

Education, Health and Care Needs Assessment for children in early years settings or at school



**This information is about Education, Health
& Care Needs Assessment, sometimes
called Statutory Assessment**



What is an Education, Health and care needs assessment?

An EHC needs assessment is a detailed look at the special educational needs (SEN) of a child or young person and the support he or she may need in order to learn.

Local Authorities are responsible for carrying out EHC needs assessments under the **Children and Families Act 2014**.

The **needs assessment** brings together information about:

- ◆ what a child can and cannot do
- ◆ the special help they need.

It includes information from:

- ◆ you
- ◆ the child
- ◆ the early years' setting or school
- ◆ other professionals who work with or support the child.

The assessment is to see if you or your child may need an Education, Health and Care plan (EHCP).

An EHCP is a legal document written by the Local Authority. It describes the special educational needs that a child or young person has and the help that they will be given to meet them. It also includes the health and care needs related to education and the provision that is needed. You can read more about EHCP's in our booklet - **Education, Health & Care Plans (EHCP)** or by visiting **Norfolk Local Offer** at www.norfolk.gov.uk/send

When is an EHC needs assessment necessary?

Early year settings or schools give children or young people with SEN additional support to meet their needs. This is called **SEN support**.

If your child does not make progress despite SEN support, an EHC needs assessment might be the next step.

The SEND Code of Practice says:

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 an EHCP (9.3)

This means to get an assessment you will need to show that your child/ young person may have SEN and may need an EHCP.

You can find out more about requesting an EHC needs assessment in the **SEND Code of Practice sections 9.3 and 9.8 to 9.19**

Who can ask for an EHC needs assessment?

- ◆ parents
- ◆ a young person over the age of 16 but under the age of 25
- ◆ the early years setting or school (after talking with you first)

Anyone else, such as a doctor or a health visitor, can tell the Local Authority that they think a child needs an assessment.

How to ask for an EHC Needs Assessment

You can complete an online request form which you will find on the **Norfolk Local Offer** visit www.norfolk.gov.uk/send, or call **Norfolk County Council** on **0344 800 8020**

If you would like help requesting an assessment call us at **Norfolk SEND Partnership IASS** on **01603 704070** or email sendpartnership.iass@norfolk.gov.uk

It is useful to include in the request details about the child such as:

- ◆ Date of birth
- ◆ Early years setting/school she/he attends
- ◆ If you have already spoken to anyone about the child copies of any reports including school's SEN support
- ◆ An example of the child's work
- ◆ Child's views
- ◆ Why you feel the child may need to be assessed



What happens when the Local Authority gets a request for an EHC needs assessment?

As soon as the Local Authority gets a request for an EHC needs assessment they must tell you about it and they must pay attention to your views and the views of your child/young person. The Local Authority must also tell the school, the health commissioning body and social care that they are considering whether to assess the child/young person.

The SEND Code of Practice says:

In considering whether an EHC needs assessment is necessary, local authorities should pay particular attention to the views, wishes and feelings of the child and his or her parent, or the young person. (9.12)

The Local Authority will look at:

- ◆ A child's attainments and rate of progress
- ◆ Their special educational needs
- ◆ What support they have already had
- ◆ The difference that support has made
- ◆ The child's physical, emotional and social development and health needs

The Local Authority has up to six weeks to decide whether to make an EHC needs assessment.

They must then tell you whether they have decided:

- ◆ To start the EHC needs assessment
- ◆ OR that a needs assessment is not necessary as the child's/young person's needs can be met at SEN support

What happens if the Local Authority decides that an EHC needs assessment is not necessary?

The Local Authority must tell you why it thinks that an EHC needs assessment is not needed and they must tell you about:

- ◆ Your right of appeal to the First Tier Tribunal (SEND) and the time limit for appealing
- ◆ Independent **disagreement resolution** and **mediation**
- ◆ How to get further information, advice or support

The Local authority should also give you feedback collected during the assessment. In Norfolk this is called a record of analysis

If you do not agree with this decision you can discuss this with the EHCP coordinator, whose name will be on the letter from the Local Authority. You can also discuss this with the mediation service and you can call us, **Norfolk SEND Partnership IASS on 01603 704070**. For more information you can look on our website at our booklet '**what if we do not agree**'.

You can also appeal this decision to the First Tier Tribunal (SEND) but you have to consider mediation first.

KIDS SEND Mediation and Disagreement Resolution Service

03330 062 835

www.kids.org.uk/mediation

senmediation@kids.org.uk

What happens if the EHC needs assessment goes ahead?

The Local Authority will write to you to tell you that they are going to assess the child and will ask you for any further information. Your views and the child's views are really important.

If you want information, advice or support during the EHC needs assessment you can have an **Independent Supporter** to help you.

IS Support in Norfolk is provided by **Norfolk SEND Partnership IASS (01603 704070)** or **Scope (0808 800 3333)**

The Local Authority will ask a number of other people for Information . This is called 'advice' and it should include information about:

- ◆ Their education, health and care **needs**
- ◆ **Outcomes**—What the child **should** achieve with support
- ◆ The **support** or **provision** they will get to meet their needs and achieve their outcomes

The SEND Code of Practice says:

Local Authorities must consult the child and the child's parent or the young person throughout the process of assessment and production of an EHCP. They should also involve the child as far as possible in this process. The needs of the individual child and young person should sit at the heart of the assessment and planning process. (9.21)

The Local Authority must ask for advice and information from:

- ◆ Parents (or the young person)
- ◆ The child's early years setting or school
- ◆ An educational psychologist
- ◆ Health professionals who work with the child. This might include a paediatrician, speech and language therapist, physiotherapist or occupational therapist.
- ◆ Social care
- ◆ You ask them to contact anyone else who may be able to give relevant advice.

If a child has a vision or hearing impairment the Local Authority must also seek information and advice from a suitably qualified teacher.

The Local Authority should also try to find out the child's views. You, the school and other professionals may be able to help with this. If you think the child needs someone to help them give their views you can ask for Independent Support for this help

You can find out more about advice and information for EHC needs assessments in the **SEND Code of Practice** sections 9.45 – 9.52



What if some of this advice is already available?

The SEND Code of Practice says:

*The Local Authority **must not** seek further advice if such advice has already been provided (for any purpose) and the person providing the advice, the Local Authority and the child's parent or the young person are all satisfied that it is sufficient for the assessment process. In making this decision, the Local Authority and the person providing the advice should ensure the advice remains current. (9.47)*

During an assessment the local authority should discuss the option of a **personal budget**



When does the EHC needs assessment end?

Once the local authority has all the information and advice it must decide whether your child needs an **Education, Health and Care Plan (EHCP)**.

What if the Local Authority decides not to issue an EHCP?

Sometimes the Local Authority will decide that a child has special educational needs that can be met through **SEN support and therefore decide not to issue an EHCP.**

The SEND Code of Practice says:

An EHC needs assessment will not always lead to an EHCP. The information gathered during the assessment may indicate other ways in which the school, college or other provider can meet the child or young persons needs without an EHCP (9.6)

If this is the case the local authority must tell you of its decision within **16 weeks** of receiving the request, provide you with written feedback including evidence and the reports from the professionals collected as part of the assessment. The Local Authority must also tell you about:

- ◆ Your right of appeal and the time limits
- ◆ The need to consider mediation if you wish to appeal.
- ◆ How to get information, advice and support and disagreement resolution services

The Local Authority should also tell you about the resources available to meet the child's/young person's needs within school or early years settings.

Make sure you keep all the paperwork which arrives with the draft plan as you may need it later. It is the information that the plan has been written from.

What happens next if the local authority decide to issue an EHCP?

If the Local Authority decides an EHCP is necessary they must issue one. A parent or young person has the right to request a **personal budget** at this stage. For more information on personal budgets read our leaflet on our website also visit **Norfolk's Local Offer**

The LA must write a **draft EHCP** and send it to you with copies of the reports so that you can read it all.

You should check that everything you think is important has been included and that you agree with the needs of the child, outcomes and the proposed provision. See our leaflet '**reading and understanding your EHCP**' which you can find on our website or call us for a paper copy.

The **draft EHCP** must not name the school or type of provision as the plan should be written based on the child's/young person's **needs** not on what a certain school or type of school can provide.

You have at least 15 days to

- ◆ Say which school /establishment you would like the child/young person to go to
- ◆ Make comments
- ◆ Ask for a meeting or accept the draft plan.

The Local Authority must meet with you if you ask for a meeting during this time.

Many children with an EHCP will stay in mainstream provision but those with more complex needs may require specialist provision.

If you would like help with your plan then please contact us **Norfolk SEND Partnership IASS**.

Note that if you do not reply within 15 days the local authority may assume that you agree with the draft plan.

Final EHCP

If you have asked for amendments and they are agreed by the Local Authority, or if they are not agreed, the Local Authority must send you a **final EHCP within 20 weeks** from the request for the assessment.

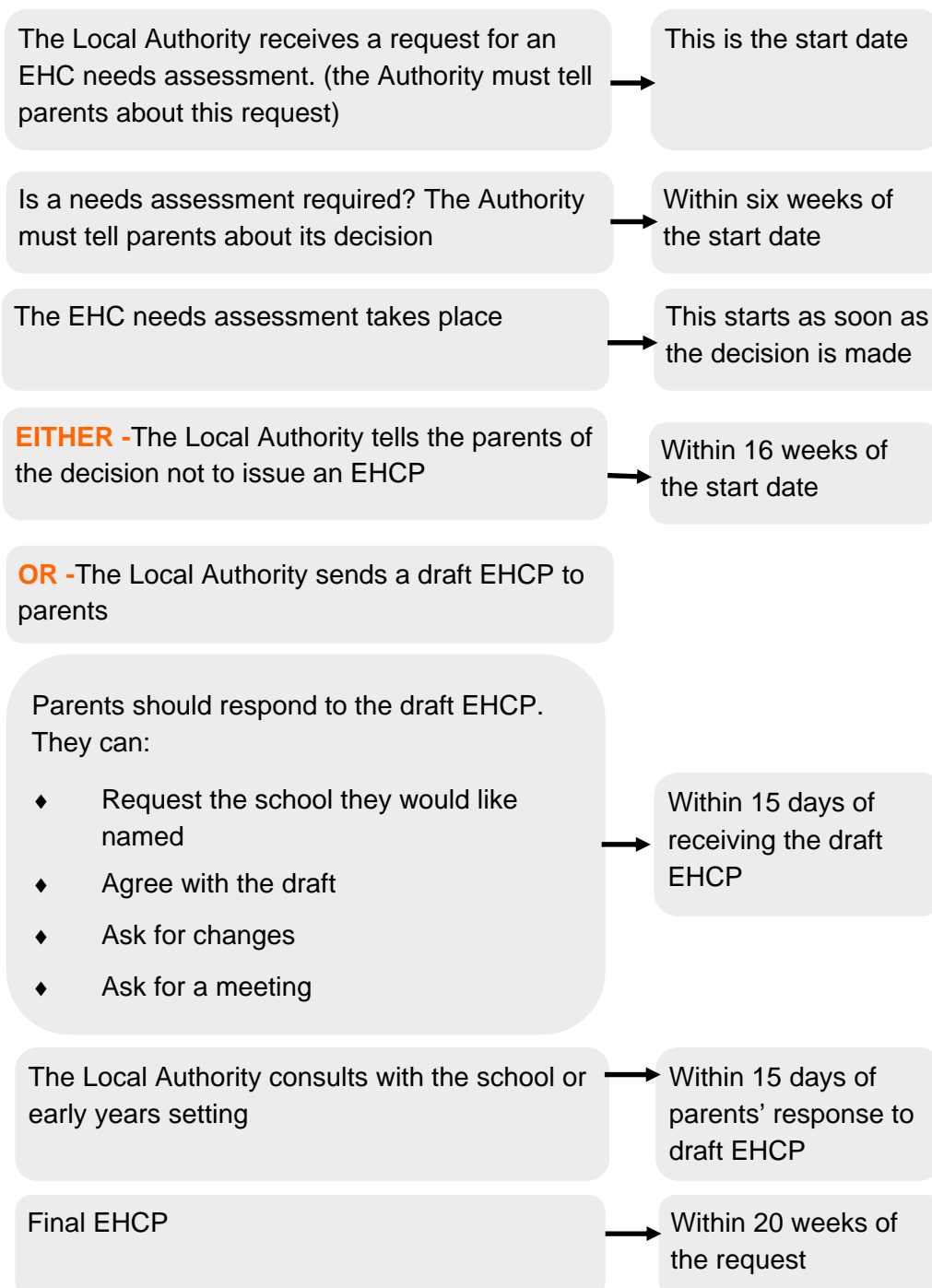
Keep your EHCP and the letter it came with safe.

If you are not happy with the final EHCP including the name of school you can appeal to the first Tier Tribunal (SEND). You also have a right to request independent **disagreement resolution** and, in some circumstances **mediation**. You can find out more about disagreement resolution, mediation and appeals at **Norfolk SEND Partnership IASS** and in the **SEND Code of Practice Chapter11**.

Norfolk SEND Partnership IASS can give you impartial information and advice about the options open to you at any stage during the assessment and with your EHCP.



How long does all this take?



If a child already has a Statement. Will they have an EHC needs assessment?

By April 2018 local authorities will transition **Statements of Special Educational Need** to EHCP's. When this happens for a child, an EHCP review will take place.

The review must include an EHC needs assessment as previously described. You, the child or the young person **must** be invited to a meeting as part of this transfer review.

The Local Authority must ask for advice from the professionals working with the child unless there is report/advice already available, that is sufficient and has the information needed. You, the Local Authority and the other professionals who wrote the report must agree the information is recent, still describes the child's needs and be focused on outcomes

If you all do not agree the report is sufficient, the Local Authority must gather more information and advice. Please contact us if you need help with your transition review.



YOUR NOTES





We also:

- ◆ Produce a newsletter each term
- ◆ Have information leaflets available on our website
- ◆ Ensure the views of children, young people and parent/carers are represented when influencing SEND policy and practice

Contact us:

Norfolk SEND Partnership

Information Advice and Support Service

148 Woodside Road

Norwich NR7 9QL

Office Hours 9am-5pm Mon-Fri

Tel: 01603 704070

sendpartnership.iass@norfolk.gov.uk

www.norfolksendpartnershipiass.org.uk



Disclaimer: This is a guide and should not be treated as legal advice. Although SEND Partnership makes all reasonable efforts to ensure that the information contained in this booklet is accurate and up to date at the time of publication we cannot accept responsibility suffered as a consequence of any reliance placed upon it.

**If you need this leaflet in another format or language please contact us
and we will do our best to help.**

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