

Script for Video: Education, Health and Care (EHC) Needs Assessment Webinar Recording

Title slide

This is a recording of our webinar explaining the purpose and process of Education, Health and Care (or EHC) needs assessments. The webinar was coproduced with parents and multi-agency practitioners in Suffolk and is divided into sections which match the main questions which they wanted answered.

Slide 2


This recording will explore:

- ▶ the purpose and threshold of an EHC needs assessment and when one might be requested
- ▶ We'll look at who can request an EHC needs assessment and how a request can be made in our county of Suffolk
- ▶ We'll explain the options families have if they receive a refusal from the local authority
- ▶ We'll go through what happens if an EHC needs assessment **is** agreed, and how you and your child are involved
- ▶ And we'll explain what happens at the end of the process.

The video is timestamped and chaptered so if you want to watch just part of the recording you can scroll your cursor along the bottom of the video. The different section headings will appear as you scroll until you find the section you want. Or you can click on the timestamp for a particular section in the video description on YouTube and the video will open at that point.

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Throughout the recording we will give references to the law, to the [Children and Families Act](#) and [SEND Regulations of 2014](#). And we will refer to the statutory guidance which relates to the Act: the [Special Educational Needs and Disability Code of Practice 2015](#).



You can download this statutory guidance for free if you would like to - chapter 9 is all about EHC needs assessments, EHC plans and annual reviews.

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We'll start by looking at some key points of law which underpin the education, health and care process.

The Children and Families Act of 2014 puts a duty on education, health and social care to work together to support children and young people with special educational needs or disabilities or SEND.

So local authorities must:

'have arrangements in place to plan and commission education, health and social care services jointly for children and young people with SEN or disabilities.'

And they must promote, encourage, the integration of education and training with health and social care.

If agreed, an EHC needs assessment involves a duty for the local authority to seek advice and information from health and social care, as well as education, to unpick what all the factors might be which are making it difficult for a child or young person to learn.


(Children and Families Act 2014, Sections 25 & 26)

Slide 5

Section 19 of the Children and Families Act states that local authorities must have regard to:

- the views, wishes and feelings of the child, young person or adult and their parents or those with parental responsibility
- and they must have regard to the importance of them participating as fully as possible in decisions around the child or young person;
- and the importance of them having the information and support they need in order to participate
- and to support them so that the pupil can achieve the best possible educational and other outcomes.

(Children and Families Act 2014, Section 19)



An outcome is what everyone wants your child to be able to do with agreed support in a set period of time.

Slide 6

Most children and young people with special educational needs will have their needs met in a learning setting through SEN support.

This involves a 4-stage cycle where parents and pupils work with the learning setting to explore, agree and review the plan for SEN support together.

Slide 7

Learning settings can also access additional advice and help from specialist education services which support settings to support pupils with different categories of special educational need.

Their services cover 0 -25 years, and a child or young person does not need a diagnosis or an EHC plan for settings to access their help. Parental permission is required for them to make a referral.

Slide 8

If you would like to understand more about the graduated cycle of SEN support, we have lots of information and videos on our [SENDIASS website](#).

Each term we offer an informal online session explaining SEN support in early years settings and in schools and how you and your child are involved.

In addition, we have video recordings on [our YouTube channel](#) of sessions exploring SEN support around a particular category of special educational need.


Slide 9

There will be some children and young people who may need more help, which goes beyond the resources available to learning settings, to provide SEN support.

So, what is the purpose of an EHC needs assessment?

Slide 10

An EHC needs assessment helps identify the education, health and care needs which are making it difficult for a child or young person to learn.



And they help identify the support which is required to meet these needs and to help your child or young person reach their goals and aspirations.

It is the first step in the process of getting an education, health and care plan.

Slide 11

The law says that:

A local authority or LA **must** secure or do an EHC needs assessment if it considers that the child or young person has or **may** have SEN and it **may** be necessary for special education provision to be made in accordance with an EHC Plan.

(Section 36 (8) Children and Families Act 2014)

In other words, if there is a possibility that a child has special educational needs which may need support which goes beyond the resources available to learning settings, to provide SEN support.

Slide 12

When the local authority receives a request for an EHC needs assessment, how will they know:

- if your child has, or may have SEN
- which may need support which goes beyond the resources available to the setting for SEN support?

Slide 13

The SEND Code of Practice states that when a local authority receives a request for an EHC needs assessment, they should consider:

Whether there is evidence that the child or young person has not made expected progress despite the learning setting taking relevant and purposeful action to identify, assess and meet their special educational needs.

(SEND Code of Practice, paragraph 9.14)

Slide 14

The SEND Code recommends that the local authority pay attention to evidence and information of:

Your child or young person's progress and attainment

The nature, extent and context of their special educational needs



The action already being taken by the learning setting

That where progress has been made it has been as a result of a lot of help, which is in addition to what is usually provided

Your child or young person's physical, emotional and social development and health needs, drawing on relevant evidence from health professionals and what they may have done to meet the child or young person's needs.

(SEND Code of Practice, paragraph 9.14)

Slide 15

These are recommendations and guidelines for local authorities to help them with their decision-making. However, this is not a check list or target.

The law does not say that certain steps must have been taken before an EHC needs assessment can be requested.

A parent or young person or the learning setting can make a request at any time if they believe that the child or young person may have SEN which may need support which goes beyond the resources available to a setting for SEN support.

(Children and Families Act 2014, Section 36)

Slide 16

Your child or young person does not need to have a diagnosed condition or have a disability for an EHC needs assessment to be requested.

It will depend solely on whether there is evidence that your child may have SEN which may need support which goes beyond the resources available to the learning setting for SEN support.

Slide 17

If a child or young person has health needs but no special educational needs, an EHC needs assessment will not be appropriate and will not be agreed.

They can instead have an Individual Healthcare Plan (or IHP) which will set out how their medical needs can be supported. These are different to Education, Health and Care plans.

In this slide we have included a screenshot of one of the pages in an IHP template to give you an idea of the information they might include.

Slide 18

Before we continue, let's bust a myth.

EHC needs assessments do **not** bring more funding in themselves, however, they may identify new, previously unrecognised needs.

These new **needs** may provide the evidence for more SEN funding. In our county of Suffolk funding is always driven by the needs of the individual child.

Slide 19

So, who can request an EHC needs assessment?

Slide 20

The following people have a specific right in law to request an EHC needs assessment:

- The child's parent or someone with parental responsibility. And this includes making a request for a child aged 0 – 5 years if they believe that their child will need extra help at nursery or when they start school.
- Also, a young person over the age of 16 but under 25 years can make a request or
- Or the educational setting

(Children and Families Act 2014, Section 36 (1))

Slide 21

However, the SEND Code says that 'In addition, anyone else can bring a child or young person who has (or may have) special educational needs to the attention of the local authority, **particularly where they think an EHC needs assessment may be necessary.**'

(SEND Code of Practice section 9.9)

So for example, a GP or a Family Support Practitioner or a physiotherapist or a scout's leader can contact the Family Services team in Suffolk and say why they think an EHC needs assessment would be helpful.

In our county the [Family Services team](#) are responsible for EHC processes and if they receive this kind of notification, they may contact the family to get your views on this.



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If your child is past the end of the academic year in which they turn 16, then the right to request an EHC needs assessment switches to them.

The SEND code says that local authorities and practitioners should normally communicate directly with the young person at this point.

But the SEND Code is also clear that the young person's family and parents should continue to be involved in discussions. The young person may also ask for the help of their parents throughout the process.

(SEND Code of Practice sections 8.15 and 8.16)

Slide 23

Many parents ask us about situations like this where their child has missed a lot of schooling, for example, due to health needs, and they will need a lot of support to back to learning but they are past compulsory school age.

A young person up to the age of 25 years can request an EHC needs assessment, if they want to continue, or re-enter, education or training, and they may have special educational needs which may need a lot of extra help.

This learning does not have to be in a formal learning environment like a further education college.

Slide 24


They may want to do a traineeship or an apprenticeship, or a supported internship to help them develop the skills they need for the workplace.

Or they may want to develop their independence and life skills through a post 16 programme via an alternative education provider like Lapwing.

Slide 25

It is helpful to speak to the nursery, school or college about your concerns about your child's learning before contacting the local authority. When a request is made for an EHC needs assessment, the local authority will need to contact the setting to get some more information.

You can speak to the relevant class or subject teacher or the nursery or school SENCo (which stands for special educational needs coordinator) or the person at the college responsible for SEN support.



EHC needs assessments are often made by the learning setting but as we said earlier, a young person or parent or someone with parental responsibility can make a request too.

Slide 26

So how can a request be made in our county of Suffolk?

Slide 27

An EHC needs assessment request can be made through an online portal on the Suffolk local authority website.

Slide 28

We have a lot of EHC information on our impartial [SENDIASS website](#). We provide a link to the local authority EHC portal, midway down our webpage for '[Requesting an EHC needs assessment.](#)'

(Click here for the [Suffolk local authority EHC portal.](#))

Slide 29

This is a screenshot of the local authority EHC portal. Midway down this webpage there is a green button for starting an EHC needs assessment request and registering for a portal account.

Slide 30

The local authority has produced some helpful guidance for families for registering with the portal and then using the online form.

We would recommend you look at this guidance first.

Slide 31

This guidance for families includes a series of short videos explaining how to access and use the portal which you might find helpful.



Slide 32

If you would struggle to access the online portal you can make a request to the [SEND Family Services team](#) by phone or in writing, using the contact details given on screen. These details are also on the portal webpage.

Slide 33

It's helpful to do some preparation before you begin your request, as the form will ask you for information.

This will include some basic details – your personal details and your child's, your contact information, your child's school if they attend one, and also who has parental responsibility.

Then you will be asked for your views about your child's needs, and their strengths and interests, what support has helped them so far and what you would like to see change.

Slide 34

We have information on our website to help you fill in this part of the request form. Each of the blue bars refers to a question on the form and if you click on a bar it opens a drop down with tips and suggestions for what to consider which you may find helpful.

Slide 35

Your child or young person's views are a really important part of the request form as this process is all about them.


The form asks about your child's worries about school and their learning and what they find tricky. It asks what they are good at and they enjoy, what their hopes are for the future and what needs to happen to help them achieve their goals.

Slide 36

We know that some children and young people struggle to share their thoughts and feelings. Some may find it easier to record their views, for example, using their mobile phone.

A recording can be emailed separately to the [SEND Family Services team](#).

You will be given an email address once your request for an EHC needs assessment has been lodged.



You will need to say on the form that your child would like to send in a voice recording later.

Slide 37

We have links to a number of person-centred resources on our [SENDIASS website](#) which may help a child or young person to share their views. These could also be sent in separately.

Slide 38

Or a young person might find it easier to take and to email photos of what helps them. On screen includes examples of resources which have helped a young person with sensory processing needs, like a weighted lap blanket, ear defenders and calming worry stones.

Slide 39

In addition, you can email the Family Services team copies of any relevant information which may support your case.

For example:

- School behaviour support plans or reports
- Exclusion or suspension letters
- Letters of diagnosis or other professional reports
- Or perhaps a statement from a person who has helped your child to learn a skill outside of school.

As we mentioned earlier, once your request has been lodged, you will be given an email address which you can use to send in additional information.

Slide 40

Once a request for an EHC needs assessment has been made, what happens next, what can you expect?

Slide 41

This chart shows the 20-week timeframe for the whole EHC needs assessment process as set out by the Children and Families Act 2014.

When you make a request for an EHC needs assessment you trigger the first stage in this process.



(Here is the [EHC timeline](#) shown on screen.)

Slide 42

This slide shows this first stage.

So, week one starts when the local authority receives the request for an EHC needs assessment.

There then follows a six-week period when the local authority gathers the views of you, your child or young person and the views of the educational setting, to help them decide whether an EHC needs assessment is appropriate.

(The slide refers to the first stage of this [EHC timeline](#))

They must tell you by the end of week 6 if they are going to do an EHC needs assessment or not.

If they refuse, they must give their reasons and explain that you have the right to go to mediation and to appeal if you wish to challenge their decision.

Slide 43

As the SEND Code says:

That the local authority 'must give its reasons for their decision where it decides not to proceed with an EHC needs assessment'.

The local authority should also provide feedback collected during the process of considering whether an EHC needs assessment is necessary, including evidence from professionals.

(SEND Code of Practice, para 9.17 and 9.19)


As per Children and Families Act 2014, Section 36 (5))

Slide 44

So, if you receive a letter from the local authority saying that they are not going to do an EHC needs assessment, what options do you have?

Slide 45

Firstly, you or your young person can send in more information and ask the local authority to reconsider their decision at their next EHC needs assessment panel meeting.



Or you or your young person could meet with the local authority informally at a meeting with a member of the Family Services team or through formal mediation to give more context, explain things in a bit more detail and to help you understand more about the local authority decision.

Or you or a young person over 16 years could register an appeal with the SEND Tribunal.

Slide 46

We have lots of information on our Suffolk SENDIASS website and YouTube channel which you might find helpful, including information to help you build your case and videos which explain mediation and also walk you through filling in the different sections of an appeal form.

Slide 47

Practitioners who may be working with your child may be able to help you. Although a school or other practitioner does not have the legal right to challenge a local authority refusal to do an EHC needs assessment, they might be involved in supporting you or your child to gather more information to be sent to the LA.

Or a practitioner may be happy to attend a meeting with the local authority or formal mediation to add more information or context. And these meetings could be held virtually.

Or a practitioner may agree to provide a witness statement as part of a SEND Tribunal appeal.

Slide 50

Now let's consider what happens if the local authority agree to do an EHC needs assessment and how you and your child are involved.

Slide 51

This shows the 10-week time period for the next stage in the whole 20-week process. This is from week 7 to week 17 where information and evidence is gathered.

So, who does the LA gather this information from?

Slide 52

There are three slides for this. The law says that the local authority must seek advice and information from:

The child's parent or whoever has parental responsibility or from the young person or adult.

Also, from the educational setting or, if this is not available, the SEND Code says they must seek advice from a person with experience of teaching children and young people with special educational needs or from a person responsible for educational provision for the child or young person

They must also seek advice and information from an Educational Psychologist and the SEND code says this psychologist should consult any other psychologists known to be involved with the child or young person. For example, some families may have paid for a private assessment in the past.

If a child or young person is vision or hearing impaired the LA will consult with a person who is qualified to teach pupils or students with these impairments. And if a young person is detained then advice will be sought from the youth offending team.

(SEND Regulations 2014, Regs 6 (1) and (2))

Slide 49

The LA must also seek advice and information from health care professionals with a role in relation to your child or young person's health.

And also, from social care. If appropriate, this might include seeking information from Children in Need or child protection assessments or information from a looked after child's care plan, or perhaps adult social care assessments.

They must also seek advice and information from any person requested by the child's parent or young person where the LA considers it reasonable. For example, a parent could suggest that the LA seek information from a GP or another health professional. So, this is your chance to tell the Family Services team if you feel there is a person who would be able to give useful information about your child's learning issues or any health or social care needs which you think are impacting on your child's ability to learn or to access learning.

The local authority must also seek any other advice and information considered appropriate for a satisfactory assessment. For example, Early Help assessments or information from the Virtual School Head for children looked after. Or, for children of members of the armed forces, this might include seeking information from the Children's Education Advisory Service.

(SEND Regulations 2014, Regs 6 (1) and (2))

Slide 52

In addition, where the child or young person is in, or beyond year 9, the local authority must seek advice and information about support 'to assist the child or young person in preparation for adulthood and independent living.'

(SEND Regulations 2014, Regs 6 (1) (g))

Slide 53

So you can tell the local authority of any person who you believe has helpful information to share regarding the support your child may need to help them prepare for the four pathways to adulthood.

Slide 54

Note that the legal duty is to seek 'advice and information' not to necessarily do an assessment.

It's helpful to think of this as an information gathering process, in order to assess your child's needs.

It's important to note that the SEND Code says:

'The LA must not seek further advice if such advice has already been provided and the person providing the advice, and the LA and the child's parents or the young person are all satisfied that it is sufficient for the assessment process.. (and) remains current'.


(SEND Code section 9.47 as per SEND Regulations 2014, Regulation 6 (4))

So, for example, if an educational psychologist has done a full assessment in the last 6 months, then they may only need to do an observation or a focussed assessment around a particular area of concern as part of this information gathering process.

At the end of the day, the SEND Code says that everyone needs to be satisfied that the information and advice is sufficient/enough. So, if you are not happy then tell the local authority why you feel they need to gather more advice.

Slide 55

When it comes to health and social care, if your child is not yet known to these services, then they may contact you and possibly the educational setting, to seek advice and information.



They will want to find out if you or staff feel there are health or social care needs which are affecting your child's learning or your child or young person's ability to access learning.

Slide 56

You can tell the local authority when you send in your family views if you feel your child has health or social care needs.

Health and social care should then consider whether an assessment is needed.

However, if you feel that your child will need a health or a social care **assessment**, we would recommend that you request this independently to the EHC needs assessment process.

Slide 57

You can find more information about this on our health webpage and social care webpage of our SENDIASS website in Suffolk.

Slide 58

Practitioners will provide their advice via the local authority EHC portal too.

This includes a section on the views of the child or young person.

Slide 59


For practitioners who may be watching this recording, the local authority has produced guidance for using the EHC portal. The link to this can be found above the green button for starting the request on the EHC portal landing page.

Slide 60

We explained earlier in the recording that weeks 1 – 6 were for deciding whether to do an EHC needs assessment, and then, if an EHC needs assessment is agreed there is a 10-week period (from week 7 to week 17) when advice and information is gathered.

Before week 17 the local authority has a good idea of whether your child will need an EHC plan.

And this slide shows you the latest time when the LA can issue a draft EHC plan.



They will write to you to tell you their decision and if they don't issue an EHC plan then you or the young person has a right to appeal.

Slide 61

So, just to be clear...

Not all EHC needs assessments will lead to an EHC Plan.

If the assessment identifies special educational needs which the local authority feel can be reasonably met by the nursery, school or college then they won't issue an EHC Plan.

You or the young person will have the right to challenge if you don't agree with the local authority's decision. (SEND Code 9.57)

Slide 62

If an Education, Health and Care plan is agreed, how are you and your child involved in the process?

Slide 63

The SEND Code of Practice says:

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.

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

(SEND Code 9.21 and 9.23, as per SEND Regulations 2014, Regulation 7)


Slide 64

The SEND Code says:

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

But we know that many young people find it hard to participate and to share their views.



The SEND code recognises this and says that local authorities need to make sure that young people have access to support.

(SEND Code 9.24 –9.25 as per SEND Regulations 2014, Reg 9)

Slide 65

Your child or young person may like to speak to our SENDIASS service for impartial and confidential advice and support, perhaps in helping them think about and share what kind of support helps them most or in supporting them to communicate with the [Family Services team](#).

Or a young person might like the help of an advocate. In Suffolk the organisation [Pohwer](#) provides free, independent, and confidential advocacy. This includes advocacy for young people with communication difficulties.

Slide 66

Remember what is important **to** your child, in other words what they enjoy and what makes life worth living to them, might be very different from what you or practitioners might feel is important **for** them, for example what good support might look like. It's really important that the EHC needs assessment and plan captures both.

(screenshots refer to the Council for Disabled video [‘EHC plan and the person-centred connection.’](#))

Slide 67

When it comes to bringing the plan together, you can request a meeting with a representative of the [Family Services team](#).

You can invite the school and other practitioners to attend when you will have the opportunity to:

- look at an initial draft plan
- share your views
- ask questions to make sure you understand
- and explore and agree possible amendments.

This may be a face-to-face meeting, often in the learning setting, or a virtual meeting which your child or young person may find easier.

Slide 68

This slide gives you an idea of the kind of questions that parents or young people may have at a coproduction meeting for a draft 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 EHC plan must be in clear straightforward language that you and your child can understand. So, this is an ideal opportunity to speak out if something is unclear or where there is jargon.

The SEND Code is also clear that an EHC plan needs to be very specific. For example, the recommended support should state exactly what the support is, who will be offering it, when your child will have that help and for how long.

Slide 69

So watch out for weasley words in the plan like 'access to' or 'opportunities for' or 'as required' which are not clear and specific enough.

Slide 70

The SEND Code says that the assessment and planning process should be easy for children, young people and their parents or carers to understand, and should use clear ordinary language and images.

The SEND Code also says that decisions about the content of EHC Plans should be made openly and collaboratively with parents, children, or the young person or adult.

(SEND Code 9.22 and 9.61, as per Children and Families Act 2014, Section 38 (1))

Slide 71

The SEND Code is clear that:

Local authorities should support and encourage the involvement of children, young people and parents or carers by:

- giving them time to prepare for discussions and meetings
- and giving time in those discussions and meetings to hear the views of children, young people and their parents.

(SEND Code 9.24 As per SEND Regulations 2014, Regulation 7)

Slide 72

You may find it helpful to watch our SENDIASS video [‘Drafting and Finalising an EHC plan.’](#) It explains the key sections in the plan and what to look for and what a good EHC plan should look like. We also offer a virtual session exploring this final stage in the process.

Slide 73

So, just to be clear...

An EHC plan can only be issued after a child, young person or adult has gone through the process of an EHC needs assessment.

At the end of that process, the local authority has to decide either to issue an EHC Plan or not.

It will issue an EHC Plan if there is evidence that the child, young person or adult has, or may have, a **special educational need** which may need support which goes beyond the resources available to the learning setting for SEN support.

Slide 74

If the local authority decides that your child’s needs **can** be met within the resources and specialist advice available to the learning setting through SEN support, it will not issue an EHC plan.

Instead, they can suggest a ‘resource agreement’ which is sometimes called ‘My Plan’.

Although this is not enforceable under the law, it can still be very useful for clarifying your child’s needs and the recommended support which is needed to address them.

Slide 75

If the local authority refuses to issue an EHC plan, they must:

Explain you have a right to appeal and the legal timeframes for doing so;

Give you information about mediation;

And explain your right to information, advice and support.

(SEND Regulations 2014, Regulation 10)

Slide 76

We'll finish the recording considering how an EHC plan is finalised.

Slide 77

Earlier in the recording we explained the whole EHC needs assessment process should take 20 weeks and this slide shows you the last few weeks of the 20 week needs assessment process.

If the LA decides that your child needs an EHC plan, then you will receive the draft plan by week 17. You may already have been working on the draft in a working together meeting before this point.

When you receive the draft plan, you have 15 days to go through it and decide if you are happy with it. You can contact our 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 19 and 20, the LA must consult with the educational setting that you or your young person has named. That setting has 15 days to go through the information about your child and decide whether their setting is suitable for your child's needs, abilities and age and whether giving your child a place would be compatible (that means it would work) with the teaching of the children already on their roll and with the use of resources for all their pupils.

Slide 78

Our online session and video [‘Drafting and Finalising an EHC plan.’](#) which I referred to earlier, looks at finalising the EHC plan in more detail, including the process of naming a school and consulting with it.

Slide 79

Parents and young people can suggest changes to 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 in order to keep within the legal timeframe of 20 weeks.

(SEND Regulations 2014, Regulation 13)



Slide 80

This is just a reminder that only the parent, carer, person with parental responsibility or a young person has the right to appeal to the SEND Tribunal.

An appeal needs to be made within 2 months of the local authority letter which gave their decision.

For most appeals, you must first consider mediation.

(Children and Families Act, Section 51 (2) (b))

Slide 81

Remember there is a lot more information about appeals on our SENDIASS website in Suffolk. And we can offer advice to help you build your case and we may be able to support you at a Tribunal hearing.

(Our webpage: [Appealing to the SEND Tribunal](#))

Slide 82

You may find it helpful to watch our video which explains what mediation is, how it can help, what it involves, what decisions can be made and what happens afterwards.

Slide 83

This video was made by Suffolk SENDIASS, but every county has an impartial and confidential SEND Information, Advice and Support Service.