

Rochdale  
**SENDiass**

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 769 634**

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.

**Section 9.2 of the Code of Practice** states "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

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 - **Section 9.1 of the Code of Practice**

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.

**Section 36 (8) of the Children and Families Act 2014** states "the LA must secure an EHC needs assessment if after having regard to views expressed within the evidence submitted that the child or young person has, or may have, SEN, and may be necessary for special educational provision to be made". This does not apply where there are only health or social care needs.

For children under 16, parents can make 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.**

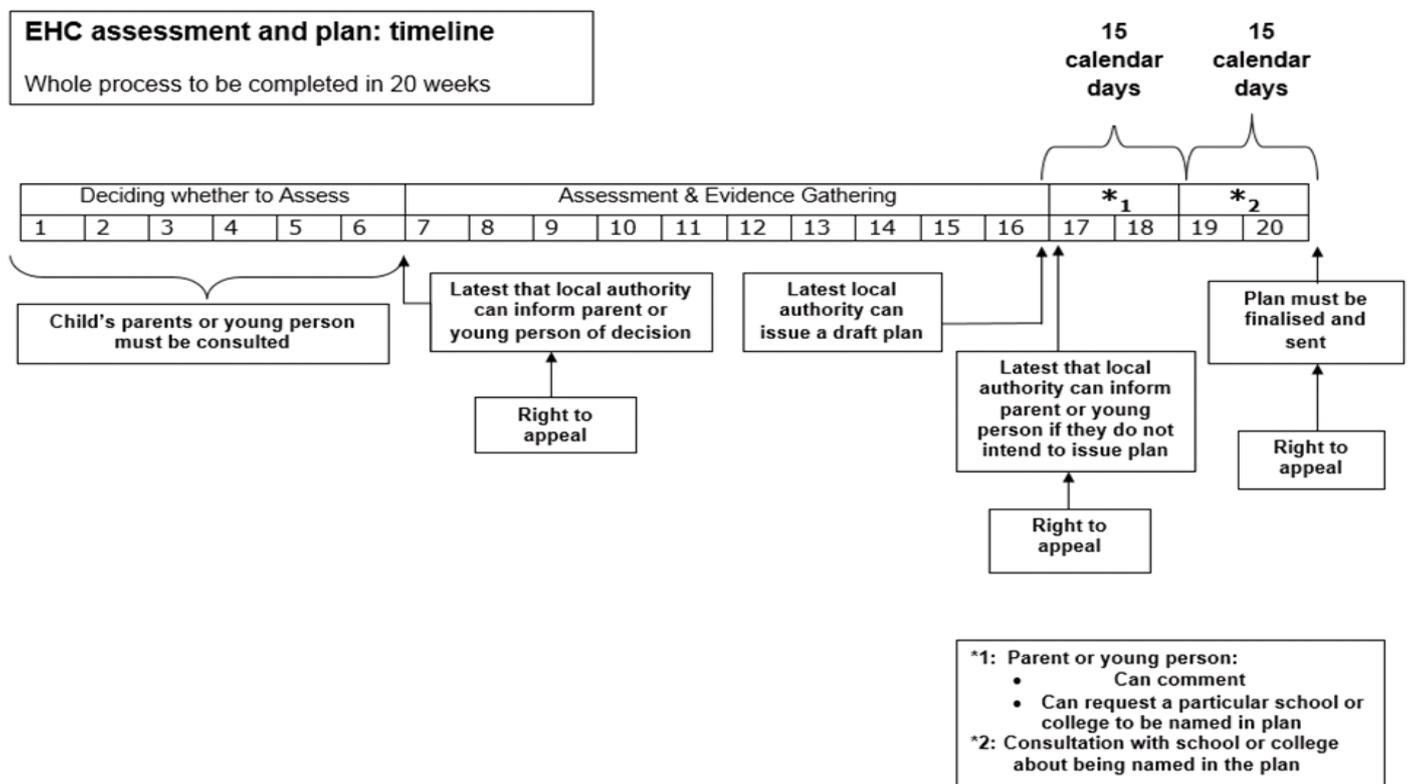
## **EHCP Request for assessment form**

See Annex 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.

## **Statutory process of EHCP**



15 calendar days

15 calendar days

\*<sub>1</sub>

\*<sub>2</sub>

**\*1: Parent or young person:**

- Can comment
- Can request a particular school or college to be named in plan

**\*2: Consultation with school or college about being named in the plan**

# **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.

**Code of Practice 2014 Section 9.45** When carrying out an EHC needs assessment the local authority should seek views and information from the child using appropriate methods.

**Code of Practice 2014 Section 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.

**Code of Practice 2014 Section 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.

During the assessment process Rochdale Local Authority will arrange a 'My Plan' meeting. Parent's child/young person, professionals involved, Education Officer. Parents can ask SENDiass to attend for support. The 'My Plan' meeting allows opportunity for everyone to discuss in a person centred approach the advice sought from the evidence provided during the EHCP assessment process. It allows everyone's views to be shared and for the Education Officer to gain further evidence in considering a decision to issue a draft plan of the EHCP.

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 - 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.

. Support during the 'my plan' meeting offering impartial advice and information, making key notes for family.

## **Deciding whether to issue an EHC plan**

**Code of Practice 2014 Section 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.*

**Code of Practice 2014 Section 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.

**Code of Practice Section 2014 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 Code of Practice 2014** 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.

### 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>

**Annex 1 – Parental Request Form in Rochdale**  
***(please see form below)***



Form Ref No EHC01P

Date received by LA:

## PARENTAL REQUEST TO CARRY OUT A STATUTORY EDUCATION, HEALTH & CARE (EHC) NEEDS ASSESSMENT

*Made in accordance with the Children & Families Act 2014, Section 36(8).*

This request form is for parents or carers to complete only. If you are an educational setting there is an alternative version of this form for you to complete.

On receipt of this completed request form, the Local Authority (LA) will contact the child / young person's educational setting to obtain further information and evidence of the additional provision in place at the SEN Support level.

The information provided in this form and any supporting documents provided by you and the educational setting will be considered by a multi-agency panel and a recommendation will be made to the Local Authority (LA) as to whether or not the LA should carry out an EHC needs assessment.

A decision on this request for an EHC needs assessment will be made within 6 weeks of the date it has been received by the LA.

**This request for an EHC needs assessment relates to:**

**Full name:**

**Likes to be known as:**

**Date of Birth:**

**Current year group:**

**Current educational setting:**

**Person completing this form:**

**Name:**

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**Relationship to child / yp:**

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**Contact Number:**

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**Email address:**

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**Supporting documents:**

You may wish to attach supporting documents to this request form, such as therapy reports, diagnoses and school based reports. If you do, please detail these in the section below:

**Tick if Attached**

Appendix

Photograph of the child / young person (optional)

*Should a draft EHC Plan be issued as a result of this application the photograph will be used on the front cover of the EHC Plan; if an EHC Plan is not issued the photograph will be disposed of securely.*

Appendix

Please name:

Appendix

Please name:

Appendix

Please name:

Appendix

Please name:

## Part 1 - About the child / young person

### 1.1 Child / young person's details:

Home Address:

Home Language:

Post Code:

Telephone No:

### 1.2 Parent / carer details:

Person(s) with parental responsibility:

Relationship to child / young person:

Address (if different to child/yp):

Contact Number(s):

E-mail address:

Preferred method for correspondence:  e-mail  post

Person(s) with whom the child / young person resides (if different to above):

### 1.3 Care arrangements:

Is the child / young person subject to a care order?  Yes  No

If 'No' go to Part 2, if 'Yes' you must complete the section below:

To which Local Authority?

Type of Care Order:

Named Social Worker

Contact Number(s):

E-mail address:

## Part 2 – The child / young person's story so far

Please give a **brief** overview of the child / young person's story so far – how have they got to be where they are now?

Who are the important people in the child / young person's family and life?

**Please note we will not use names, just the relationships**

Is there any relevant birth history? *For example, premature birth, difficulties after birth*

Can you describe the child / young person's developmental milestones and when they were achieved?

Have there been any significant life events? *For example, bereavement, illness*

What were the child / young person's first experiences in education like?

Are there any relevant health needs which effect the child or young person's education? (include diagnoses made, when and by whom)

Is your child known to the Children with Disabilities Team or (equivalent in Adult Care)?



**Part 4 – What do you like and admire about the child / young person**

Please take this opportunity to think about the things the child / young person does well and the things you like and admire about them, no matter how big or small they appear to be.

**Part 5 – What are your hopes, dreams and aspirations for the child / young person**

Hopes, dreams and aspirations should be held onto by families and the child/young person with additional needs. Many long term goals are possible given time, adequate preparation, sensitivity and support.

**Part 6 – The child / young person’s special educational needs and / or disability**

Please describe the child / young person’s special educational needs and explain how they impact on the child / young person

**In school:**

<b>Areas of strength</b>	
<b>Areas of need</b>	

**At home:**

<b>Areas of strength</b>	
<b>Areas of need</b>	

**Part 7 – Outcomes**

Please outline below the outcomes you are hoping the child / young person will achieve through the support and provision of an Education, Health & Care Plan taking into account the current and next key stage of education. For example:

- What would you like the child / young person to be working on?
- What would you like to be able to see them do?
- How would you like to see them develop?
- What do you feel are the priorities for the child / young person?

If the child / young person is in school year 9 or above you should consider outcomes that relate to their preparation towards adulthood. The preparations for adulthood themes include employment, independent living, friends, relationships and being part of the community and good health.

1)

2)

3)

4)

5)

### Part 8 – Future support and provision

Please describe what support and provision you believe the child / young person needs to help them make progress.

### Part 9 – Any other areas / issues which haven't been covered already on this form

### Part 10 - Declaration and Signature

- I am aware that a decision on this request for an EHC needs assessment will be informed by a multi-agency panel that will involve the sharing of information included in this application; the paperwork shared at the panel meeting will be collected from panel members and securely destroyed at the end of the meeting.
- I am the young person / have parental responsibility\* and hereby give my consent for the Local Authority to carry out a statutory EHC Needs Assessment should this application meet the criteria. I understand this will involve contacting relevant professionals and agencies and the sharing of information in this application.

\*delete as appropriate

Find out how we use your personal information at [rochdale.gov.uk/privacy](http://rochdale.gov.uk/privacy)

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print name: \_\_\_\_\_

Relationship to child / young person (if not the young person signing):

\_\_\_\_\_

### Ways to return this form

You may send this form to the LA by secure encrypted email to [EHC@Rochdale.gov.uk](mailto:EHC@Rochdale.gov.uk)

Alternatively you can post the form and supporting documentation to:

- ❖ EHC Assessment & Review Team, Number One Riverside, Smith Street, Rochdale OL16 1XU