

## Education, Health and Care Needs Assessments

### What is an EHC needs assessment?

An EHC needs assessment brings together information about:

- ✓ what your child can and cannot do
- ✓ the help they need.

It includes information from:

- ✓ you
- ✓ your child
- ✓ the early years' setting, school or post 16 setting
- ✓ other professionals who work with or support your child.

The assessment is to see if your child needs an **Education, Health and Care plan (EHC plan)**. Local authorities are responsible for carrying out EHC needs assessments under the Children and Families Act 2014.

### When is an EHC needs assessment necessary?

The school, early years or post 16 setting can provide help through SEN support. This means that they make additional or different provision to meet the child or young person's needs. Sometimes other professionals will give advice or support to help your child learn. For most children with SEND this is enough support to help them make progress.

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

### The SEND Code of Practice states:

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 educational needs of the child or young person, the child or young person has not made expected progress. (9.14)

The local authority will look at:

- ✓ your child's attainments and rate of progress
- ✓ their special educational needs
- ✓ support that has been put into place
- ✓ the difference that support has made
- ✓ which professionals have been involved
- ✓ your child's physical, emotional and social development and health needs.

**The SEND Code of Practice states:**

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

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

You can find out more about the criteria that 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?

- ✓ the early years setting, school or post 16 setting, once this has been discussed with yourself
- ✓ parents – by writing to the local authority
- ✓ a young person over the age of 16 but under the age of 25

It is always a good idea to talk to the early years setting, school or post 16 setting before asking for an EHC needs assessment. There are common misconceptions that parental applications are dealt with faster or that less evidence is needed, this is not true. The same decisions are made on whether the child requires a needs assessment if it is a professional or parent making the referral

## **What needs to be submitted for a request?**

Early year's settings, schools and post 16 settings have particular paperwork that needs submitting for an EHC needs assessment request. If the education setting is unsure about this they should contact SENDAR.

Parents and young people can request a needs assessment by submitting a letter outlining the reasons for the request and any supporting evidence. Warwickshire SENDIAS have a template letter to use. Again it is always a good idea to talk to the education setting before submitting a request.

Whether it is a professional or parental request, a Family Conversation and My Views document can also be submitted.

**Family Conversation** – This document is completed by parents, carer's or family of the child or young person. Either in a meeting with the educational placement or independently. It is the family's chance to say what they think is working well, what else could be done and what they hope for the child or young person's future.

**My Views** – This document is to be completed by the child or young person. As EHC needs assessments are relevant for children aged 0-25 with varying different needs the child or young person is only expected to complete this to the best of their ability and they may need support to do this. If a child is particularly young or has profound needs a form can be filled out on their behalf. It is important to make it clear what is the child or young person's voice ('I like swimming') and what are assumptions being made on their behalf ('We believe he likes swimming as he is always smiling').

These documents can be found here <https://www.warwickshire.gov.uk/sendocs>

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

As soon as the local authority gets a request for an EHC needs assessment they will write to you to notify that it has been received and the date by which they will make their decision if an assessment is needed. The local authority has up to six weeks to decide whether to go ahead with an assessment or not. During this time it may ask you, the education setting and other professionals for information. For more information please see our Education, Health and Care Timeline.

Once all the information has been received the paperwork will be taken to Assessment Panel where they will decide:

- ✓ to start the EHC needs assessment (decision to assess)
- or
- ✓ that an EHC needs assessment is not necessary (decision not to assess)

They will notify you of this decision in writing

### **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
- ✓ mediation services
- ✓ how to get further information, advice or support.

### **What happens if the EHC needs assessment goes ahead?**

The local authority will ask a number of other people for information about your child. This is called 'advice' and it 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:

- ✓ your child's early years setting, school or post 16 setting
- ✓ educational psychology
- ✓ health professionals who work with your child. This might include a paediatrician, speech and language therapist, physiotherapist, occupational therapist or CAMHS (Children Adolescent Mental Health Service)
- ✓ social care professionals
- ✓ 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.

You will receive a copy of all the reports when the needs assessment is finished.

You can find out more about advice and information for EHC needs assessments in the SEND Code of Practice sections 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 states:**

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

### **When does the EHC needs assessment end?**

Once the local authority has all the information and advice it must decide whether your child needs an Education, Health and 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 provision that is required to meet those needs. It also includes the health and care provision that is needed.

In Warwickshire this decision is made at Moderation Panel

Sometimes the local authority will decide that your child has special educational needs that can be met through SEN support. If this is the case the local authority must tell you of its decision within 16 weeks of receiving a request for an EHC needs assessment. The local authority must also tell you about your right of appeal.

If the local authority decides an EHC plan is necessary it must first write a draft plan. It will send you the draft EHC plan and copies of the reports so that you can read it all. You should check that everything you think is important has been included and that you agree with the outcomes and the proposed provision. The local authority will also ask you which provision you prefer your child to go to.

You have 15 days to make comments, to ask for a meeting or accept the draft plan.

Note that if you do not reply within 15 days the local authority may assume that you agree with the draft plan. If you need additional time to review the draft contact the SENDAR plan coordinator and they may agree to an extension.

The last stage is for the local authority to send you the final EHC plan. If you are still unhappy with the plan or cannot agree with the local authority on a provision, you have a right to go to mediation and/or to appeal (see below).

Please see our information on 'Reviewing a Draft EHC Plan' and 'Naming a School in an EHC'.

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

At any stage you can ask to talk to a member of the local authority's SENDAR staff. This will usually be the person named in the letter the local authority sends to you when it receives a request for an EHC needs assessment.

Warwickshire SENDIAS can give you impartial information and advice about the options open to you, and support you through the process.

### **Warwickshire SEND Information, Advice and Support Service**

01788 593159

You can also find more information on our website [www.warwickshiresendias.co.uk](http://www.warwickshiresendias.co.uk)

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