



## Education, Health and Care (EHC) Statutory Process

### Requesting an EHC needs assessment

The local authority's (LA) SEND Assessment and Review Team coordinates the EHC process.

The SEND Assessment and Review Team expects that, wherever possible, requests for EHC needs assessments are made together, by the person(s) with parental responsibility and the current education setting, using the EHC Needs Assessment Request (EHCNAR) form and guidance document.

Once a request is received, the LA must decide about whether to carry out an EHC needs assessment. Parents will be informed of the LA's decision by letter and if an assessment is not agreed, this letter will explain why. Additionally, suggestions are often made about other ways the child or young person can be supported.

#### What happens when an EHC needs assessment is requested?

- A request for an EHC needs assessment is received by the SEND Assessment and Review team.
- The information is discussed by a panel and the LA decides on whether to carry out an EHC needs assessment
- The person with parental responsibility is informed of the LA's decision within 6 weeks of receiving the request for assessment.

### EHC Needs Assessment

If the LA considers it appropriate to carry out an EHC needs assessment, reports will be requested from key people, including:

- Person with parental responsibility
- The child/Young person (supported as appropriate)
- Education settings
- Educational Psychologist
- Health professionals
- Social care professionals
- Other professionals who are involved

All reports must be sent to the SEND Assessment and Review Team within 6 weeks of the request for information.

Signed consent from the parent, or young person, must be given before health professionals will share information with the LA for the EHC needs assessment.

### **What happens during an EHC needs assessment?**

- If an EHC needs assessment is agreed, a SEND Caseworker is allocated and reports from involved professionals are requested. The caseworker will contact you early in the process to explain things in more detail.
- All reports received will be read by the moderating panel. The LA then decides whether an EHC plan is needed. This decision is made within 16 weeks of the original EHC needs assessment request.

If the LA decides that it is not necessary to issue an EHC plan, The SEND Assessment and Review team will let the parents/young person know, explaining the reasons why. The reports from the EHC Needs assessment will be sent to the person with parental responsibility and can be used to inform the education setting about what else needs to be put in place for the child/young person.

### **EHC plan and Education Placement**

If the LA decides to issue an EHC plan, a draft EHC plan will be written and sent to the parent, or young person, for their comments

The person with parental responsibility, or a young person aged 16-25, can request that the LA consults with their preferred educational setting (even if this is the setting currently attended).

The SEND caseworker will arrange for consultations to be sent to education settings along with the Draft EHC Plan, to see which places can be offered.

### **How do we finalise the EHC plan?**

- The EHC plan is first sent as a draft version, along with the reports, to the person with parental responsibility and/or to the young person (16-25).
- If requested the SEND caseworker will meet with the parent or young person to discuss the draft plan.
- The EHC plan should be finalised, within 20 weeks of the initial request, naming the education setting to be attended.

### **Young people making their own decisions**

After compulsory school age (the end of the academic year in which they turn 16) the right to make requests and decisions within the EHC process applies to them directly, rather than to their parents. Between the ages of 16 and 25, it is the young person who can request an assessment, make comments about the content of their plan, request a particular/type of educational setting, and appeal to the First-tier Tribunal, provided that they have sufficient understanding to do so. Parents can continue to support young people in making decisions, or act on their behalf, provided that the young person is happy for them to do so.



## Jargon Buster

**Parental responsibility** Decisions within the EHC process can be made by people with parental responsibility. This will usually include:

biological parents - irrespective of marital status

those who are not biological parents, but take on the responsibilities of parenting – e.g., an adoptive parent, a step-parent, guardian or other relative

people who take care of a child or young person, e.g., a social worker or a foster carer who has delegated responsibility.

**Education, Health and Care (EHC) Needs Assessment** This is the process of gathering reports.

**Draft Education, Health and Care (EHC) plan** This is a summary document which details the child's views, strengths, special educational needs, and how to help the child/young person reach the identified outcomes.

**Final Education, Health and Care (EHC) plan** This is the legal document that is produced, once the draft EHC plan has been agreed with the person with parental responsibility. It names the confirmed education placement.

**Consultation** This is a formal process where the SEND Assessment & Review Team sends the child/young person's draft EHC plan to educational settings e.g., schools/colleges. The settings are asked specific questions which help the SEND Assessment and Review Team understand which setting is appropriate and should be named in the EHC plan. The child's parent, or the young person, is asked if they have a preference for a particular setting or type of setting.

### Further Information:

Should you require any further information please discuss this information with the setting's Special Educational Needs Co-ordinator (SENCO) and/or contact the LA SEND Assessment and Review Team

### Relevant law and guidance:

- Children and Families Act 2014
- SEND Code of Practice 2015

### How to resolve a disagreement:

A parent or young people has the right to appeal to the First-tier Tribunal if they do not agree with a decision made by the LA within the EHC processes. Disagreement Resolution Services and mediation are also available to help resolve disagreements. Further information about this can be found on the Local Offer.

***Please note that the information in this leaflet is purely for guidance and does not constitute legal advice nor is a statement of the law.***