

Special Educational Needs
and Disability Information,
Advice & Support Service

sendiass

in Suffolk

Education, health and care
(EHC) needs assessment



Information,
Advice & Support
Services Network
for SEND

www.suffolksendiass.co.uk

EHC needs assessment for children and young people in early years settings, schools or in further education.

This information is about Education, Health and Care needs assessment, which is sometimes called statutory assessment. It covers:

- children in early years settings
- children of school age.
- young people aged 16-25

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 or young person's special educational needs (SEN) and the support he or she may need in order to learn.

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

- what your child or young person can and cannot do
- the special help they need.

It includes information from:

- you
- your child or young person
- the education setting
- other professionals who work with or support your child or young person.

The assessment is to see if your child or young person needs an **Education, Health and Care plan (EHC plan)**.

When is an EHC needs assessment necessary?

The education setting will give help through SEN support. This means help that is in addition to, or different from the support given to children or young people of the same age.

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

The SEND Code of Practice says:

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 or young person's attainments and rate of progress
- their special educational needs
- what has already been done
- the difference that support has made
- your child or young person's physical, emotional and social development and health needs.

The SEND Code of Practice says:

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?

- parents
- a young person over the age of 16 but under the age of 25
- the education setting, but only after talking with you first.

It is always a good idea to talk to the education setting before asking for an EHC needs assessment.

The Family Services Team within the local authority can help you make your request.

Other people, such as your doctor or a health visitor, can tell the local authority that they think your child or young person needs an assessment.

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 must tell you about it.

The SEND Code of Practice says:

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

The local authority has up to six weeks to decide whether to make a needs assessment. During this time it may ask you, the school and other professionals for information.

It will look at all the information and must then tell you whether it has decided:

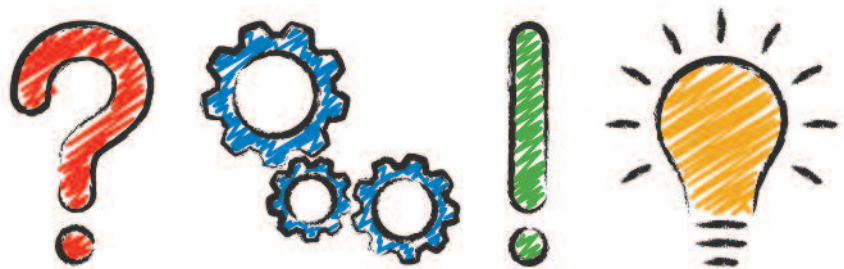
- to start the EHC needs assessment immediately
- OR
- that an EHC needs assessment is not necessary.

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. We have a leaflet with some useful tips 'Refusal to assess' which can be found at www.suffolksendiass.co.uk/leaflets



What happens if the EHC needs assessment goes ahead?

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. 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. (9.21)

The local authority will write to you to tell you what will happen and ask for your views. Your views and your child or young person's views are really important.

Family Views

Providing your views during a request for an EHC needs assessment is an opportunity to describe your child in as much detail as you would like the Local Authority (LA) to know about them.

It's also really important to include your child's views and we would encourage you to discuss some of the questions with your child or young person.

Your child or young person might find this exercise difficult, there are some tips and guidance within the 'Council for Disabled Children' (www.councilfordisabledchildren.org.uk) website. You can also ask us for more information about how to help your child to do this.

Include any information that you feel is relevant to your child and their needs, as well as any additional reports or documents, for example; letters of diagnosis; professional reports or recommendations.

We can give you information, advice and support to help you with this.

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

- your child or young person's education, health and care needs
- the desired **outcomes** for your child or young person
- 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:

- parents (or the young person)
- your child or young person's education setting
- an educational psychologist
- health professionals who work with your child or young person. This might include a paediatrician, speech and language therapist, physiotherapist or occupational therapist.
- social care staff
- Anyone else relevant who you ask them to contact.

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

As part of an EHC needs assessment, the family services team will seek advice from social care about their previous involvement and assessments for your child.

If their response is 'not known to service' - you might want discuss with your family services co-ordinator, or ask social care, to carry out an assessment (or re-assessment) of care needs.

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.

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 or young person.

The SEND Code of Practice says:

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 or young person'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 or young person 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 help that they will be given to meet them. It also includes the health and care provision that is needed.

You can read more about EHC plans in our leaflet 'Education, Health and Care plans' at www.suffolksendiass.co.uk/leaflets

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 school 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.

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 about the education setting named, you have a right to go to mediation and/or to appeal (see below).

If you need help at any stage you can contact us.

How long does all this take?

Sometimes this timescale can be different. See **SEND Code of Practice** section 9.42.

The local authority receives a request for an EHC needs assessment. The authority must tell parents about this request	This is the start date
The local authority decides whether an EHC needs assessment is needed. The authority must tell parents about its decision	Within six weeks of the start date
The EHC needs assessment takes place	This starts as soon as the decision is made
EITHER	
The local authority tells the parents of the decision not to issue an EHC plan	Within 16 weeks of the start date
OR	
The local authority sends a draft EHC plan to parents	
Parents must respond to the draft EHC plan. They can: <ul style="list-style-type: none"> • agree that the draft is accurate • ask for changes • ask for a meeting. Parents also state a preference for a school, early years, or further education setting	Within 15 days of receiving the draft EHC plan
The local authority consults with the education setting	Within 15 days of parents' response to the draft EHC plan
The local authority issues the final EHC plan	Within 20 weeks of the start date

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 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.

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

You also have a right to request independent **disagreement resolution** and, in some circumstances, **mediation**. You can find out more about **disagreement resolution** and mediation within our leaflet 'What if I do not agree with decisions' www.suffolksendiass.co.uk/leaflets



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 Suffolk Local Offer includes more information on the local arrangements for EHC needs assessments.

SENDIASS can give you:

- information about **EHC needs assessments**
- advice and support during the process of assessment
- 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





Useful Links

Activities Unlimited (short breaks and leisure activities for disabled children and young people up to age 25 in Suffolk) www.activities-unlimited.co.uk

Anglia Care Trust (local SEND mediation services) www.angliacaretrust.org.uk

Contact (for families with disabled children) www.contact.org.uk

Child Law Advice (education law advice for families) www.childlawadvice.org.uk

Council for Disabled Children (umbrella body for the disabled children's sector) www.councilfordisabledchildren.org.uk

SEND Code of Practice (explains the statutory duties of schools and local authorities) www.gov.uk/government/publications/send-code-of-practice-0-to-25

SEND Tribunals Service (organisation responsible for handling claims) www.justice.gov.uk/tribunals/send

The Source (for young people in Suffolk) www.thesource.me.uk

Suffolk Local Offer (for the full range of services and support for children and young people with SEND) www.suffolklocaloffer.org.uk

Further Information

View our other information leaflets and resources at www.suffolksendiass.co.uk/leaflets



Information: You may find it helpful to look at our other leaflets and information on our website, social media channels and through our workshops and courses.



Advice: We provide unbiased information and advice about what the law says, the local authority's policies and procedures, and about the policy and practice in local schools or other settings.



Support: We can help you by listening to your views and concerns, and working with you to explore your options.

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Providing confidential and impartial information, advice and support to help children, parents and young people take part in decisions that affect their lives.



www.suffolksendiass.co.uk



enquiries@suffolksendiass.co.uk



01473 265210



ADVICE4ME to 87007



If you need help to understand this information in another language please call **03456 066 067**.

Se precisar de ajuda para ler estas informações em outra língua, por favor telefone para o número abaixo.

Portuguese

Jeżeli potrzebujesz pomocy w zrozumieniu tych informacji w swoim języku zadzwoń na podany poniżej numer.

Polish

এই লেখাটি যদি অন্য ভাষাতে বুঝতে চান তাহলে নিচের নম্বরে ফোন করুন

Bengali

Jeigu jums reikia šios informacijos kita kalba, paskambinkite 03456 066 067

Lithuanian

Dacă aveți nevoie de ajutor pentru a înțelege această informație într-o altă limbă, vă rugăm să telefonați la numărul 03456 066 067

Romanian

Если для того чтобы понять эту информацию Вам нужна помощь на другом языке, позвоните, пожалуйста, по телефону 03456 066 067.

Russian

If you would like this information in another format, including audio or large print, please call **03456 066 067**.



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