

Script for Video: Drafting and Finalising an EHC Plan

Title slide

This recording will explain what happens **if** the local authority decides to issue an Education, Health and Care or EHC plan at the end of an EHC needs assessment.

Slide 2

This recording will explain:

- ▶ The timeframes in this last stage of the EHC process in slides four, five and twenty-three;
- ▶ We'll look at how you and your child are involved in the drafting of an EHC plan from slide seven;
- ▶ We'll also explain what to look for in the draft EHC plan from slide twelve;
- ▶ And explain how an EHC plan is finalised from slide twenty-two.

If you are watching this on a PC, we have created time stamps in the description under this video on YouTube so you can click on the time stamp for a particular section and this video will open at that point.


Slide 3

This recording will refer to the Special Educational Needs and Disability Code of Practice 2015. You can download this statutory guidance for free if you would like to.

Chapter nine is all about EHC needs assessments, EHC plans and annual reviews.

Slide 4

This chart shows the twenty-week timeframe for the whole EHC needs assessment process, as set out by the Children and Families Act 2014.



This video is concerned with the last few weeks of the process, the drafting of an EHC plan and then finalising it.

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If you've watched our earlier videos, you will know that if the local authority decides that they will issue an EHC plan then they must do so by week seventeen.

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You'll also remember that an EHC plan can only be issued at the end of an EHC needs assessment which identifies that a child or young person needs special educational provision in accordance with an EHC plan.

In other words, where your child has a special educational need or disability that cannot be met by the support and specialist advice which is usually available to their nursery, school, or college.

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So how are families involved in the drafting of an EHC plan?

The SEND Code of Practice says that:

'Local authorities must consult the child and the child's parent or the young person or adult **throughout the process of assessment and production** of an EHC plan.'

And the SEND Code recommends a person-centred approach ensuring that 'children, young people and their parents are involved in all aspects of planning and decision-making.'

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The SEND Code of Practice also states:

'That decisions about the content of EHC plans should be made openly and collaboratively with parents, children, young people and the adult.'

And it should be clear how the child, young person or adult has contributed to the plan and how their views are reflected in it.

As one young person with SEND has said, 'My plan is not about me, without me.'



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When it comes to bringing the EHC plan together, you and your child or young person can request a meeting with a representative of the Family Services team.

You can invite the school and other practitioners) to join you in:

- looking at an initial draft plan
- sharing your views
- asking questions to make sure you understand
- and exploring and agreeing possible amendments.

Usually this would be a face to face meeting, often in the learning setting but the Family Services team may be able to offer a virtual session.

If a meeting is not possible, you still have the right to give your views about the draft EHC plan when you receive it. You will have 15 days to do this and you can request help from our SENDIAS service if you would like.

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The SEND Code is clear that local authorities should support and encourage the involvement of children, young people and parents and carers by:

Giving them time to prepare for any discussions and meetings

And giving time in these discussions and meetings to hear the views of children, young people and their parents.

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Your child or young person may like to speak to our SENDIAS service for confidential and impartial advice and support, perhaps in preparing for a meeting with the Family Services Team, or supporting them to participate at that meeting or helping them communicate their views in other ways.

Alternatively, a young person might like the help of an advocate. Total Voice Suffolk is a partnership of organisations working together to provide free, independent and confidential advocacy in Suffolk.

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So, what should you look for when you receive a draft EHC plan?



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The SEND Code says that the EHC plan:

Should describe positively what your child or young person can do and has achieved.

It should be forward-looking - for example, it should anticipate and plan for important transition points and should help your young person prepare for adulthood.

It should also be clear, concise, understandable and accessible to parents, children and young people.

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An EHC plan is made up of twelve sections and information on our SENDIASS website and our EHCP leaflet look at these in more detail. But it's important to understand that all these sections are all based on the following building blocks:

- Your child or young person's aspirations and hopes for the future;
- their needs, and that means the difficulties your child is experiencing;
- provision which means the support your child will need to address their difficulties;
- and outcomes which are what everyone wants your child or young person to be able to do in an agreed period of time, with the support in the EHC plan.

A good EHC plan should have what's often referred to as a 'golden thread' between these blocks, in other words it should be clear how they all link to each other.

So, let's look at each of these building blocks in turn.

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Your child's aspirations will be in section A of the EHC plan and will give details about your child's hopes for the future. As they get older, it's important to include their goals regarding their employment, independent living and taking part in the community.

This section will also give details about your child's interests, independence and friendships and a summary of how best to communicate with them and engage them in decision-making.



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In your child's plan, there are three sections describing your child's needs - sections B, C and D.

Section B must specify your child's special educational needs (or SEN)

Sections C & D must specify any health or social care needs which relate to your child's SEN.

Specify means that each individual need must be separate and clear so that no one has any doubt what each need is.

Slide 17

There are also 3 sections in the plan for provision or the support your child or young person will need. Section F for special educational support, section G for health support and two sections in H for social care support.

Any support in these sections must be detailed and specific and should normally be quantified for example, this would make clear:

The type of support being offered - what it is;

How many minutes or hours of support will be offered;

How often this support will be given;

And who is providing the support (so will it be a teacher or teaching assistant or another practitioner?)

It is important to understand that any support which educates or trains your child is regarded as special educational provision and must be in section F.

Speech and language therapy support will always be in section F, but this section could also include occupational therapy for example which trains your child to do something.


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Watch out for weasley words in the provision sections like 'access to' or 'opportunities for' or 'as required', which are not clear and specific enough.

Slide 19

Outcomes are in section E of your child's plan.

Remember an outcome is what your child will be able to do in the agreed set timeframe with the support in the EHC plan



The SEND Code is clear that outcomes should always support a child or young person to move towards their long-term aspirations of employment, independent living and taking part in the community. So they can include wider outcomes for developing positive social relationships, emotional resilience and stability.

Outcomes should be person-centred and SMART.

This means they should be:

Specific – so no one is in any doubt what they mean;

They should be measurable – so think about how our child's progress towards the outcome can be tracked and measured?

They should be achievable – so an outcome should be challenging but not impossible to achieve within the agreed timeframe;

They should also be realistic and relevant – so is the target worthwhile and in line with your child's aspirations?

And the outcomes should be time-bound in other words, there is an agreed time limit for the outcome to be achieved.

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This slide gives some examples from each building block to show you how they should each link together and give you an idea of what specific provision and outcomes might look like.

So, in Aspiration section A, we see that this make-up child, Ben, would like to have more friends in school

In the needs, and in this example, it would be in the special educational needs section B, it states that Ben finds socialising difficult as he cannot easily recognise social cues and respond appropriately. So this results in him being socially isolated in school.

In provision, and in this case it would be the special educational provision or support in section F, the plan states that Ben will attend a small nurture group two times a week, for thirty minutes, for three terms, following a planned social skills programme, led by a Teaching Assistant. So it's clear what support Ben will have, when he will have it, for how long and who is responsible for delivering it.

In the outcomes section, we see what everyone wants Ben to be able to achieve by the end of key stage two - that he will have two friends who he will socialise with at break and lunchtimes at least twice a week without adult supervision. The outcome does not expect Ben to be playing with friends every day. This is partly because the outcome needs to be achievable but also relevant. Maybe Ben doesn't want to play



with others every day. Maybe he likes his own company sometimes but wants to learn how to play with others, when he would like to.

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This slide gives you an idea of the kind of questions parents or young people may have when they are looking at an EHC plan. Remember no question is a silly question!

An EHC plan is a tool for you and your child to use and refer to regularly, so the SEND Code says that what is written in the plan should be in clear straightforward language that you and your child can easily understand. So, if you are meeting with the Family Services Team, this is an ideal opportunity to speak out if something is unclear or uses jargon.

Check that your understanding of, for example, the support in the plan matches school's understanding.

If the plan describes support which is happening daily, what does daily mean? Does it mean throughout each day or once a day for fifteen minutes? If it means once a day for fifteen minutes, then the plan needs to say this.

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But what about finalising the EHC plan?

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Remember we explained earlier that if the local authority decides your child needs an EHC plan then you will receive the draft by week seventeen.

When you receive the draft plan, you have fifteen days to go through it and decide if you are happy with it. And you can contact our SENDIASS service if you'd like help with this.

In the draft plan, section I is left blank. This section is for the name or type of educational setting. It must be left blank so that a parent or someone with parental responsibility or the young person can say what setting they would like.

Then in weeks nineteen and twenty, the Local Authority must consult with the educational setting that you or your child named in section I of the draft and the setting will consider all the information about your child.



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You have the right to request:

A nursery school maintained by the LA;

Or a maintained school, and any form of academy or free school (mainstream or specialist);

A non-maintained special school;

Or a further education or sixth form college;

And you also have the right to request an independent school or specialist college on the list of providers approved by the Secretary of State under Section 41 of the Children and Families Act of 2014.

If you are interested in an independent school and you are not sure of its status, you can access this list of approved providers on our Choosing and Naming a School webpage of the EHC section on our SENDIASS website in Suffolk.

If you are considering a special school for your child, we would recommend that you also research local mainstream schools at the same time, so you can compare what they can offer which will help you make your decision.

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When the LA consults with the educational setting you request, they will consider the setting's views very carefully.

The LA must agree with the setting you request unless they feel the consultation shows that the setting:

Is unsuitable for your child's age, ability, aptitude or special educational needs;


Or, giving your child a place there would be incompatible (that means it wouldn't work) with the teaching of the children already on their roll;

Or it would be incompatible with the use of resources for all their pupils.

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If the local authority feels that the setting you request wouldn't be suitable for one of the reasons just mentioned, they may suggest an alternative for you to consider before they finalise the plan.

You may be happy to look at other options which you may not have known about or previously considered.



But if you don't agree with the educational setting that the LA wants to name, you can appeal to the SEND tribunal once the EHC plan is finalised.

You must appeal within two months of receiving the LA letter accompanying the finalised EHC plan. This letter gives you the right to appeal.

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If you request an independent school and the local authority agree that none of their mainstream or specialist schools in our county of Suffolk can meet your child's needs, they may name it in the EHC plan, as long as it is on the Section 41 approved list of providers which we referred to earlier.

This school could be out of county.

However, if you want to name an independent school (specialist or otherwise) which is not on this approved list, you don't have the same right to request. Instead you can 'make representations' (this means you can ask for and argue the case) and the local authority 'must consider your request.'

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IPSEA, the Independent Provider for Special Education Advice has some helpful information about making representations for an independent school which is not on the approved Section 41 list of providers.

In practice, probably the most important point you would need to prove is not that the independent setting you want is better than the one the local authority is suggesting, rather that the school or college they are offering cannot meet your child's needs. Do contact our SENDIASS service if you would like to talk this through in detail.

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In Suffolk, the Local authority have developed a range of units attached to mainstream schools. These units offer smaller environments or class sizes and some have a particular specialism.

A specialist unit attached to a mainstream school is categorised in law as mainstream provision.

So, if you would like your child to attend a specialist unit, we would suggest you request that that school to which the unit is attached is named in section I of the EHC plan, asking the LA in addition to specify the specialist unit.



Do contact our SENDIAS service if you are not clear about this.

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So just to be clear..

Parents and young people can suggest changes to different sections of the draft EHC Plan in weeks 17 - 18.

However, sometimes changes are not all agreed. The local authority can still issue the final EHC plan to keep within the legal timeframe of 20 weeks.

As before, the parent, carer, person with parental responsibility or the young person will have a right to appeal once the plan has been finalised.

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Remember there is a lot more information about appeals on our SENDIASS website and YouTube channel in Suffolk, including videos to help fill in the different sections of an appeal form. We can offer advice to help you build your case and depending on availability, we may be able to support you at a Tribunal hearing.

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And our website and YouTube channel also has more information about support for pupils with special educational needs and disabilities and EHC processes which you might find helpful.

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(No voiceover on the final slide which gives the SENDIASS contact details)