

# Education, Health and Care plans

## Guidance for Parents and Carers





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## Introduction

This leaflet has been designed for parents and carers of children and young people with Special Educational Needs and Disabilities (SEND) living in Torbay, to explain the Education, Health and Care needs assessment pathway.

If you would like to speak to someone about the information in this leaflet or need further help, please contact the Special Educational Needs (SEN) Team.

☎ 01803 208274

## What does Special Educational Needs mean?

The law says that a child or young person has Special Educational Needs if they have:

- a **learning difficulty** (significantly greater difficulty in learning than the majority of others of the same age)
- or **disability** (which prevents or hinders him or her from making use of facilities of a kind generally provided for others of the same age in mainstream education including further education or work based training programmes)

**which calls for special educational provision** (educational or training provision that is additional to, or different from, that made generally for others of the same age in a mainstream early years setting, nursery, school or post-16 institution) **to be made for him or her.**

[Children & Families Act sections 20 & 21]

The majority of children who have special educational needs (including learning difficulties, medical conditions and/or disabilities) can be educated successfully within their local mainstream school without the need for an Education, Health and Care needs assessment or plan.



## What is a statutory Education, Health and Care needs assessment?

An Education Health and Care (EHC) needs assessment is a very detailed process where information is collected from education, health and social care professionals involved with a child or young person which will enable the Local Authority (LA) to find out exactly what their special education, health and care needs are and consider all of the special help that he or she may need in order to achieve their aspirations.

Section 9.3 of the SEND code of practice: 0 to 25 years explains that, *“...The EHC needs assessment should not normally be the first step in the process, rather it should follow on from planning already undertaken with parents and young people in conjunction with an early years provider, school, post-16 institution or other provider...”*

This should have already been done through the Assess, Plan, Do, Review cycle at SEN Support.

An EHC needs assessment will not always lead to an EHC plan.

## When may an Education, Health and Care needs assessment be carried out?

Most children and young people's special educational needs will be met by the help available through their education setting, using their SEN budget, and the community, which is known as **The Local Offer**. The Local Offer sets out what services are available to children, young people and families.

All early years settings, schools and colleges undertake a cycle of planning, teaching, assessments and evaluation that takes account of a wide range of abilities, aptitudes and interests of the child.

However, for children with severe, complex and long term needs and when school or setting has exhausted all resources available to them, an EHC needs assessment may then be required in order to identify and provide fully co-ordinated support.

Section 9.3 of the SEND code of practice: 0 to 25 years explains that,

*'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 the EHC Plan...'*

## Which children would benefit from an Education, Health and Care needs assessment?

An Education, Health and Care needs assessment may be required for children and young people with SEND aged 0 to 25 years who:

- have severe and/or complex long term needs which affect everyday life.
- require provision and resources which are above those normally available.
- require intensive and longer term help and support.
- Is making limited or no progress despite high levels of support and purposeful interventions.

It is up to Local Authorities to create their own guidance criteria as there is no national criteria. However, decisions are made on the basis of the information and evidence provided taking into consideration the child or young person's individual circumstances and needs.

The full Torbay guidance 'Torbay's process and criteria for understanding a statutory Education, Health and Care (EHC) needs assessment' is available online or on request from the SEN Team.

[www.torbay.gov.uk/senassessments](http://www.torbay.gov.uk/senassessments)

01803 208274

## Who can request an Education, Health and Care needs assessment?

The law gives specific right to:

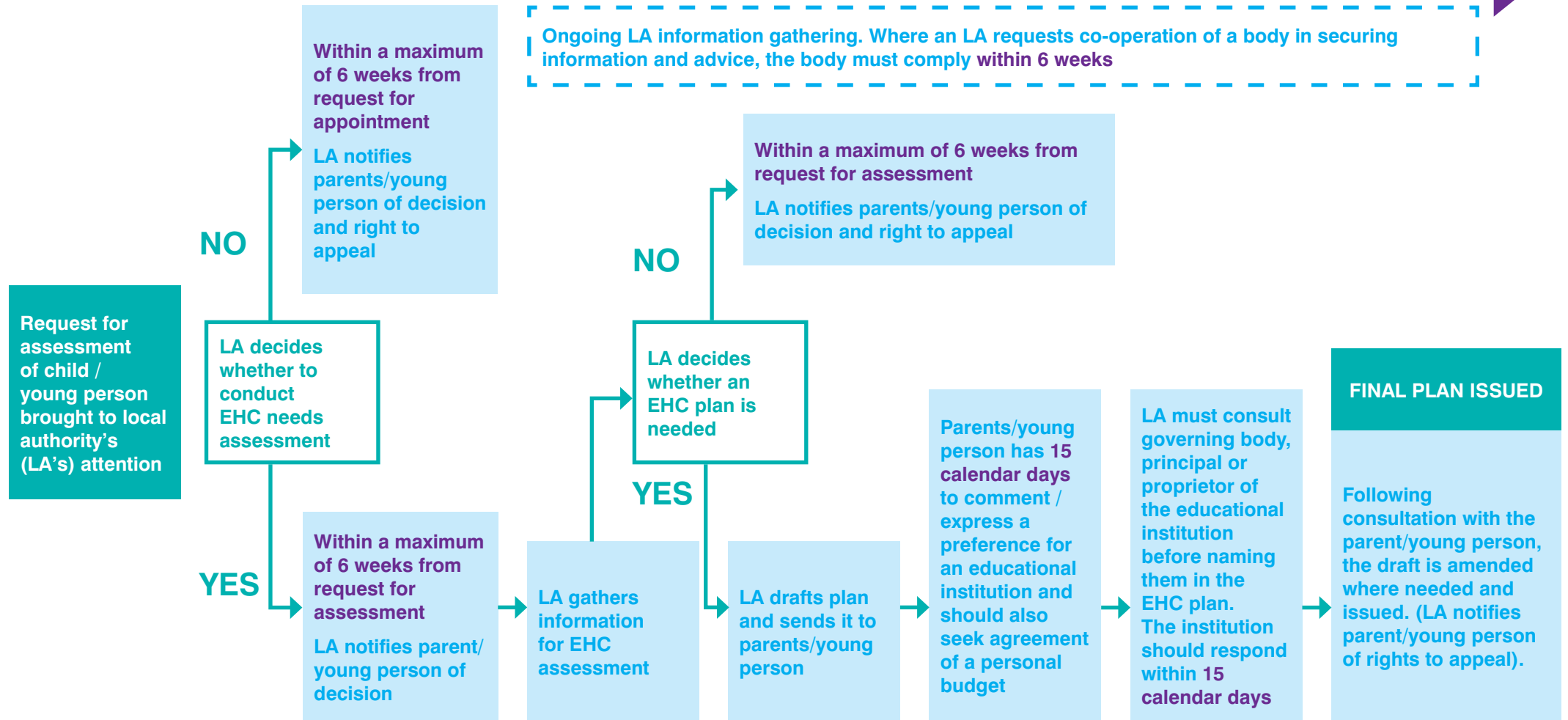
- the parent of a child or young person under the age of 16 (or an advocate on their behalf);
- a young person aged between 16 and 25 (or an advocate on their behalf); or
- a person acting on behalf of an education setting: school; early years setting or post-16 institution (where possible, this should be with the knowledge and agreement of the child's parent or young person).



cont. page 10

# What happens when a request for an EHC needs assessment is made?

Maximum time for whole process to be completed is 20 weeks



Add your own timeline dates

At every stage child and their parent and/or young person is involved fully, their views and wishes taken into account

In addition, anyone else (e.g. foster carer, health and social care practitioner, those responsible for education in custody \*, school or college staff), can bring a child or young person who has (or may have) SEN to the attention of the local authority, particularly where they have specific concerns and think an EHC needs assessment may be necessary. Again, where possible, this should be done with the knowledge and agreement of the child's parent or the young person.

\* Children and young people under 19 (between the ages of 10-18) in youth custodial establishments also have the right to request an assessment for an EHC plan.

## How is a request for an Education, Health and Care needs assessment made?

There are Request for Statutory Assessment (RSA) forms for parents, young people and educational setting (pre-schools, schools, colleges etc) available to download, complete and return at [www.torbay.gov.uk/senassessments](http://www.torbay.gov.uk/senassessments)

**If the person making the request is not the parent / carer or young person formal consent must be obtained before sharing the information.**

RSAs should be sent to the SEN Team at the Local Authority, preferably by email: [ehcp@torbay.gov.uk](mailto:ehcp@torbay.gov.uk) However, if it is not possible to send it by email they can also be sent by post to: SEND Team, 4th Floor South, Tor Hill House, Torquay TQ1 3DR

If you have any questions please call the SEN Team

☎ 01803 208274.

## What happens after the LA receives a request for an EHC needs assessment?

Regardless of who makes the request both:

- educational providers (pre-school, school, college etc.); and
- parents/carers/young people,

will be requested to submit their views and evidence in advance of that information being presented to the SEND Panel and a decision being made.

The SEND Panel is a consultative moderation group. In the majority of cases, this Panel used to give considered recommendations to the LA officer responsible for making the final decision. The SEND panel meet fortnightly (term time only). It is chaired by the SEN LA officer responsible for making the decision and consists of representatives from Educational Psychology, Advisory Teaching, SENCO's, SENDIASS, health and social care.

**The Local Authority must make a decision and communicate that decision to the child's parent and/or young person and the educational provider within 6 weeks of receiving the request.**

## If an Education, Health and Care needs assessment is agreed for my child what will happen?

If the Local Authority decides to undertake an EHC needs assessment they will allocate a SEN Casework Officer. This will be the person who keeps you updated on your child's assessment. They will meet with you, listen and collate any additional information you may have. They will also be responsible for collecting information from education, health and care professionals involved with your child / young person.

When all of the information has been gathered, those involved in the assessment stage, along with yourself, will propose the support needed for your child / young person to achieve their required aspirations and outcomes. If the support required can be put in place without the need for an EHC plan a plan will not be issued. However, if it is agreed that an EHC plan will need to be issued all of this will be recorded in your child's Education, Health and Care plan.

## Who is involved in the process?

Your child, young person and family will be at the very centre of the assessment and your issues, views and concerns will be listened to every step of the way.

Your allocated SEN Casework Officer will be your first point of contact, responsible for overseeing the Education, Health and Care needs assessment.

## What is an Education, Health and Care plan?

An EHC plan is a legal document that:

- records the information collected during the assessment;
- identifies and describes all of the child's/young person's special educational needs and relevant health and social care needs; and
- specifies all the special help they will get to meet their needs and aspirations to meet clearly identified outcomes, including who will provide the support and when the support will happen.

## How are Education, Health and Care plans reviewed?

An EHC plan must be reviewed at least once a year and every six months for children up to the age of 5. This is called an Annual Review.

You will be invited to an Annual Review meeting at school so that you are fully involved in talking about your child's progress and the arrangements which are being made. All of the services and professionals involved in your child's development will also be invited to these review meetings. At the meeting, your child / young person's progress will be discussed and recommendations can be made to the LA about possible changes to the EHC plan if necessary.

If there are serious concerns raised at any other time an interim



review should be called as soon as possible.

An SEN Officer will ensure these reviews take place and continue to monitor your child's Education, Health and Care plan.

## Personal Budgets

Whenever an EHC plan is written or revised you will have the right to request a Personal Budget. A Personal Budget sets out costs required to meet your child's needs as specified within their EHC plan.

There could be opportunities for you to have more choice and control over what support services your child / young person receives through Personal Budgets. Your SEN Casework Officer will be able to talk to you about this and explain more.

## Frequently asked questions

### ***My child hasn't started pre-school or school yet. Can they have an Education, Health and Care plan?***

Yes, if your child meets the eligibility criteria. We have designed a process to allow us to put an Education, Health and Care plan in process as early as possible so that it follows your child through their life. Reviews will be planned so that timely support can be planned for and put in place, for example; the start of preschool and then for primary school.

### ***Does the Education, Health and Care plan have the same legal status as a Statement of Special Educational Needs?***

Yes, the Education, Health and Care plan has the same legal status as a Statement of Special Educational Needs.

### ***My child already has a Statement of Special Educational Needs. What will happen to that?***

Your child's Statement will continue to be maintained and amended according to the Code of Practice for Special Educational Needs under the Education Act 1996. The conversion of Statements to Education, Health and Care Plans under the Children & Families Act 2014 will take place over key transitional stages until April 2018.

### ***What happens if I need further information or disagree with the decisions made about my child's Education, Health and Care needs?***

You will be kept informed of all decisions made throughout the assessment process and you will be given the name of someone to contact from the Special Educational Needs Team should you require more information. You may also find it helpful to contact

Special Education Needs and Disability Information Advice and Support Service (SENDIASS), which offers a free independent advice and support to parents/carers of children with Special Educational Needs. Depending on the nature of the disagreement you may also have a right to appeal to the First Tier Tribunal generally only after

mediation has been considered.

To contact SENDIASS

☎ 01803 208239

✉ [info@sendiasstorbay.org.uk](mailto:info@sendiasstorbay.org.uk)

### ***Where can I find out more information?***

For more information please contact the Special Educational Needs team using the contact details below:

☎ 01803 208274

🌐 [www.torbay.gov.uk/sen](http://www.torbay.gov.uk/sen)

The Government has produced statutory guidance "Special Educational Needs and Disability code of practice: 0-25 years" for organisations about SEND assessment and planning.

🌐 [www.gov.uk/government/publications/send-code-of-practice-0-to-25](http://www.gov.uk/government/publications/send-code-of-practice-0-to-25)

A parent guide is also available.

🌐 [www.gov.uk/government/publications/send-guide-for-parents-and-carers](http://www.gov.uk/government/publications/send-guide-for-parents-and-carers)

## Useful Links

Information and support services available for parents of children with SEN and disabilities:

### **The Local Offer**

Information about services for children and young people with a Special Education Need (SEN) or disability and their families.

🌐 <http://fis.torbay.gov.uk/>

### **Information for Parents**

For further information please visit the Torbay Council 'information for parents' webpage.

🌐 [www.torbay.gov.uk/SEN/sen-info-leaflets](http://www.torbay.gov.uk/SEN/sen-info-leaflets)



## **SENDIASS Torbay**

This service provides impartial information, guidance, support and training to parents / carers on any special educational needs and / or disabilities issues.

☎ 01803 208239

✉ [info@sendasstorbay.org.uk](mailto:info@sendasstorbay.org.uk)

## **Disagreement Resolution and Mediation Service**

This service provides access to independent disagreement resolution and mediation to help when parents / carers and the education authority cannot agree on how to meet a child's special educational needs. In cases where there is a right to Appeal to the First Tier Tribunal, please note that there is generally a requirement to have contacted them and considered mediation before you are allowed to submit an Appeal.

☎ 0800 064 4488

✉ [sen@globalmediation.co.uk](mailto:sen@globalmediation.co.uk)

## **Torbay Parents Participation Forum (PPF)**

Working to improve the lives of all disabled/SEN children and their families in Torbay, the PPF consults with local parents and works in partnership with the Local Authority and health to improve provision for our children and young people.

🌐 [www.torbayppf.org.uk](http://www.torbayppf.org.uk)

✉ [info@torbayppf.org.uk](mailto:info@torbayppf.org.uk)

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