

## Education Health and Care Plans (EHCPs)

### Information explaining the process with regards to requesting a statutory assessment in Barnet

#### Principles underpinning the Code of Practice

*(Section 19 Children and Families Act 2014 and para 1.1- 1.23 COP)*

The preparation process and the contents of the EHC plan put the child/ young person, and his or her parents at the heart of the process. This means taking account of their views, involving them in discussions about their support, and giving them information and support to help them to participate as fully as possible in the decision making process in order to help them to achieve the best possible outcomes to prepare them effectively for adulthood.

References in brackets refer to relevant paragraphs in the SEND Code of Practice January 2015.  
Readers should refer to the Code for additional information

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### **1. What is an Education Health and Care Plan (EHCP)?**

The majority of children and young people with special educational needs (SEN) will have their needs met from within the school or setting's own resources. A small number of pupils will need additional support beyond what the school or setting would normally be expected to provide – in which case they may be eligible for an EHC Plan.

An EHC Plan is a legal document that describes a child's or young person's special educational, health and social care needs and the support they need to help them to get the best outcomes when they become adults.

In order to decide whether an EHC Plan is necessary, the child or young person will need to undergo an EHC Needs Assessment. The EHC Needs Assessment is not normally the first step in the process for helping to meet the needs of the child or young person, but should be built on co-ordinated work that is already happening between families, educational settings and any other health or social care services who are involved.

### **2. What is an Education and Health Care (EHC) Needs Assessment?**

An EHC needs assessment is a detailed exploration to find out what the child or young person's special educational needs are and what provision should be put in place to meet them. It is a step before an Education and Health Care plan, but does not always lead to a plan being written. The information gathered during the EHC needs assessment may indicate ways in which the setting can meet the child or young person's needs without an EHC plan. (*Chap 9 para 9.6*)

An EHC Needs Assessment can be carried out for a child or young person between the ages of 0-25 who is in education or training.

### **3. The Ordinarily Available Document**

The needs of the majority of children with special educational needs (SEN) can be met through the services set out in the document entitled 'Ordinarily available educational provision March 2016'. This document outlines the provision made by schools and settings from within their own budget which is called 'SEN support'. The Barnet 'Ordinarily Available' document can be located on Barnet's local offer and by following the link below:

[https://www.barnet.gov.uk/dam/jcr:bf070e5c-bd73-4f0c-98cb-0ad644b2c1c3/2\\_Ordinarily%20Available%20Final%20May%202016.pdf](https://www.barnet.gov.uk/dam/jcr:bf070e5c-bd73-4f0c-98cb-0ad644b2c1c3/2_Ordinarily%20Available%20Final%20May%202016.pdf)

Additionally, chapter 6 of the SEN Code of Practice sets out the arrangements that schools and educational settings should make for the child/young person at SEN support.

#### **4. The 4 broad areas of special educational need**

The Code outlines four broad areas of need, although individual children or young people often have needs that cut across all these areas and their needs may change over time (*Chap 6 para 6.27-6.35*):

**Communication and Interaction-** for example where children or young people have speech, language and communication difficulties which make it difficult for them to make sense of language or to understand how to communicate effectively and appropriately with others. This may include children and young people with autism spectrum conditions who are likely to have particular difficulties with social interaction.

**Cognition and Learning** – for example where children and young people learn at a slower pace than their peers, even with appropriate differentiation. They may have difficulty in understanding parts of the curriculum, difficulty with organisation and memory skills, or have specific difficulty affecting one particular part of their learning performance such as literacy or numeracy. Learning difficulties covers a wide range of needs including moderate, severe, and profound and multiple learning difficulties.

Specific learning difficulties also falls within this category, which encompasses a range of conditions such as dyslexia, dyspraxia and dyscalculia.

**Social, Emotional and Mental Health** – for example where children and young people have difficulty in managing their relationships with other people, are withdrawn or isolated or they behave in ways that might hinder either their own learning, or that of their peers, such as challenging or disruptive behaviour or behaviour that impacts on their health and wellbeing. This category encompasses a range of conditions such as anxiety or depression, self-harm or eating disorders. It also includes conditions such as attention deficit disorder or attachment disorder.

**Sensory and/or Physical Needs-** for example where children or young people have a disability which means that they need additional support or equipment to access the curriculum. This might include children or young people with visual and/or hearing impairments, or a physical disability.

#### **5. Before a request is made**

Before a request for an EHC assessment is made, the child or young person would normally have in place a support plan that shows how agencies have worked together to identify and support the child/young person's needs and identifies how the child/young person has been supported using resources which are normally available in the setting. Usually this plan will have been reviewed in collaboration with the family and child or young person where appropriate. There will be evidence of support being adapted or changed depending on how effective it has been in

achieving the targeted outcomes, following the Assess, Plan, Do and Review cycle (APDR) which is explained in more detail below.

## **6. When to make a request for an EHC needs assessment**

A request for an EHC needs assessment may be made when:

- Normally available special educational provision currently being made from the setting's own resources is not enabling the child or young person to make progress that is expected for him or her, following purposeful interventions over time. (COP 6.17)

Or

- When the special educational provision required to meet the child or young person's special educational needs cannot be reasonably provided from the resources normally available to the early education provider or school.

## **7. Purposeful Intervention** (Chap 6 para 6.44-6.56)

Teachers are responsible for and accountable for the progress and development of all pupils in their class, including those with SEND where pupils access support from teaching assistants or specialist staff. High quality teaching, differentiated for individual pupils, is the first step in responding to pupils who have, or may have SEN. (Chap 6 para 6.36-6.37)

SEN support should take the form of a four-part cycle; **Assess, Plan, Do, Review** (APDR), through which earlier decisions and actions are revisited, refined, and revised with a growing understanding of the child or young person's needs and of what support he or she requires to make good progress and secure good outcomes. This is known as the graduated approach. (Chap 6 para 6.45-6.56)

## **8. The graduated approach – Assess, Plan, Do and Review**

### **Assess**

The setting should have up to date information about the child or young person's needs so that the right support can be provided. This information should draw on a range of data including progress and attainment, assessments from outside agencies, the views of parents and of the child or young person. This needs to be reviewed regularly to ensure that support and intervention are matched to need.

### **Plan**

The school or setting needs to agree, with parental involvement, the outcomes that the SEN support is intended to achieve ie; how the child or young person will benefit from the support, and decide a date by which they will review the additional provision so they can check to see how well the support is working and whether the outcomes have been or are being achieved.

## **Do**

The school or setting puts the support into place. The class or subject teacher remains responsible for the child or young person and should work closely with any teaching assistants or specialist staff involved to plan and assess the impact of support and interventions and how they can be linked to classroom teaching. The SENCO should support the teacher in this, including advising on effective implementation of support and use of resources.

## **Review**

A date will have been set to review the support and provision that has been put in place. The child/young person and their parents should be involved in the discussion evaluating the impact of the quality of the support and interventions.

The support should be revised in light of the pupil's progress and development.

Further information about the use of data and record keeping is outlined in the Code of Practice Chap 6 para 6.72 – 6.78

## **9. Involvement of outside agencies**

If a setting is making an application for an EHC needs assessment the local authority would expect to see that specialist advice has been sought and that their recommendations have been carried out. They will also want to know what difference this additional provision has made.

Judgements about whether an EHC assessment is needed are usually about much more than levels of support. The new Code of Practice emphasises carefully monitored use of structured and purposeful interventions, combined with a focus on outcomes. In considering whether an EHC needs assessment is necessary, the local authority will give weight to the outcomes sought and pursued by the setting and look at how effective interventions have been in reaching those outcomes.

## **10. What might trigger a request for EHC needs assessment?** (Chap 6 para 6.63)

If, despite the school having taken **relevant and purposeful action** to identify, assess and meet the needs of the child or young person, the child or young person has not made expected progress, the school, parents/carers or young people themselves age 16+ may consider requesting an EHC needs assessment.

## **11. Who can make a request for an EHC needs assessment?** (Section 36

*Children and Families Act 2014 and Chap 9 paras 9.8 - 9.10)*

A request for an EHC needs assessment can be made by:

- The child's parents
- A young person over the age of 16 but under the age of 25 and in education or training.
- A person acting on behalf of a setting or post 16 institution.

- Child or young person under 19 in youth custodial establishments, their parents or professionals working with them.

If the family wants to make the request, it is usually best to talk first to their child's setting or professionals working with their child. People who are familiar with the family should be able to help the family to decide whether an assessment is needed and how they think it might help.

Sometimes families may find it helpful to talk to an independent advisor or other voluntary support services when a request for an EHC needs assessment is being made. Parents/Carers and young people can contact Barnet SEND Information, Advice and Support Service (formerly known as Parent Partnership) for support throughout this process. Further information on Barnet Special Educational Needs and Disability information, Advice and Support Service (SENDIASS) can be located on Barnet's local offer or by following the link below:

<https://www.barnet.gov.uk/citizen-home/children-young-people-and-families/parental-support/barnet-send-information-advice-and-support-service.html>

## **12. When a request for an EHC Needs Assessment is made**

Once a request for an EHC Needs Assessment has been received, the local authority has 6 weeks to decide whether or not to conduct an EHC needs assessment.

The information received with the request for an EHC needs assessment is considered and the SEN caseworker will then see if any other reports are currently available. The decision about whether an assessment should be made is delegated to the nominated SEN casework manager or Head of Service. In making a decision, the SEN casework manager or Head of Service can seek additional advice from other professionals, in particular school/setting leaders, SENCOs and social care and health service managers.

## **13. What does the Complex Needs Panel do?**

The Complex Needs Panel meets regularly (usually weekly) to consider the following:

- Requests for statutory assessment
- Decisions to issue a EHC Plan
- Requests for exceptional funding

The panel is made up of professionals from the SEN Team, Educational Psychology Team, Speech and language Service and head teachers / SENCOs from local schools.

Prior to the panel meeting, representatives consider the paperwork / evidence provided for any request made. The panel members then meet as a group and discuss the information provided and make a decision as to the next steps. The SEN Team will communicate any decisions to the relevant parties (e.g. parents / carers, schools).

#### **14. How does the LA decide whether to conduct an EHC needs assessment?** *(Chap 9 para 9.14 -9.15)*

The LA will be looking for evidence that the child or young person has a significant difficulty in learning compared to other child or young person of the same age and that the child or young person has not made expected progress despite the setting taking relevant and purposeful action to identify, assess and meet their special educational need.

It will need to consider whether the child or young person now requires support that is different/additional to the provision normally available in a mainstream setting.

A wide range of evidence will be considered such as:

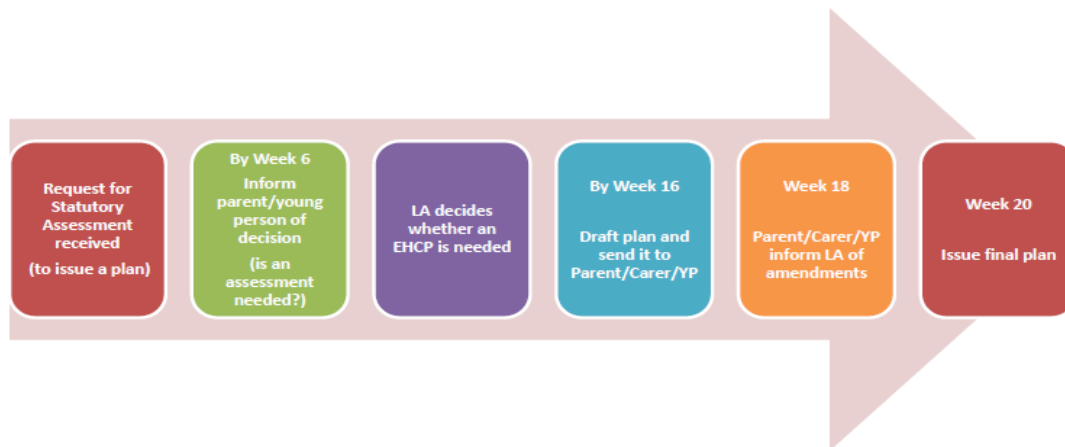
- the views, wishes and feelings of the child or young person and his/her parents
- academic attainment and rate of progress
- detailed information about the child or young person's SEN
- evidence of action already being taken to address the child or young person's sen
- evidence of the difference that the additional support and enhanced teaching and learning strategies have made
- evidence of the child or young person's physical, emotional and social development and health needs. – this can be by way of reports from other professionals
- for a child over the age of 18, whether they need additional time to complete their education or training.

#### **15. Notification of the LA's decision to assess**

The LA must make a decision whether or not to assess and notify the child's parents or the young person of their decision within 6 weeks. *(Chap 9 para 9.17)*

The whole process (e.g. decision making, consulting / informing relevant parties and writing an EHCP) must be completed within 20 weeks from the date it was requested.

## Timeline:



If they agree to assess, they will begin to gather information for the EHC assessment. Information gathering takes place between weeks 6-12 of the 20 week process. The SEN caseworker will write to the parents and/or young person to confirm that an EHC assessment has been agreed.

They will also write to relevant professionals to tell them that the assessment has been agreed and ask them, if necessary, to submit further information or to carry out additional assessments.

The local authority will ask for information about the child/young person's education, health and care needs, desired outcomes and special educational, health and care provision that may be required to meet identified needs and achieve desired outcomes. (*Chap 9 para 9.46*)

Advice and information requested by the LA must be provided within 6 weeks. The parents or young person will receive copies of all the paperwork received through the statutory assessment process.

### **16. Independent supporters for parents/carers and young people**

Throughout the EHC Needs Assessment parents/carers and young people have access to independent supporters. Independent Supporters are individuals who are independent from the Local Authority and are specially trained to provide independent advice and support for parents and carers who have children and young people with SEN and disability needs, and to young people themselves, as they go through the Education, Health and Care plan (EHC) processes.

Independent Supporters can be accessed through Barnet SEND Information, Advice and Support Service (SENDIASS) or through Barnardo's.

Professionals can refer parents/carers and young people to Barnardo's for Independent Support by completing a referral form.

Parents/carers and young people can self-refer to Barnet SEND Information, Advice and Support Service (SENDIASS) for an independent supporter.



Further information on Barnado' s and Barnet Special Educational Needs and Disability information, Advice and Support Service (SENDIASS) can be located on Barnet's local offer or by following the link below:

<https://www.barnet.gov.uk/citizen-home/children-young-people-and-families/the-local-offer-and-special-educational-needs/barnet-send-information-advice-and-support-service.html>

Schools and other settings should support parents/carers and young people to access these services throughout the EHCP process.

### **17. Notification of the LA's decision not to assess** (Chap 9 para 9.57)

If an assessment is not agreed, the reasons will be set out clearly in a letter to the parents, the young person (if appropriate) and the setting. The family will be offered a follow up meeting to discuss the decision and how it was reached, and the support that has been suggested to meet the child or young person's needs without the need for an EHC assessment.

If the family is unhappy with the decision not to assess, they have the right to appeal.

They must consider mediation before they appeal. (Chap 9 para 9.57)

Information about appeals, mediation and dispute resolution services is available on Barnet's local offer page:

<https://www.barnet.gov.uk/citizen-home/children-young-people-and-families/the-local-offer-and-special-educational-needs/education-in-the-local-offer/Resolving-disagreements-relating-to-SEN.html>

### **18. Is an EHC plan necessary?** (Chap 9 para 9.53-9.56)

After the local authority has undertaken its assessment, it will then decide whether an ECH plan is necessary.

The local authority will consider all the information gathered during the EHC needs assessment, together with all the information originally submitted when the request for assessment was first made. (Chap 9 para 9.54)

They will consider whether:

- the new information confirms the information submitted when the request for assessment was first made
- the special educational provision made prior to the EHC needs assessment was well matched to the child or young person's SEN.

If, despite receiving appropriate assessment and provision, the local authority feels that the young person is not progressing, or not progressing sufficiently well, the local authority will consider what further provision might be needed. They will take into account (Chap 9 para 9.55):

- whether the provision can be reasonably provided from the setting's own budget through SEN support as outlined in the *normally available document*  
Or
- whether it is necessary for the local authority to make special educational provision in accordance with an EHC plan.

The local authority will also take into account any special circumstances. (Chap 9 para 9.56)

### **19. If an EHC plan is considered appropriate (weeks 12-16)**

The parents and/or young person and all involved professionals will be advised and a draft EHC plan drawn up. The resources identified as being needed to deliver the plan will be agreed and allocated. Where appropriate Personal Budgets will be agreed.

A Personal Budget is an amount of money identified by the local authority has identified that can be used by the parent or young person to provide some of the services set out in an EHC plan. A Personal Budget can only be used for agreed provision in the EHC plan. More information about Personal Budgets can be found on the Local Offer website:

<https://www.barnet.gov.uk/citizen-home/children-young-people-and-families/the-local-offer-and-special-educational-needs/sen-personal-budgets.html>

A copy of the draft EHC plan will be sent to parents and/or the young person for them to make any final comments and to express a preference for a school or education provider. They must do this within 15 days.

### **Weeks 16-20**

The local authority will consult with the school or education provider as to whether or not they can meet the needs of the child/young person. They must respond within 15 days.

Following consultation with the parent/young person, the draft plan will be amended where needed and a final plan issued. The plan will need to be reviewed annually, or every 6 months for a child in a pre-school setting.

The local authority will arrange that the sen provision as identified in the plan is put into place.

The Clinical Commissioning Group must ensure that specified health provision is made.

### **20. Finalising the Plan**

Once the plan has been finalised, if the parent or young person remains concerned about provision they may talk to their SEN caseworker or other agencies such as Barnet Send Information, Advice and Support Service (formerly known as Parent Partnership) [SendIASS@barnet.gov.uk](mailto:SendIASS@barnet.gov.uk) .

They also have the right to appeal, but must consider mediation before doing so. Information about appeals, mediation and dispute resolution services are available on Barnet's Local Offer (link provided in section 17 above).

### **21. If an EHC plan is considered not to be appropriate**

An EHC assessment does not always lead to a plan being written. The information gathered during the EHC needs assessment may indicate ways in which the education provider can meet the child or young person's needs without an EHC plan. *(Chap 9 para 9.6)*

If the local authority decides that an EHC plan is not appropriate, they will notify the parties within 16 weeks of the date they received the request for assessment. The reasons will be set out clearly in a letter to the parents, young person (if appropriate) and the setting.

The family will be offered a follow up meeting to discuss the decision and how it was reached. The work undertaken to assess the child or young person's needs and the outcomes identified will be used to develop a plan of support without the need for an EHC plan.

If the family is unhappy with the decision not to issue an EHC plan, they have the right to appeal, as above.

### **22. Children and young people in specific circumstances**

There are particular groups of children and young people whose specific circumstances require additional consideration by those who work with them and support their special educational needs. These groups include, amongst others, looked after children, care leavers, children or young people in hospital or youth custody or children of service personnel or children and young people with SEN who are educated at home. Chapter 10 of the Code of Practice sets out information about managing their circumstances in order to help achieve good outcomes for them.

### **23. Useful contacts**

SEN Team 020 8359 7007

[SENadmin@barnet.gov.uk](mailto:SENadmin@barnet.gov.uk)

Barnet SEND Information, Advice and Support Service

Tel: 020 8359 7637

Email: [SendIASS@barnet.gov.uk](mailto:SendIASS@barnet.gov.uk)

Barnardos

Tel: 0808 800 0037

Email: [ISBarnet@barnardos.org.uk](mailto:ISBarnet@barnardos.org.uk)

Kids

<https://www.kids.org.uk>

020 7359 3635

Barnet Local Offer website:

<https://www.barnet.gov.uk/citizen-home/children-young-people-and-families/the-local-offer-and-special-educational-needs.html>