



Special Educational Needs,
Disability Information,
Advice & Support Service.

Education Health and Care Plan

- **What is an EHCP**
- **When to request for an EHCP**
- **EHCP request for assessment**
- **Statutory process**

**If you require further information or support
please contact:**

01706 769634

The accurate information provided within this pack is given in line with the following legislation and statutory guidance

Legislation

- Sections 36-50 of the children and Families Act 2014
- The Special Educational Needs and Disability Regulations 2014

Statutory Guidance

.Special educational needs and disability code of Practice 0 to 25 years

What is an Education Health and Care Plan

An Education, Health and Care plan ("EHC plan") is a legal document which describes a child or young person's special educational needs, the support they need, and the outcomes they would like to achieve.

9.2 The purpose of an EHC plan is to make special educational provision to meet the special educational needs of the child or young person, to secure the best possible outcomes for them across education, health and social care and, as they get older, prepare them for adulthood.

When to request for an EHCP

9.1 The majority of children and young people with SEN or disabilities will have their needs met within local mainstream early years settings, school or colleges. Some children and young people may require an EHC needs assessment in order for the local authority to decide whether it is necessary to make provision in accordance with an EHC plan. This can be completed by setting, parent, young/person.

If a child or young person has a learning difficulty or a disability which is holding them back at school or college, and the parents of the child or the young person (or the young person themselves) believe that the school or college is not able to provide the help and support which is needed, then a request should be made to the Local Authority ("LA") for an EHC needs assessment.

You can only ask for an EHC needs assessment if the child or young person has, or may have, SEN – it does not apply where there are only health or social care needs, no matter how severe.

For children under 16, the parent makes the request. This includes children from age 0 to 5, where parents should make a request if they believe that the child will need extra help at nursery or when they start school.

In the case of a young person (over 16 and up to 25), they can make the request themselves. If the young person is not able to understand, remember or communicate decisions about the educational support they need, their parent or carer can make the request on a young person's behalf. ` (IPSEA)

If a local authority ("LA") is requested to carry out an EHC needs assessment by a parent, young person, school or college, they must consider:

- whether the child or young person **has or may have** special educational needs ("SEN"); and
- whether they **may** need special educational provision to be made through an EHC plan.

If the answer to both of these questions is yes, they **must** carry out an EHC needs assessment.

This test is set out in the law (section 36(8) of the Children and Families Act 2014). This means these are the only questions the LA should be asking when considering whether or not to carry out an EHC needs assessment.

EHCP Request for assessment form

Appendix one

SENDiass can support Parents to complete this document as a parental request for an EHCP assessment.

The LA must reply within six weeks of receiving the request (this is required by regulation 4(1) of the Special Educational Needs and Disability Regulations 2014). They should always reply to you as a parent or young person – even where the request was made by the school or college.

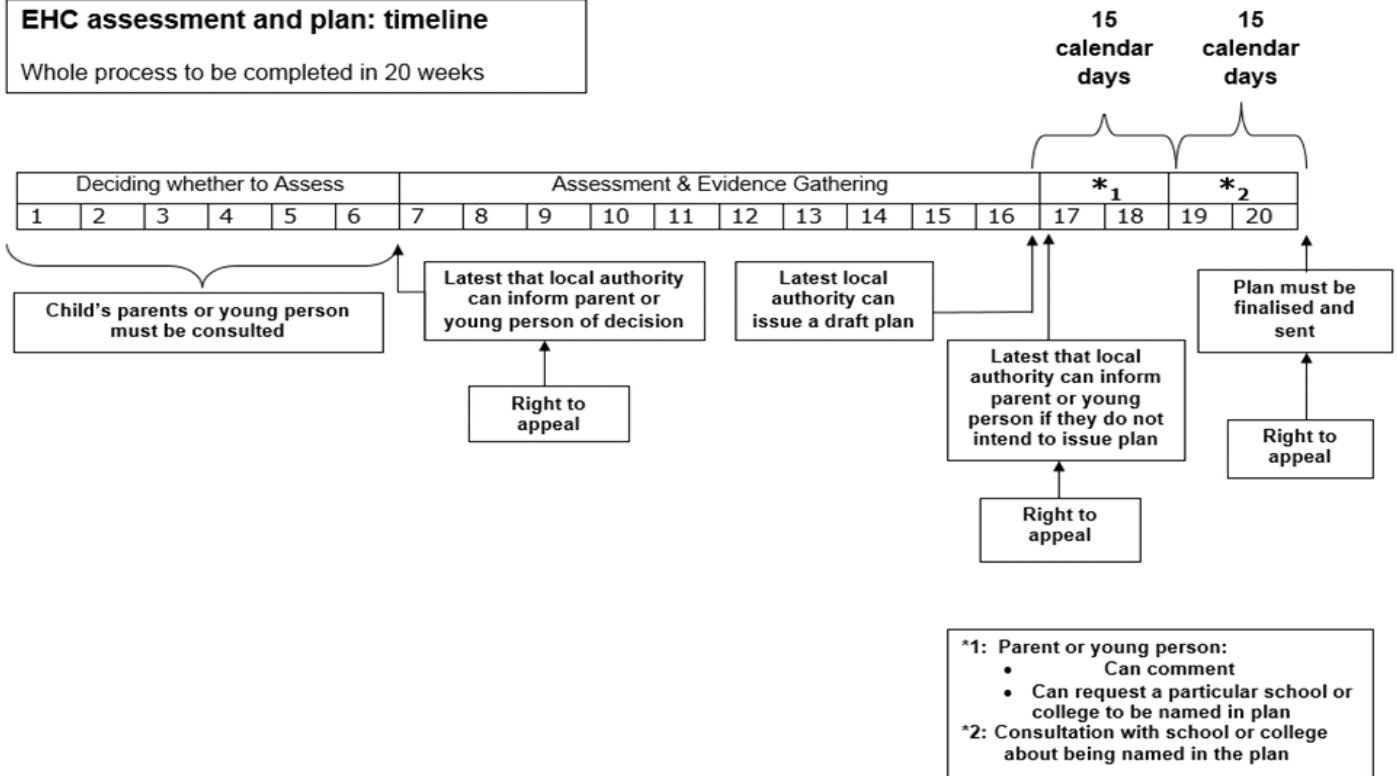
Refusal to assess appeal information:

<https://www.ipsea.org.uk/appealing-about-an-ehc-needs-assessment-or-ehc-plan>

Statutory process of EHCP

EHC assessment and plan: timeline

Whole process to be completed in 20 weeks



Advice and Information for the EHC needs assessment

The local authority (“LA”) must seek information and advice on a child or young person’s needs, the provision required to meet those needs, and the outcomes expected to be achieved by the child or young person.

9.45 When carrying out an EHC needs assessment the local authority should seek views and information from the child using appropriate methods.

9.46 The local Authority must gather advice from relevant professionals about the child or 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.

9.49 Advice and information from the child’s parent or the young person. The local authority must take into account his or her views, wishes and feelings.

Useful link:

<https://www.ipsea.org.uk/what-happens-in-an-ehc-needs-assessment>

SENDIASS can support families during the EHCP assessment process by:

.Completing Parental advice (please find attached document below) - this allows Parents to contribute to the statutory process, sharing their views, and desired outcomes.

.Gaining advice from the child young/person obtaining their views towards the EHCP process. This is to ensure the process is a completed in a person centred manner. We have a range of resources to support

with this, and can personalise them to ensure it is unique to the child young person based on their likes and interests.

Deciding whether to issue an EHC plan

9.53 Where, in the light of an EHC needs assessment, it is necessary for special educational provision to be made in accordance with an EHC plan, the local authority must prepare a plan. The local authority should ensure it allows enough time to prepare the draft plan and complete the remaining steps in the process within the 20-week overall time limit within which it must issue the finalised EHC plan.

'The plan will include information on the child or young person's special educational needs ("**SEN**"), health and care needs, the provision required to meet each of those needs, and the outcomes that should be achieved. It will also record the child or young person's aspirations, views and feelings.

This is an opportunity for you to check whether the draft EHC plan contains everything it should.

A draft EHC plan must not include the name of a particular school, college or other educational placement, or what type of placement the child or young person will attend. This is because the EHC plan must reflect the individual's needs and the provision to meet those needs, not the resources which can be offered in a particular placement. This means that the name and/or type of placement will appear only in the final EHC plan, not the draft plan.

Along with the draft EHC plan, the LA must give notice to the parent or young person that they have 15 days in which to:

1. make comments – 'representations' – about the draft EHC plan;
2. request a meeting with the LA to discuss the draft;
3. request that a particular school or other institution is named in the final EHC plan.

The LA are legally required to do this (under section 38 of the Children and Families Act 2014). If you are not happy with any aspect of the draft EHC plan, or the reports attached to it, you can suggest amendments you would like made'. (IPSEA)

SENDIASS can support Parents Young person to look over draft plan.

EHCP Checklist IPSEA-

<https://www.ipsea.org.uk/what-to-do-when-you-receive-your-draft-ehc-plan>

Decision not to issue an EHC plan

Relevant legislation: Section 36 of the Children and Families Act 2014 and Regulation 10 of the SEND regulations 2014.

9.57 Following the completion of an EHC needs assessment, if the local authority decides that an EHC plan is not necessary, it **must** notify the child's parent or the young person, the early years provider, school or post-16 institution currently attended, and the health service and give the reasons for its decision. This notification **must** take place as soon as practicable and at the latest within 16 weeks of the initial request or of the child or young person having otherwise been brought to the local authority's attention. The local authority **must** also inform the child's parent or the young person of their right to appeal that decision and the time limit for doing so, of the requirement for them to consider mediation should they wish to appeal, and the availability of information, advice and support and disagreement resolution services.

9.58 The local authority should ensure that the child's parent or the young person are aware of the resources available to meet SEN within mainstream provision and other support set out in the Local Offer.

Contents of an EHCP

Under Regulation 12 of the Special Educational Needs and Disability Regulations 2014 (the "**SEN Regs**"), an EHC plan must have the following sections:

- **Section A: the views, interests and aspirations** of the child and his parents or the young person;
- **Section B: the child or young person's special educational needs ("SEN")**;
- **Section C: health care needs** which relate to their SEN;

- **Section D: social care needs** which relate to their SEN or to a disability ;
- **Section E:** the **outcomes sought** for the child or young person;
- **Section F:** the **special educational provision** required to meet their SEN;
- **Section G:** any **health care provision** reasonably required by the learning difficulties or disabilities which result in the child or young person having SEN;
- **Section H:** any **social care provision** required from social services under the Chronically Sick and Disabled Persons Act 1970, and/or reasonably required by the learning difficulties or disabilities which result in the child or young person having SEN;
- **Section I:** the **name of the school or other institution** to be attended by the child or young person, and the type of that institution (or just the type if no specific institution is named);
- **Section J:** details of any **direct payment** which will be made;
- **Section K:** copies of all of the advice and information obtained as part of the EHC needs assessment.

SEN Reg 12(3), and paragraph 9.63 of the **SEN and Disability Code of Practice** (the "**Code**"), state that where the child or young person is in or beyond Year 9, the EHC plan must also include the provision required by the child or young person to assist in preparation for adulthood and independent living, for example, support for finding employment, housing or for participation in society.

What are the key things to look for?

The key things to check are that:

- **All** of the child or young person's special educational needs ("**SEN**") are set out in Section B;
- **All** of the special educational provision (the extra help they need with learning) required by the child or young person is set out in Section F;
- The school or college to be attended by the child or young person is set out in Section I.

This is because:

- If a need is included in Section B, then there must be provision for that need set out in Section F;
- If provision is included in Section F, then the LA **must ensure** that this provision is made; and
- If a school, college or other setting is named in Section I, then it **must** admit the child or young person for whom the EHC plan is maintained

(this duty applies to almost all schools and other settings – for more information see the section on [choosing a school](#)).

You can use our [EHC plan checklist](#) to see whether your plan has everything the law requires.

Can the sections of the EHC plan be combined?

No – there is a legal requirement to keep the sections of the EHC plan separate so that it is clear what needs and provision are in what section.

LAs are only legally required to secure the special educational provision set out in Section F so if this is unclear, or put into the wrong section, then the child or young person may not receive the special educational provision they need'. -IPSEA

Right of Appeal

Appealing to the Special Educational Needs and Disability (SEND) Tribunal

'Before you can appeal to the SEND Tribunal, you must have contacted a mediation adviser (unless your appeal is only about the school your local authority has named in your child's plan or if they have not named a school in it). You will need a certificate from the mediation adviser to register an appeal with the SEND Tribunal. You have one month from receiving the certificate or two months from the original decision (whichever is the later date) to register an appeal with the Tribunal.

The SEND Tribunal is a legal body. It hears appeals against decisions made by local authorities about EHC needs assessments and EHC plans. You can appeal to the Tribunal if your local authority decides:

- not to carry out an EHC needs assessment or re-assessment for your child

- not to draw up an EHC plan for your child, once they have done an assessment
- not to amend your child's EHC plan after the annual review or re-assessment
- to cease to maintain your child's EHC plan

- From 3rd April 2018, the tribunal's jurisdiction will be extended to include the power to make recommendations about health and social care issues in all appeals except refusal to secure an EHC needs assessment or re-assessment. The Department for Education's national trial of extended powers for the tribunal will run for a period of 2 years.

You can also appeal if you disagree with what your local authority includes in your child's EHC plan such as:

- how they describe your child's SEN
- what SEN provision is included for your child
- the school (or other educational establishment) your local authority says your child should attend, or if they don't include a school
- if they change any of these details without your agreement

The SEND Tribunal also hears disability discrimination claims against schools (and against local authorities if the local authority is responsible for the school)' -IPSEA.

Appeal useful link:

<https://www.ipsea.org.uk/general-advice-for-all-appeals>

<https://councilfordisabledchildren.org.uk/help-resources/resources/education-health-and-care-plans-examples-good-practice>

