



Education, Health, Care Needs Assessments and Plans.

We are improving the way we offer help and support to children and young people with Special Educational Needs and Disabilities (SEND).

The new Education, Health and Care Plan (EHCP) will bring together all of the services that currently support you or your family but in a more joined-up way.

The EHCP will provide the same statutory protection as the Statement of Special Educational Needs.

It will also cover people from birth up to the age of 25 where necessary - extending the rights and protections of young people in further education and training.

The EHCP will become a permanent part of the service we offer from September 2014

What are Special Educational Needs (SEN)?

A child has special educational needs (SEN) if he or she has learning difficulties or disabilities that make it harder for him or her to learn than most other children of about the same age.

Many children will have special educational needs of some kind during their education. Schools and other organisations can help most children overcome the barriers their difficulties present quickly and easily. A few children will need extra help for some or all of their time in school.

Special educational needs could mean that a child has:

- **Communication and Interaction** - *in expressing themselves or understanding what others are saying*
- **Cognition and Learning** - *in acquiring basic skills in school*
- **Social and Emotional Mental Health Difficulties** - *making friends or relating to adults or behaving properly in school*
- **Sensory and/or Physical** - *such as hearing or visual impairment, which might affect them in school or medical or health condition which may slow down a child's progress and/or involves treatment that affects his or her education.*

Children make progress at different rates and have different ways they learn best. Teachers take account of this when they organise their lessons and teach. Children making slower progress or having particular difficulties in one area may be given extra help or different lessons to help them succeed.

Early Help Assessment

In April 2014 the Early Help Assessment replaced the Common assessment Framework (CAF)

The Early Help Assessment is to be used for Children and families who may need support from a wide range of local agencies.

Where they would benefit from co-ordinated support from more than one agency there should be an Early Help Assessment.

<http://www.derby.gov.uk/health-and-social-care/children-and-family-care/early-help-assessment/>

In many cases a child may have had an Early Help Assessment in place before an ECHP is requested.

Always ensure if a child should have had this in place they do.

What is an Education Health Care Needs Assessment?

The Children and Families Act – Part 3 will introduce education, health and care (EHC) plans for children and young people with the most complex special educational needs. This will replace the statement of special educational needs assessment.

The majority of children and young people with SEN or disabilities will have their needs met within local mainstream settings. Some children and young people may require an EHC needs assessment in order for the local authority to decide whether it is necessary for it to make provision in accordance with an EHC plan.

This system covers 0 – 25 year olds with special needs or disabilities.

What does an Education Health Care (EHC) Plan provide?

Time scales for the process are set out in the 'Special educational needs and disability code of practice: 0 - 25 years' June 2014.

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. To achieve this, local authorities use the information from the assessment to:

- establish and record the views, interests and aspirations of the parents and child or young person

- provide a full description of the child or young person's special educational needs and any health and social care needs
- establish outcomes across education, health and social care based on the child or young person's needs and aspirations
- specify the provision required and how education, health and care services will work together to meet the child or young person's needs and support the achievement of the agreed outcomes

Families with an EHC plan will be able to request a personal budget to buy services they need.

The EHC plan will focus on Outcomes for the young person related to their aspirations and should involve the young person and family in writing these.

A particular setting, school, college or educational institute can be named on the EHC Plan.

Requesting an EHC Needs Assessment?

The following people have a specific right to ask a local authority to conduct an education, health and care needs assessment for a child or young person aged between 0 and 25:

- the child's parent
- a young person over the age of 16 but under the age of 25
- a person acting on behalf of a school or post-16 institution (this should ideally be with the knowledge and agreement of the parent or young person where possible)

In addition, anyone else can bring a child or young person who has (or may have) SEN to the attention of the local authority, particularly where they think an EHC needs assessment may be necessary. This could include:

- foster carers
- health and social care professionals
- early years practitioners
- youth offending teams or probation services
- those responsible for education in custody
- school or college staff

Bringing a child or young person to the attention of the local authority will be undertaken on an individual basis where there are specific concerns. This should be done with the knowledge and, where possible, agreement of the child's parent or the young person.

When to make a request.

Most requests are made by Educational Settings, they tend to be the holder of evidence of support and interventions already in place and will hold information on progress made to date.

An Educational setting is expected to make a request where, **despite the setting having taken relevant and purposeful action to identify, assess and meet the special educational needs of the child, the child has not made expected progress.** The setting should consider requesting an Education, Health and Care needs assessment

What is a Tribunal?

The Tribunal forms part of the First-tier Tribunal (Health, Education and Social Care Chamber). Tribunals are overseen by Her Majesty's Courts and Tribunals Service.

The Tribunal hears appeals against decisions made by the local authorities in England in relation to children's and young people's EHC needs assessments and EHC plans. It also hears disability discrimination claims against schools and against local authorities when the local authority is the responsible body for a school.

The Tribunal seeks to ensure that the process of appealing is as user-friendly as possible, and to avoid hearings that are overly legalistic or technical. It is the Tribunal's aim to ensure that a parent or young person should not need to engage legal representation when appealing a decision. Parents and young people may find it helpful to have support from a voluntary organisation or friend at a hearing.

Rights to appeal and tribunal? First-tier Tribunal (SEN and Disability)

Parents and young people can appeal to the Tribunal about:

- a decision by a local authority not to carry out an EHC needs assessment or re-assessment
- a decision by a local authority that it is not necessary to issue an EHC plan following an assessment
- the description of a child or young person's SEN specified in an EHC plan, the special educational provision specified, the school or other institution or type of school or other institution (such as a mainstream school/college) specified in the plan or that no school or other institution is specified
- an amendment to these elements of the EHC plan
- a decision by a local authority not to amend an EHC plan following a review or re-assessment
- a decision by a local authority to cease to maintain an EHC plan

The Tribunal does not hear appeals about Personal Budgets, but will hear appeals about the special educational provision to which a Personal Budget may apply.

Before registering an SEN appeal with the Tribunal the young person or the child's parent must consider mediation unless an exemption applies. Parents and young people **must** contact a mediation adviser before registering an appeal about EHC needs assessments or the SEN element of an EHC plan.

Registering an appeal with the Tribunal

Parents and young people have two months to register an SEN appeal with the Tribunal, from the date of the local authority sent the notice containing a decision which can be appealed or one month from the date of a certificate which has been issued following mediation or the parent or young person being given mediation information, whichever is the later.

In some cases parents and young people will not register the appeal within the two month limit. Where it is fair and just to do so the Tribunal has the power to use its discretion to accept appeals outside the two month time limit.

Parents and young people will not be disadvantaged at the Tribunal because they have chosen not to go to mediation.