



**SENDIASS Training for  
Parents & Carers  
of children with  
Special Educational  
Needs (0-25)**

**Date: 2021**

# **Welcome**

## **Education , Health and Care (EHC) Assessments**

**Your Trainers:  
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# SENDIASS

(Special Educational Needs and Disability Information Advice and Support Service)

## Who are we?

### SEND

A service for those living or working with ages 0-25yrs with Special Educational Needs and Disabilities

### Information

Providing factual information found in SEND Law and practices as well as local knowledge and signposting

### Advice

Providing impartial advice on what steps to take in the areas of Education, Health and Social Care

### Support

Providing confidential individualised support to empower those who seek our assistance

# What is an EHC needs assessment?



A detailed exploration to find out what your child's special educational needs are and what provision should be put into place to meet them. (Also known as EHCNA).

It is the step before an EHC Plan (often known simply as a 'plan'), but doesn't always lead to a plan being written.

# What is an Education, Health and Care Plan?

Some children with SEN may need more support than would be ordinarily available at the SEN support level. These pupils receive support through an Education, Health and Care (EHC) plan.

This is a legal document that describes a child or young person's special educational, health and social care needs; it details the support that is required to meet those needs; and how that support will enable the child or young person to achieve set outcomes and realise their aspirations.



**Contain:**

- 1. Needs**
- 2. Provision**
- 3. Goals**

# Does my child need an EHC NA?



If you are concerned that your child is **not making progress** despite the level of support they currently get at school or in their educational setting, you have the **right to ask** the Local Authority (LA) to carry out an assessment of their needs.

They will consider whether your child has or may have a level of needs that requires their provision to be made via an Education Health and Care Plan (EHCP).

# The Legal Test

The LA must apply Section 36(8) of the Children & Families Act 2014 (CAFA 2014):

“The local authority must secure an EHC needs assessment for the child or young person if, after having regard to any views expressed and evidence submitted under subsection (7), the authority is of the opinion that—

- 1) the child or young person **has or may** have special educational needs, **and**
- 2) **it may** be necessary for special educational provision to be made for the child or young person in accordance with an EHC plan.”



# The EHC Assessment Process Timeline

**You request  
an EHC needs  
assessment...**

**By 6 Weeks**  
The LA must tell  
you if they will or  
will not be assessing  
your child

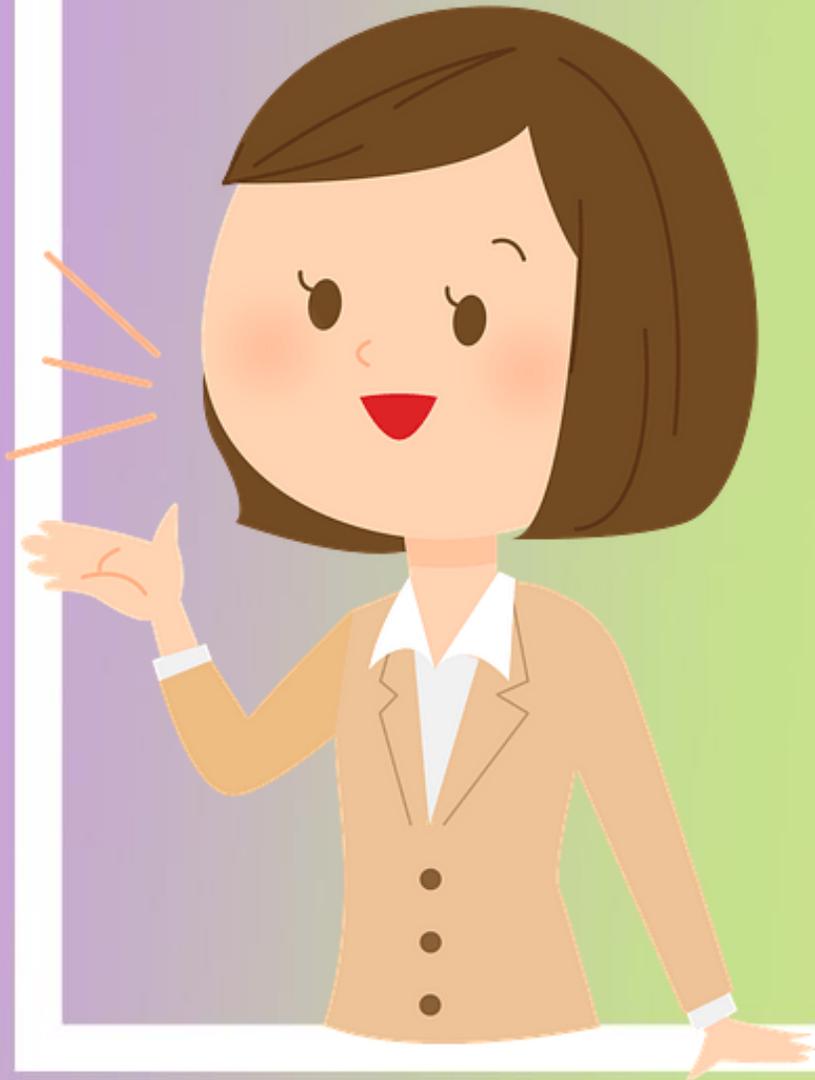
**By 16 Weeks**  
The LA must finish the  
assessment and tell you if  
they think your child  
needs an EHC Plan

**Between  
16-20 Weeks**  
The LA will send you a  
draft EHC Plan. You have  
15 days to comment  
and request a  
specific school

**By 20 Weeks**  
The LA must complete  
the final draft of your  
child's EHC Plan

**Every 12 Months**  
The LA must review  
your child's EHC Plan

# Step 1 – Making an EHC NA Request



## Who can make the request?

- A parent
- Young person age 16-25
- School
- Anyone else can bring a child to the LAs attention  
E.g. foster carers, health and social care professionals, or a family friend, where they think it is necessary.

There is no legal prescribed format to submit, although LAs may expect you to fill in their own forms for making a EHC needs assessment request. Just note that any imposed criteria to be able to make the request is unlawful.

# Step 1 – Making an EHC NA Request

## How do I make the EHCNA request?

You should make a written request and keep a copy of your letter. Your letter should set out why you believe your child has or may have SEN, and why you believe they may need special educational provision to be made through an EHC Plan. Send this to the LA's SEN Team.

## What is the LA looking for?

Evidence that despite action taken to identify, assess and meet the Special Educational Needs of your child, they have not made expected progress.

Your submission should include:

- **Context of SEN**
- **Other Needs**
- **Learning Progress**
- **Past/Current additional support**
- **Outcomes wanted**
- **Evidence**



# Step 2 – LA decides whether to assess (By 6 Weeks)



The LA must confirm to you and the school, as soon as is practicable, that they are considering an EHCNA. They have a duty to consult you and check over the evidence submitted before making their decision.

The LA must notify you of their decision **within 6 weeks** of receiving the request.

Paragraph 9.14 of the SEND Code of Practice provides guidance for LAs to use when deciding if an assessment is necessary, however this is not an exhaustive list.

Remember that the legal test is a low threshold and any imposing policies or additional requirements are unlawful.

# Step 2 – LA decides whether to assess (By 6 Weeks)

- If the LA decide not to carry out the EHCNA, then you will have the opportunity to appeal this decision.
- If the LA decide yes they will carry out the EHCNA, then the process moves on to the next stage.
- Whichever the LA decides, they must notify the parents in writing and explain their reasons for the decision. This letter must include details about the right to appeal.



# Step 3 – The Assessment (By 16 Weeks)



## What advice/information must the LA seek out?

- The needs of the child or young person
- What provision may be required to meet such needs
- About the outcomes that are intended to be achieved by the child or young person receiving that provision

## Who from?

- The child's parent or young person
- Education provider
- Health care professionals
- Educational psychologist
- Social care
- Anyone else the LA thinks is appropriate
- If within or beyond year 9 – advice in relation to provision for preparation to adulthood
- Any person reasonably requested by the parent or young person

# Step 3 – The Assessment (By 16 Weeks)

## How you can be involved

The LA must ensure the parent and child/young person are included in this stage and supported to be able to participate in decisions.

The final EHCP must describe the needs and support your child must receive in enough detail so that the reader can clearly tell **what** must be delivered, **how often**, **how long for**, and **by whom**. This detail is referred to as specificity. Therefore, all evidence must be clear, accessible and specific.

In light of this, here are some points to consider before confirming you are satisfied with the evidence/professional reports:

- How recent was the info obtained?
- Does it appropriately address outcomes?
- Is it sufficiently detailed about all your child's needs?
- Is it quantifiable and specific about provision required to meet all of those needs?
- Watch out for woolly phrases in the recommendations such as: "access to", "opportunities for", "input from", "may benefit from" etc.

**BE SPECIFIC**



## Step 4 – Draft EHCP/No Plan (By 16-20 Weeks)



There are only 2 possible outcomes from an EHCNA:

1. The LA decides to issue an EHC plan and sends a draft plan; or
2. The LA decides not to issue an EHC plan

If the LA decide not to issue a EHC plan, a notification letter will be sent to parents/young person explaining the reasons why.

The legal test is whether it is necessary for special educational provision to be made in accordance with an EHCP.

# Step 4 – Draft EHCP/No Plan (By 16-20 Weeks)

## How you can be involved

- If the LA decide not to issue a EHC plan, you can appeal this decision.
- Once a draft plan has been received you will have at last 15 calendar days in which to –
- Make representations about the content of the draft EHC plan, and to request that a particular school or other institution be named in the plan; and
- Require the LA to arrange a meeting between them and an officer of the LA at which the draft EHC plan can be discussed.



# Step 4 – Draft EHCP (By 16-20 Weeks)

## Contents of an Education, Health and Care Plan

Section A – Parent/Child Views & aspirations

**Section B – Special Educational Needs (SEN)**

Section C – Health Care Needs (related to SEN)

Section D – Social Care Needs (related to SEN)

**Section E – Outcomes** (intended result of SEP)

**Section F – Special Educational Provision** (including therapies)

Section G – Health Care Provision

Section H – Social Care Provision

Section I – Name & Type of Education Placement (left blank in draft)

Section J – Personal Budget / Direct Payments

Section K – Index / Evidence Documents



# Step 4 – Draft EHCP (By 16-20 Weeks)



See table under paragraph 9.69 of the SEND Code of Practice for more details

## Check the contents of the draft EHCP

- Remember to check for **specificity**.
- Does Section B list all of your child's needs?
- Does Section F list specific provisions for each individual need in Section B?
- Are the outcomes in Section E up-to-date and appropriate?
- Watch out for woolly phrases such as: "access to", "opportunities for", "input from", "may benefit from" etc.
- Use the IPSEA EHCP checklist to check all areas of the draft plan.

# Step 4 – Draft EHCP (By 16-20 Weeks)

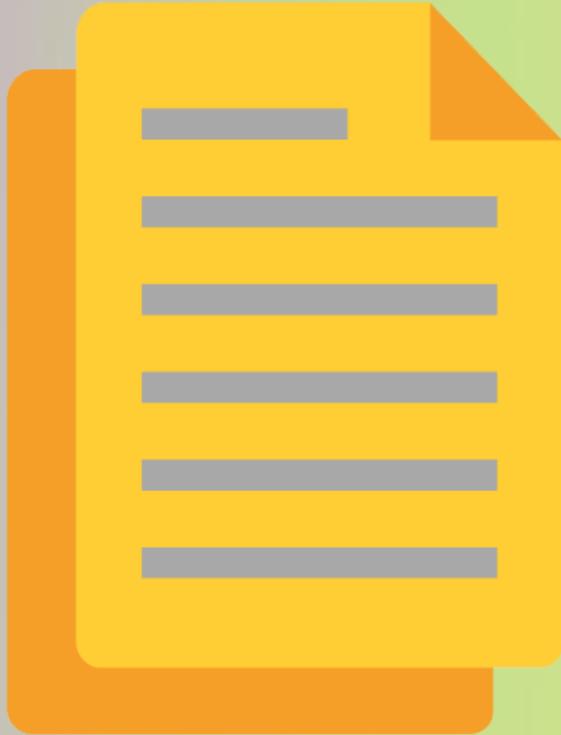


## Choosing a School

- You can find details of local schools and their SEN provision on your LA's Local Offer website (google search)
- Tour around potential schools, ask questions and compare notes ([example Q&A sheet here](#))
- You can request your preferred choice and have a back-up choice
- The LA must name your chosen school in the EHCP unless they can prove that it is;
  1. Unsuitable for your child or
  2. Incompatible with the education of others or
  3. An inefficient use of resources



# Step 5 – Final EHCP (By 20 Weeks)



- The LA must consult with the school you have requested and other schools they are considering.
- Following these discussions a final plan is issued with necessary changes from the draft and a school is named in the plan.
- The LA has 15 calendar days from receiving your draft comments to do this.
- An EHCP should take no longer than 20 weeks from the initial request to the issue of a plan.

# Step 5 – Final EHCP (By 20 Weeks)

## Check the finalised EHCP

- Has the LA made any changes in response to your representations?
- Specificity?
- Are you satisfied with the school/institution named in the EHCP?
- If you still have disagreements with the contents of the EHCP, you can lodge an appeal with the SEND Tribunal.
- If you are happy with the EHCP – then sit back and observe/monitor the effects of your child receiving the provision in the plan.



# Rights of Appeal during EHCNA



- **Refusal to Assess (first 6 weeks)**
- **Refusal to issue an EHCP (16-20 weeks in)**
- **The Contents of the final EHCP – including school chosen (end of assessment)**

The LA will have based their assessment and decisions on the advice/information that was submitted. If you feel there is something missing, you may need more evidence to back it up.

\*You can contact us to request our detailed factsheets for these appeals and make a referral to us for individualised support

# Lodging an Appeal – Checklist & Overview

1. Make a note of your appeal deadline. Add to calendars, diaries, and set reminders
2. Received signed LA decision letter – opening your right of appeal
3. Obtain signed mediation certificate (after considering mediation)
4. Complete SEND35 appeal form (or SEND35a) with your reasons
5. Add the EHCP and all documents listed in Part K (if issued)
6. Add the evidence documents that support your appeal
7. Add a chronological list of all the documents enclosed
8. Make scans/photocopies of your appeal bundle, keep the originals for your records
9. Register your appeal: submit a COPY of your bundle to the SEND Tribunal
10. Submit any further evidence that is relevant up until the evidence deadline



# Step 6 – Annual Review (Every 12 Months)



Watch the Council for Disabled Children's video [here](#) for a summary

The Annual Review is the statutory process of looking at the needs and provision specified in an EHC Plan, and deciding whether these need to change.

It is a process not a meeting.

The Local Authority (LA) carries out the Annual Review and often delegates parts of the process to the school/college.

The first review of the EHC plan **must** be held within 12 months of the EHC plan being finalised. Subsequent reviews must be held within 12 months of the previous review.

# Step 6 – Annual Review (Every 12 Months)

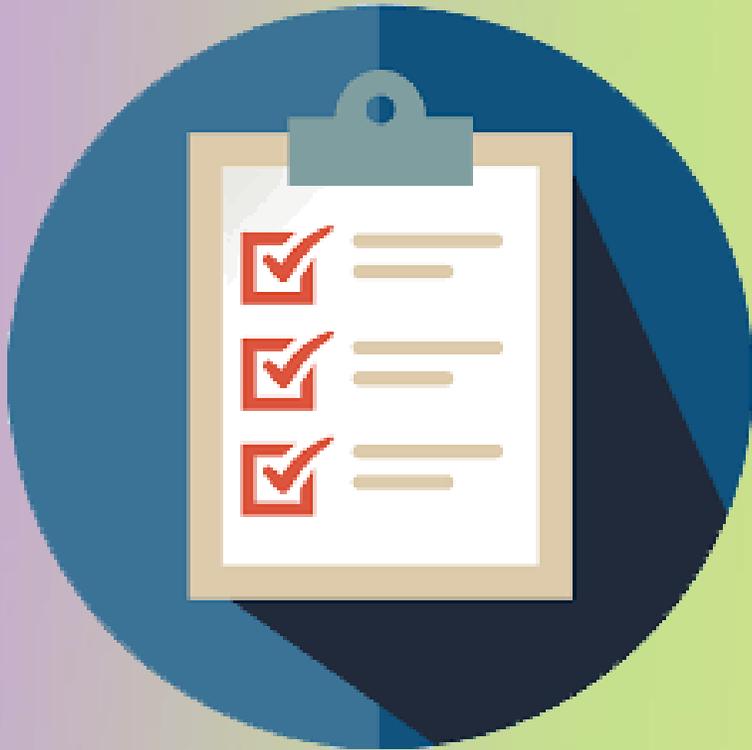
## How you can be involved

What to think about when preparing your views:

- What **progress** has your child made towards the outcomes in their plan?
- If your child has not made progress in some areas, what do you think needs to **change?** Are new strategies of support needed, or perhaps some new advice?
- Is the learning **setting still appropriate?**
- Have there been any **new assessments** or observations?
- Have any **new needs** been identified?
- Have any of the outcomes been **achieved?**



# Resources & Model Letters



- IPSEA [EHC Plan checklist](#) – use this to check whether the necessary steps are being followed in your EHC Plan.
- IPSEA [Annual Review checklist](#) – use this to check whether the necessary steps are being followed in your Annual Review.
- [Model letter 8](#) – Complaints
- [Model letter 4](#) – Amendments Appeals
- [SEND35a Form](#) – Refusal to Assess Appeal Form
- [SEND35 Form](#) – Appeal Form to Tribunal

# You can find out more information about EHC Assessments & Plans by:



- Reading the **relevant legislation** in:  
Children and Families Act 2014 (Section 36-44)  
SEND Code of Practice 2015 (Chapter 9)  
SEN Regulations 2014 (3-10)
- Attending our other **SENDIASS** parent training courses & reading our factsheets
- Browsing your Local Authority's "**Local Offer**"
- Viewing the **IPSEA** website & resources
- Other organisations such as **Contact & the Council for Disabled Children**

# Local Authority SEN Teams Contact Details



## West Berkshire City Council



01635 519713

[senteam@westberks.gov.uk](mailto:senteam@westberks.gov.uk)

Special Educational Needs Team  
West Berkshire Council  
West Street House  
West Street  
Newbury  
West Berkshire  
RG14 1BZ

## Southampton City Council



02380 833013

[0-25service@southampton.gov.uk](mailto:0-25service@southampton.gov.uk)

Special Educational Needs Team  
Southampton City Council  
Civic Centre (North Block)  
Southampton  
Hampshire  
SO14 7LY

## Portsmouth City Council



02392 841238

[sen.education@portsmouthcc.gov.uk](mailto:sen.education@portsmouthcc.gov.uk)

Special Educational Needs Team  
Portsmouth City Council Civic Offices  
Guildhall Square  
Portsmouth  
PO1 2EA

# Thank you for listening. Any Questions? Contact Us



## West Berkshire



0300 303 2644

westberksiass@roseroad.org.uk  
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## Southampton



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## Portsmouth



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Self referrals/professional referrals welcome. For general enquiries email [familyservices@roseroad.org.uk](mailto:familyservices@roseroad.org.uk)