

Script for Video: What happens when an EHC needs assessment is agreed?

Title slide

This recording will explain what happens when an Education, Health and Care (or EHC) needs assessment is agreed.

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.

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This recording will explore:

- ▶ The timeframes for the stages in an EHC needs assessment process
- ▶ We'll look at what the EHC needs assessment itself involves
- ▶ Also how you and your child are involved in the process
- ▶ And we'll finish by explaining your options if the local authority refuses to issue an EHC plan at the end of the EHC needs assessment.


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



If you have previously watched our video 'Who can request an EHC needs assessment?', you'll know that week one starts when the LA receives a request for an EHC needs assessment. There then follows a 6-week time period when the LA gathers the views of you, your child and the educational setting to help them decide whether an EHC needs assessment is appropriate.

If the LA agrees to do an EHC needs assessment, then this starts the next 10-week stage in the process which is what this video will be exploring.

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

So, who does the local authority gather this information from?

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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))

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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))

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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))

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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.

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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.

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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.

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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.

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

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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.

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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.

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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.

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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)

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

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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)

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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)

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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.

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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.'](#))



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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.

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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.

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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.

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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))

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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)

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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.

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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.

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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.

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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)

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

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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.

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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.

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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)

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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))

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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](#))

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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.



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This video was made by Suffolk SENDIASS but every county has an impartial and confidential SEND information, advice and support service