



Education, Health and Care (EHC) Assessments and EHC Plans



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1. What is an Education, Health and Care (EHC) Plan?

An EHC Plan is the result of an assessment of a child or young person's special educational needs (between the ages of 0–25 years) and sets out the education, health and care provision that the child or young person should receive in order to secure the best possible outcomes for them across education, health and social care, and as they get older, prepare for adulthood.

2. Who will get an EHC Plan?

Not every child or young person with special educational needs (SEN) will need an EHC Plan. Most children and young people with SEN will have their needs met by support that is usually available in local mainstream early years settings, schools or colleges. This is called **SEN Support** (more information on this can be found on the Kirklees Local Offer – special educational needs support in schools – www.kirklees.gov.uk/localoffer). Schools, early years settings and colleges (also called education settings) can ask for support from services across education, health and social care to help them to meet SEN. All education settings should use their 'best endeavours' to meet the needs of children and young people with SEN.

Some children and young people may not make expected progress even when the 'relevant and purposeful action' to identify, assess and meet their SEN has been taken by their education setting. These children and young people may need an Education, Health and Care (EHC) needs assessment to help the council to decide whether they need to make special educational provision through an EHC Plan.





3. What is an EHC needs assessment?

Before a child or young person can be given an EHC Plan, the council must first agree to undertake an EHC 'needs assessment'. This involves a process of gathering information from the relevant people in education, health and social care, including the views and aspirations of the child or young person and their parents. This helps to determine what the child or young person's special educational needs and any associated health and social care needs are, as well as what provision (that is, help and support) is needed in order to address those needs.

An EHC needs assessment will help the council to decide whether they need to make special educational provision through an EHC Plan. When making this decision, the council will take into account whether the special educational needs of the child or young person can reasonably be met from the resources normally available to mainstream early years settings, schools and colleges. An EHC needs assessment does not always result in an EHC plan being issued.

4. Who can request an EHC needs assessment and how do they do this?

The following people have a specific right to ask the council to consider carrying out an EHC needs assessment:

Who: the child's parent or the young person over the age of 16 but under the age of 25

How: By contacting the SEND Assessment and Commissioning Team (SENDACT) Email: SENACT@kirklees.gov.uk,

Tel: 01484 456888

What happens next: SENDACT will ask the parent or young person to complete a form giving information about their child's/their special educational needs. If the child/young person is in an education setting, SENDACT will ask the setting for more information about the child/young person's special educational needs.

Who: a person acting on behalf of a school or post 16 provision (with the knowledge and agreement of the parent or young person where possible)

How: By submitting a completed 'Request for EHC needs assessment Form' and accompanying information to the SEND Assessment and Commissioning Team (SENDACT). Early years settings can also make a request in this way.

In addition, anyone else can bring a child or young person who has (or may have) SEN to the attention of the council. This could include foster carers, health and social care professionals.



5. How does the council decide whether an EHC needs assessment is necessary?

When deciding whether an EHC needs assessment is necessary, the council will look at a range of information which tells them about the child or young person's attainments and rate of progress, the nature and extent of their special educational needs (SEN) and what action has been taken already to meet their SEN.

If a child or young person has not made the expected progress, even when the school, early years setting or college has taken relevant and purposeful action to meet their SEN, then the council may decide to do an EHC needs assessment.

6. What if an EHC needs assessment is not agreed?

If the council decides not to do an EHC needs assessment then the Assessment Coordinator (SENDACT) will write to the parents or young person giving the reasons why.

If the parents or young person are concerned that the council has decided not to do an EHC needs assessment then they will be able to talk to their Assessment Coordinator (SENDACT) who will help them to understand the reasons why.

Independent advice and support is offered from Kirklees Information, Advice and Support Service (KIAS)

If the parents or young person are unable to reach agreement with the council then they have a right to mediation and appeal (see question 14).





7. How long does an EHC needs assessment take?

The whole EHC needs assessment process from when a request is made to when a final EHC plan is issued is 20 weeks. Within the 20 weeks the following timescales must be met:-

EHC needs assessment requests must be responded to within 6 weeks; When information is requested by the council as part of the EHC needs assessment, it must be provided to the council within 6 weeks of the request for that information; If the council decides not to issue an EHC plan it must tell the family within 16 weeks of the original request for EHC needs assessment; The child's parent or young person must be given 15 calendar days to consider and provide views on the draft EHC plan and ask for a school or institution to be named on it.

see over for flow chart...

Statutory timescales for EHC needs as

(SEND Code of Prac

Maximum time for whole proces

On-going LA information gathering – v
body in securing information and advic

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Request for
assessment/child or
young person brought
to local authority's
(LA's) attention

LA decides
whether
to conduct
EHC needs
assessment

NO

LA notifies parents/
young person of decision
and right to appeal
**within a maximum of 6
weeks from request for
assessment**

YES

LA notifies
parent/young
person of decision
**within a
maximum of
6 weeks
from
request for
assessment**

LA gathers
information for
EHC assessment

LA decid
whether an
plan is nee

At every stage, child and their parent and/or young person i

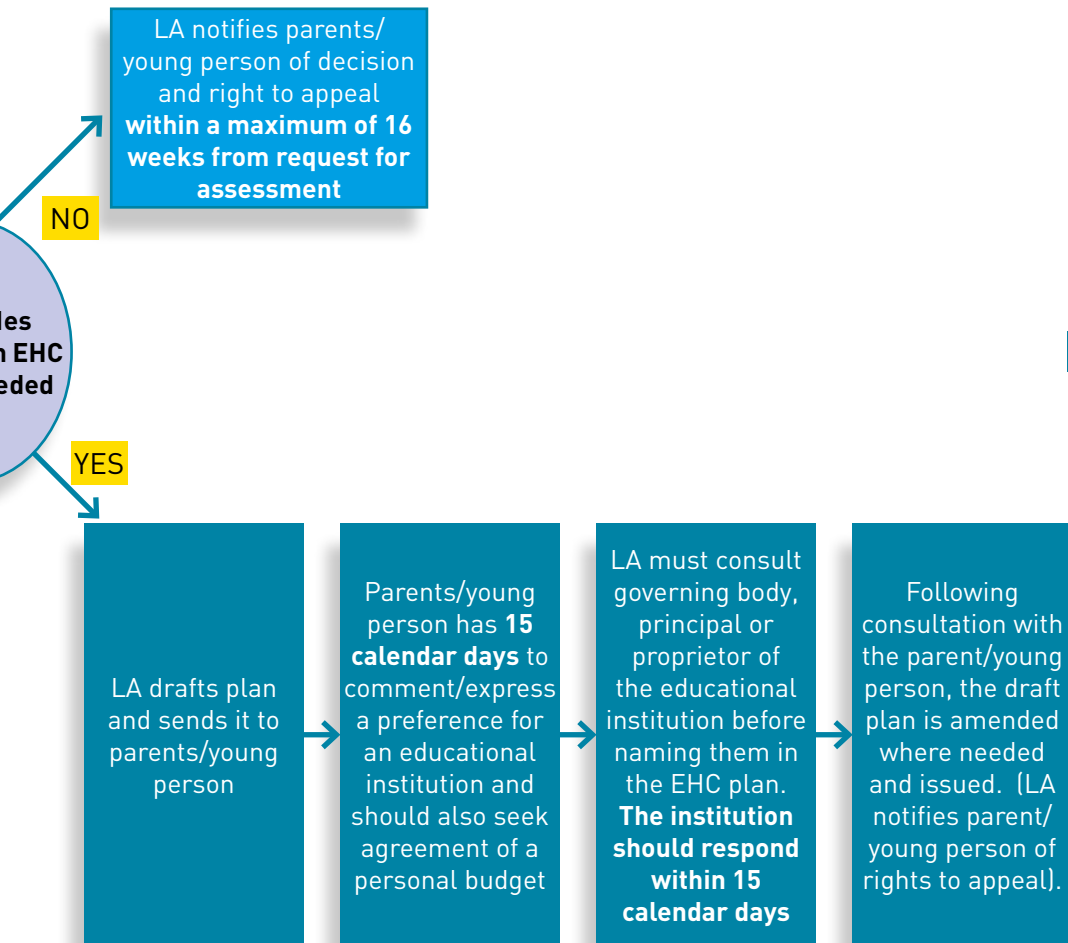
Assessment and EHC Plan development

Practice – section 9.44)

Process to be completed is **20 weeks**

Where an LA requests co-operation of a body, the body must **comply within 6 weeks**

Note: LA= council



Views of parents/young person involved fully, their views and wishes taken into account

8. How will the parents/carers and child/young person be included in the EHC needs assessment?

The SEND Assessment and Commissioning Team (SENDACT) is the council department responsible for coordinating EHC needs assessments. When the council is formally asked to consider a EHC needs assessment then the parents or the young person will be contacted by SENDACT to explain what will happen next. If an EHC needs assessment is agreed then the Assessment Coordinator from this team will coordinate this assessment.

The Assessment Coordinator will ask the parent/carer and young person if there is any further information they would like to be included in the EHC needs assessment that has not already been provided.

The views and aspirations of the parent and child or young person are essential parts of the information needed in the assessment. The education setting and/or another key professional will work with the parents and the child or young person to gather these. Where the child or young person was previously on SEN Support, the views and aspirations will normally already have been gathered and be up to date at the time the request for an EHC needs assessment was made.

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Once all the relevant EHC needs assessment information is gathered from the relevant people, all those involved in the assessment are invited by the Assessment Coordinator to attend a meeting with the parents and child or young person to work together to develop a draft EHC Plan. This meeting is called the 'support planning meeting'.

After the support planning meeting the draft EHC Plan is sent by the Assessment Coordinator to the parent and/or young person to consider further and provide their views on what has been included.

9. What is included in an EHC Plan?

If it is decided that an EHC plan is needed, the information gathered from the Education, Health and Care needs assessment will be pulled together in the Plan. An EHC plan will include the following information:

- the views and aspirations of the child or young person and their parents
- the child or young person's strengths and special educational needs
- outcomes for the child or young person, to help them make progress and move towards their aspirations
- the special education provision needed and how it will be provided
- health and/or social care needs and provision which are related to the child or young person's SEN
- the name and type of education setting
- personal budget information, if appropriate.

10. What if an EHC needs assessment takes place but does not lead to an EHC plan?

An EHC needs assessment will not always lead to an EHC plan. The information gathered through an EHC needs assessment may help to decide how the education setting can meet the child or young person's special educational needs without an EHC Plan. If this is the case then the council may use the information gathered through the EHC needs assessment to draw up a 'My Support Plan' to help the education setting to plan the appropriate coordinated support.

If parents or the young person are concerned that the council has decided not to issue an EHC plan they will be able to talk to their Assessment Coordinator (SENDACT) who will help them to understand the reasons why.

Independent advice and support is offered from Kirklees Information, Advice and Support Service (KIAS).

If the parents or young person are unable to reach agreement with the council then they have a right to mediation and appeal (see question 14).

11. How long does the EHC Plan last?

An EHC plan can remain in place for as long as it is necessary to make provision through it (between the ages of 0-25).

The council may decide that an EHC plan is no longer needed if:

- the child or young person no longer needs the special educational provision specified in the EHC plan.

For young people aged 19-25 the council may decide that an EHC plan is no longer needed when:

- the education and training outcomes in the plan have been achieved.

In these circumstances the council may cease to maintain the EHC plan and will notify the parent or young person of their intention to do so.

The council is no longer responsible for a child or young person where any of the following conditions apply:

- A young person aged 16 or over leaves education to take up paid employment (including employment with training but excluding apprenticeships)
- The young person enters higher education
- A young person aged 18 or over leaves education and no longer wishes to engage in further learning
- The child or young person has moved to another local authority area.



12. Will the EHC Plan be reviewed?

EHC plans should be used to monitor children and young people's progress towards their outcomes and longer term aspirations. They must be reviewed at least every 12 months, and every six months for a child under 5.

Reviews must focus on the child or young person's progress towards achieving the outcomes in the EHC plan. The review must also consider whether the outcomes and supporting targets are still appropriate. It should also consider whether the special educational provision and health and social care provision in the EHC plan is ensuring good progress.

If a child or young person is in an education setting then a review meeting will normally be arranged and held at that setting. The education setting will invite the relevant people, including the parents, child and/or young person to attend.

The education setting will prepare a report of the meeting within two weeks of the meeting.

Within four weeks of the meeting the council will decide whether it will either keep the EHC Plan as it is, amend the plan or cease the plan and will let the parent or young person and the educational setting know.

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13. What happens to the EHC Plan when moving between education settings?

A child/young person will normally move between between education settings when they change phase ie. from primary to secondary school. Conversations about their move will normally start at their EHC Plan review the academic year before they are due to move and will be very carefully planned with the parents and the child.

An EHC Plan will be amended to name a child's new school by the 15th February in the calendar year they are due to transfer.

An EHC Plan will be amended to name a child's post 16 institution e.g. college by the 31st March in the calendar year they are due to transfer.

14. What can a parent or young person do if they are unhappy with decisions made during the EHC needs assessment or with the Final EHC Plan?

If parents or the young person are unhappy with a decision made by the local authority during the EHC needs assessment they will be given the opportunity to meet with their Assessment Coordinator (SENDACT). The council will always want to work with the parents or the young person to resolve any concerns they may have.

Independent advice or support is offered from Kirklees Information, Advice and Support Service (KIAS)

Disagreement Resolution Service

KIAS can also put the parents or young person in touch with the Disagreement Resolution Service at any time and this does not affect their right of appeal to SEND Tribunal.

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Mediation & SEND Tribunal

If the parents or young person decide to register an appeal to SEND Tribunal they can do so only after contacting an independent mediation adviser to discuss whether mediation might be a suitable way of resolving the disagreement. The independent mediation adviser will issue a certificate as follows:- a) if after discussion with the independent mediation adviser the parents or young person feel mediation is not required; or b) no agreement is reached following mediation. Entering into mediation does not affect the parents or young person's right of appeal to SEND Tribunal. Once they receive their certificate they will be able to lodge an appeal to SEND Tribunal within 2 months of receiving the formal decision letter or within 1 month of receiving the certificate, whichever is later.

The Single Route of Redress – National Trial (April 2018) now gives the parent or young person the opportunity to also request recommendations about the health and social care content of the plan at the same time. This will mean the Tribunal will take a more holistic, person-centred view of the

needs of the child or young person (more information on this can be found on the Kirklees Local Offer – Education Health and Care assessments and EHC Plans - www.kirklees.gov.uk/localoffer).

The mediation service is currently provided by Community Accord.

HM Courts and Tribunal Service contact details are 1st Floor, Darlington Magistrates Court, Parkgate, Darlington DL1 1RU
or email:sendistqueries@hmcts.gsi.gov.uk

Other sources of Information:

Kirklees Local Offer

Information on the Graduated Approach and EHC Needs Assessments and Plans is available for parents and young people on www.kirklees.gov.uk/localoffer

Click on –

- **Education, Learning and Childcare**
Special Education

Click on the relevant section –

- **Education, Health and Care (EHC) assessments and EHC plans**
- **Special Educational Needs support in schools**

KIAS

KIAS (Kirklees Information, Advice & Support) is a statutory, free, impartial and confidential service, working with Parents/Carers, Children and Young People: www.kias.org.uk

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SENDACT

The SEND Assessment & Commissioning Team is the council department and is responsible for co-ordinating EHC Needs Assessments and writing EHC plans.

Email: SENACT@kirklees.gov.uk

Tel: 01484 456888

PCAN

PCAN is an independent, parent led forum for all parents and carers of children/young people (aged 0-25 years) with additional needs in Kirklees.

Carol Thomas
Trustee
info@pcankirklees.org
07754 102336

Code of Practice

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf

Special educational needs and disability code of practice: 0-25 years

Statutory guidance for organisations which work with and support children and young people who have special educational needs or disabilities.

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Parents Guide to the Code of Practice

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/417435/Special_educational_needs_and_disabilites_guide_for_parents_and_carers.pdf

A guide on the support system for children and young people with special educational needs and disability (SEND).

Council for Disabled Children (CDC)

<https://councilfordisabledchildren.org.uk/about/our-story>

The CDC work collaboratively, putting policy into practice, to ensure the best outcomes for children and young people.

Education, Health and Care (EHC) Assessments and EHC Plans

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Huddersfield HD1 1BY

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