school or post-16 institution having taken relevant and purposeful action to identify, assess and meet the special education needs of the child or young person, the child or young person has not made expected progress.

The local authority will look at:

- Your child's attainments and rate of progress
- Their special education needs
- What has already been done
- The difference that support has made
- Your child's physical, emotional and social development and health needs

The SEND Code of Practice says:

(9.3) A local authority must conduct an assessment of education, health and care needs when it considers that it may be necessary for special education provision to be made for the child or young person in accordance with an EHC plan.

Some children and young people will have needs that clearly require and EHC needs assessment and EHC plan. Once the local authority is aware that this is the care it should start the process without delay.

You can find out more about the criteria that the local authorities should follow in the SEND Code of Practice sections 9.3 and 9.14 to 9.16.

Who can ask for an EHC needs assessment?

- Parent/carer – by writing to the local authority
- A young person over the age of 16 but under the age of 25
- The early years setting or school, but only after talking with you first

It is always a good idea to talk to the school or early years setting before asking for an EHC needs assessment.

The SEND SUPPORT Team within the local authority can help you make your request.

A doctor or health visitor can inform the local authority that they think your child needs an assessment.

What happens when the local authority gets a request for an EHC needs assessment?

You will be informed by the local authority as soon as an EHC needs statement is requested.

The SEND Code of Practice SAYS:

(9.12) In considering whether an EHC needs assessment is necessary, local authorities should pay particular attention to the views, wishes and feelings of the child and his or her parent/carer, or the young person.

The local authority has up to 6 weeks to decide whether to make a needs assessment. During this time information may be requested from you, the school and other professionals.

It will look at all the information and must then inform you whether it has agreed:

- to start the EHC needs assessment immediately OR
- that an EHC needs assessment is not necessary.

What happens if the local authority decides that an EHC needs assessment is not necessary?

The local authority **must** tell you why it thinks that an EHC needs assessment is not needed. It **must also** tell you about:

- your right of appeal
- independent **disagreement resolution** and **mediation**
- how to get further information, advice or support

If you disagree with the decision we can explain your options to you.

What happens if the EHC needs assessment goes ahead?

The SEND Code of Practice says:

(9.21) Local authorities must consult the child and the child's parent/carer or the young person throughout the process of assessment and production of an EHC plan. They should also involve the child as far as possible in this process. The needs of the individual child and young person should sit at the heart of the assessment and planning process.

The local authority will write to you to inform you what will happen and ask for your views. Your views and your child's views are important. We can give you information, advice and support to help you with this.

The local authority will request advice from other professionals which should include information about:

- your child's education, health and care needs
- the desired **outcomes** for your child
- the special educational, health and care provision that might be required to meet their needs and achieve the desired outcomes

The local authority **must** ask for advice and information from:

- parent/carer (or the young person)
- your child's early years setting or school
- an educational psychologist
- health professionals who work with your child. This might include a paediatrician, speech and language therapist, physiotherapist or occupational therapist
- social care staff
- anyone else you ask them to contact who may be able to give relevant advice

If your child has a vision or hearing impairment the local authority must also seek information and advice from a suitably qualified teacher,

The local authority should also try to find out your child's views. You, the school and other professionals may be able to help with this. If you think your child needs someone to help them give their views you can ask us for more information about this.

You will have the chance to discuss your child with everyone involved in the needs assessment and you will receive a copy of all the reports when the needs assessment is finished.

If you require information, advice and support during the EHC needs assessment, please contact us. This can include having an **Independent Supporter** to help you. More information regarding this can be found in the **SEND Code of Practice (9.45 – 9.52)**.

What if some of this advice is already available?

Sometimes advice and information is already available because other professionals have been working with your child.

The SEND Code of Practice says:

(9.47) The local authority must not seek further advice if this has already been provided (for any purpose) and the person providing the advice, the local authority, the child's parent/carer and/or the young person are all satisfied that it is sufficient for the assessment process. In making this decision, all involved should ensure that the advice remains current.

When does the EHC needs assessment end?

Once the local authority has all the information and advice it must decide whether your child needs and **Education, Health Care plan**.

An EHC plan is a legal document written by the local authority. It describes the special educational needs that a child or young person has and the help that they will be given to meet them. It also includes the health and care provision that is needed.

Sometimes the local authority will decide that your child has special education needs that can be met through **SEND support**. If this is the case the local authority must tell you of its decision within 16 weeks of receiving a request. The local authority must also provide information about the right of appeal.

If the local authority decides an EHC plan is necessary it must first write a draft plan. This will be sent to you with copies of the reports. You should check that everything you think is important has been included and that you agree with the outcomes and proposed provision. The local authority will also ask you which school you prefer your child to attend.

You have 15 days to respond with comments, or request a meeting or accept the draft plan. If you do not respond the local authority may assume that you agree with the plan.

The last stage is for the local authority to send you the final EHC plan. If you are unhappy with the plan or cannot agree with the local authority on a school, you have the right to mediation and/or appeal.

If you need help at any stage, please contact us.

How long does this process take?

Refer to the **SEND Code of Practice (9.42)** for differences.

Start Date	The local authority receives a request for an EHC needs assessment. The authority must inform parent/carer about this request
6 weeks	Latest that the local authority can inform parent/carer or young person of decision. Right of appeal
As soon as the decision is made	The EHC needs assessment takes place
16 weeks from start date	Latest the local authority can inform parent/carer or young person if they do not intend to issue a plan. Right of appeal
	The local authority sends a draft EHC plan to parent/carer
Within 15 days of receiving the draft EHC plan	Parent/carer must respond to the draft EHC plan. They can: • agree that the draft is accurate • ask for changes • ask for a meeting Parent/carer also state a preference for a school or early years setting
Within 15 days of parent/carer' response to the draft EHC plan	The local authority consults with the school or early years setting
20 weeks from start date	Plan must be finalised and sent Right of appeal

What if I do not agree with the local authority about the EHC needs assessment or the EHC plan?

At any stage you can contact the local authority staff. This could be the person named in the letter from the local authority or another member of staff.

We can provide impartial advice and information about the options open to you and support you through the process. This could include help from an **Independent Supporter**.

You have the right to request independent **disagreement resolution and mediation**.

Details available at www.kids.org.uk or **contact us for more details**.

My child already has a statement. Will they have an EHC needs assessment?

Between September 2014 and September 2016 local authorities will gradually transfer **Statements of Special Education Need** to the new system. Within this process an EHC plan transfer review will take place. The review will involve an EHC needs assessment unless your child's existing Statement, review reports and other information is sufficient. As long as you, the local authority and those providing the advice agree. If you feel that the information is not sufficient you can ask the local authority to gather more information and advice.

You, your child or young person must be invited to a meeting as part of the transfer review.

Where can I get more information, advice or support?

You can read about Education, Health and Care needs assessments in the **SEND Code of Practice (Chapter 9)**.

The Central Bedfordshire Council Local Offer includes more information on the local arrangements for EHC needs assessments.

CBC SEND Parent & Young Person Partnership Service can give you:

- Information about EHC needs assessments
- Advice and support during the process of assessment
- details of the local arrangements for Independent Support
- details of other organisations, support groups and services that may be of help
- Information, advice and support about your rights to make a complaint, seek independent disagreement resolution or mediation.

CBC SEND PYPPS has made all reasonable efforts to ensure that the information contained in this leaflet is accurate and up to date at the time of publication. It does not constitute legal advice and CBC SEND PYPPS cannot accept any responsibility for any loss or damage suffered as a consequence of any reliance placed upon it.

Blank page for your notes



A great place to live and work

Further Information

Central Bedfordshire Council SEND PYPPS Special Educational Needs & Disability Parent & Young Person Partnership Service

The team:

Angela Davey
Wanda Chappell
Corrina Durcan



0300 300 8088



parent.partnership@centralbedfordshire.gov.uk



www.centralbedfordshire.gov.uk/parentpartnership



www.facebook.com/CBCSENDPYPPS