**Requesting an Education, Health and Care Assessment**

**Guidance for schools, settings and colleges**

Barnet Local Authority aims to put the child or young person, and his or her parents, at the heart of the assessment process. This includes taking account of their views, involving them in discussions and giving them information and support. We want the child or young person and their family to feel that they have had the chance to participate fully in the assessment process and have been supported in doing so.

References in brackets refer to relevant paragraphs in the SEND Code of Practice July 2014. Settings should refer to the Code for additional information and exemptions to statutory timescales or exceptions to the standard procedures.

1. **What is an Education and Health Care (EHC) Needs Assessment?**

An EHC needs assessment is a detailed exploration to find out what the child or young person’s special educational needs are and what provision should be put in place to meet them. It is a step before an Education and Health Care plan, but does not always lead to a plan being written. The information gathered during the EHC needs assessment may indicate ways in which the education provider can meet the child or young person’s needs without an EHC plan. *(Chap 9 para 9.6)*

An EHC Needs Assessment can be carried out for a child or young person between the ages of 0-25 who is in education or training.

The EHC Needs Assessment should not normally be the first step in the process for helping to meet the needs of the child or young person, but should be built on co-ordinated work that is already happening between families, educational settings, sen professionals and any other health or social care services who are involved.

The needs of the majority of children with special educational needs (SEN) can be met through the services set out in the document entitled ‘*Educational Provision for children with SENs that is normally available in Barnet maintained schools and academies 2014*’, often known as the “*normally available document”.* This document, available on the Barnet Local Offer website, outlines the provision made by schools and settings. This is known as ‘SEN support’ (formerly known as ‘school action’ and ‘school action plus’).

Chapter 5 of the SEN Code of Practice for Early Education settings and Chapter 6 for schools and educational settings set out the arrangements that should be made for the child or young person at SEN support.

1. **The 4 broad areas of special educational need**

The Code outlines four broad areas of need, although individual children or young people often have needs that cut across all these areas and their needs may change over time *(Chap 6 para 6.27-6.35):*

**Communication and Interaction**- for example where children or young people have speech, language and communication difficulties which make it difficult for them to make sense of language or to understand how to communicate effectively and appropriately with others. This may include children and young people with autism spectrum conditions who are likely to have particular difficulties with social interaction.

**Cognition and Learning** – for example where children and young people learn at a slower pace than their peers, even with appropriate differentiation. They may have difficulty in understanding parts of the curriculum, difficulty with organisation and memory skills, or have specific difficulty affecting one particular part of their learning performance such as literacy or numeracy. Learning difficulties covers a wide range of needs including moderate, severe, and profound and multiple learning difficulties.

Specific learning difficulties also falls within this category, which encompasses a range of conditions such as dyslexia, dyspraxia and dyscalculia.

**Social, Emotional and Mental Health Difficulties** – for example where children and young people have difficulty in managing their relationships with other people, are withdrawn or isolated or they behave in ways that might hinder either their own learning, or that of their peers, such as challenging or disruptive behaviour or behaviour that impacts on their health and wellbeing. This category encompasses a range of conditions such as anxiety or depression, self-harm or eating disorders. It also includes conditions such as attention deficit disorder or attachment disorder.

**Sensory and/or Physical Needs-** for example where children or young people have a physical disability which means that they need additional support or equipment to access the curriculum. This will also include children or young people with visual and/or hearing impairments.

1. **Normally Available Provision**

An EHC assessment will not be agreed unless there is evidence that the child/young person requires provision that is over and above what is normally available in Barnet schools. Schools have worked with the LA to develop descriptors of normally available provision.

The *normally available document* describes the different levels of support, types of education strategies and approaches and other arrangements that schools and other educational settings in Barnet will provide for a child or young person with SEN from within their own delegated budget. The *normally available document* can be found on Barnet’s Local Offer website: <http://www.barnet.gov.uk/info/920012/the_local_offer_and_special_educational_needs/1217/the_local_offer_and_special_educational_needs>

1. **Before a request is made**

Before a request for an EHC assessment is made, the child or young person would normally have a support plan in place that shows how agencies have worked together to identify the child/young person’s needs, and describing how the child/young person has been supported using resources which are normally available in the setting. Usually this plan will have been reviewed in collaboration with the family and child or young person as appropriate. There will be evidence of support being adapted or changed depending on how effective it has been in achieving the targeted outcomes. The school or setting will be able to demonstrate its application of the Assess, Plan, Do and Review cycle (APDR) which is explained in more detail below. Evidence of progress over time is a fundamental part of a school or setting’s record keeping.

1. **When to make a request for an EHC needs assessment**

A request for an EHC needs assessment may be made when:

* Normally available special educational provision currently being made from the setting’s own resources is not enabling the child or young person to make progress that is expected for him or her, following purposeful interventions over time.*(COP 6.17 )*

Or

* When the special educational provision required to meet the child or young person’s special educational needs cannot be reasonably provided from the resources normally available to the early education provider or school. The school or setting will also need to show evidence that they have sought and implemented expert advice relating to their work with the child/young person.
1. **Purposeful Intervention** *(Chap 6 para 6.44-6.56)*

Teachers remain responsible for and accountable for the progress and development of pupils in their class even where pupils access support from teaching assistants or specialist staff. High quality teaching, differentiated for individual pupils, is the first step in responding to pupils who have, or may have SEN. *(Chap 6 para 6.36-6.37)* The teacher will be expected to show how differentiated teaching has been used, and its impact.

SEN support should take the form of a four-part cycle; **Assess, Plan, Do, Review** (APDR), through which earlier decisions and actions are revisited, refined, and revised with a growing understanding of the child or young person’s needs and of what support he or she requires to make good progress and secure good outcomes. This is known as the graduated approach*. (Chap 6 para6.45-6.56)*

1. **The graduated approach – Assess, Plan, Do and Review**

The school or setting should have up to date information about the child or young person’s needs so that the right support can be provided. This information should draw on a range of data including progress and attainment, assessments from outside agencies, the views of parents and of the child or young person. This needs to be reviewed regularly to ensure that support and intervention are matched to need.

**Plan**

The school or setting needs to agree, with parental involvement, the outcomes that the SEN support is intended to achieve ie; how the child or young person will benefit from the support, and decide a date by which they will review the additional provision so they can check to see how well the support is working and whether the outcomes have been or are being achieved.

**Do**

The school or setting puts the support into place and records the outcomes. The class or subject teacher remains responsible for the child or young person and should work closely with any teaching assistants or specialist staff involved to plan and assess the impact of support and interventions and how they can be linked to classroom teaching. The SENCO should support the teacher in this, including advising on effective implementation of support and use of resources.

**Review**

A date will have been set to review the support and provision that has been put in place. The child/young person and their parents should be involved in the discussion evaluating the impact of the quality of the support and interventions.

The support should be revised in light of the pupil’s progress and development.

Further information about the use of data and record keeping is outlined in the Code of Practice Chap 6 para 6.72 – 6.78

1. **Involvement of outside agencies**

If a school or setting is making an application for an EHC needs assessment, the Local Authority would expect to see evidence that specialist advice has been sought and that their recommendations have been carried out, as part of the APDR cycle. They will also want to know what difference this additional provision has made.

A judgement about whether an EHC assessment is needed is about much more than just the levels of support that the pupil is receiving. The new Code of Practice emphasises carefully monitored use of structured and purposeful interventions, combined with a focus on outcomes. In considering whether an EHC needs assessment is necessary, the Local Authority will look for evidence of relevant and purposeful action will give particular weight to the impact and effectiveness of interventions in achieving identified outcomes.

1. **Who can make a request for an EHC needs assessment?** *(Section 36 Children and Families Act 2014 and Chap 9 paras 9.8-9.10)*

A request for an EHC needs assessment can be made by:

* The child’s parents
* A young person over the age of 16 but under the age of 25 and in education or training.
* A person acting on behalf of a setting or post 16 institution.
* Child or young person under 19 in a youth custodial establishment, their parents or professionals working with them.

If the family wants to make the request, it is usually best to talk first to their child’s school or setting or to professionals working with their child. People who are familiar with the family should be able to help the family to decide whether an assessment is needed and how they think it might help.

Sometimes families may find it helpful to talk to an independent advisor or other voluntary support services when a request for an EHC needs assessment is being made. Parents/Carers and young people can contact Barnet SEND Information, Advice and Support Service (formerly known as Parent Partnership) for support throughout this process.

<http://www.barnet.gov.uk/info/930042/barnet_send_information_advice_and_support_service/190/barnet_send_information_advice_and_support_service>

The SEN Referral and Assessment Team can also answer queries about the process of requesting and EHC Needs assessment: 020 8359 7007

SENadmin@barnet.gov.uk

1. **When a request for an EHC Needs Assessment is made**

Once a request for an EHC Needs Assessment has been received, the local authority has 6 weeks to decide whether or not to conduct an EHC needs assessment. A flowchart showing the EHC Assessment Process is appended at the end of this document.

When a request for an assessment is made the SEN Assessment Manager or a member of the SEN team will contact parents, usually by phone, for an introductory discussion and to explain the process.

The information received with the request for an EHC needs assessment is considered and the SEN caseworker will then see if any other reports are currently available. The decision about whether an assessment should be made is delegated to the nominated SEN casework manager or Head of Service. In making a decision, the SEN casework manager or Head of Service can seek additional advice from other professionals, in particular school/setting leaders, SENCOs and social care and health service managers.

In Barnet, the majority of requests for assessment are considered by a Panel of officers and professionals who advise the Casework Manager. Information on how Barnet makes decisions for EHC assessments and Plans is on the Barnet Local Offer website.

1. **How does the LA decide whether to conduct an EHC needs assessment?** *(Chap 9 para 9.14 -9.15)*

The LA will be looking for evidence that the child or young person has a significant difficulty in learning compared to other child or young person of the same age and that the child or young person has not made expected progress despite the setting taking relevant and purposeful action to identify, assess and meet their special educational need.

It will need to consider whether the child or young person now requires support that is different/additional to the provision normally available in a mainstream setting.

A wide range of evidence will be considered such as:

* the views, wishes and feelings of the child or young person and his/her parents
* academic attainment and rate of progress
* detailed information about the child or young person’s SEN
* evidence of action already being taken and professional advice from outside agencies sought and implemented to address the child or young person’s sen
* evidence of the difference that the additional support and enhanced teaching and learning strategies have made
* evidence of the child or young person’s physical, emotional and social development and health needs. – this can be by way of reports from other professionals
* for a child over the age of 18, whether they need additional time to complete their education or training.
1. **Notification of the LA’s decision to assess**

The Local Authority must make a decision whether or not to assess and notify the child’s parents or the young person of their decision within 6 weeks. *(Chap 9 para 9.17)*

If the decision is to assess, the LA will begin to gather information for the EHC assessment. Information gathering takes place between weeks 6-12 of the 20 week process (see the EHC Assessment process Summary Flowchart). The SEN caseworker will write to the parents and/or young person to confirm that an EHC assessment has been agreed.

They will also write to relevant professionals to tell them that the assessment has been agreed and ask them, if necessary, to submit further information or to carry out additional assessments.

The local authority will ask for information about the child/young person’s education, health and care needs, desired outcomes and special educational, health and care provision that may be required to meet identified needs and achieve desired outcomes. *(Chap 9 para 9.46)*

Advice and information requested by the LA must be provided within 6 weeks. The parents or young person will receive copies of all the paperwork received through the statutory assessment process.

1. **Independent supporters for parents/carers and young people**

Throughout the EHC Needs Assessment parents/carers and young people have access to independent supporters. Independent Supporters are individuals who are independent from the Local Authority and are specially trained to provide independent advice and support for parents and carers who have children and young people with SEN and disability needs, and to young people themselves, as they go through the Education, Health and Care plan (EHC) processes.

Independent Supporters can be accessed through Barnet SEND Information, Advice and Support Service (SENDIASS)

<http://www.barnet.gov.uk/info/930042/barnet_send_information_advice_and_support_service/190/barnet_send_information_advice_and_support_service>

or

Barnardo’s London Independent Support Service (BLISS)

Tel: 0208 555 1880

ISBarnet@barnardos.org.uk

Parents/carers and young people can self to either of these organisations and

schools or settings should support parents/carers and young people to access these services throughout the EHCP process.

1. **Notification of the LA’s decision not to assess** *(Chap 9 para 9.57)*

If an assessment is not agreed, the reasons will be set out clearly in a letter to the parents, the young person (if appropriate) and the setting. The family will be offered a follow up meeting to discuss the decision and how it was reached, and the support that has been suggested to meet the child or young person’s needs without the need for an EHC assessment.

If the family is unhappy with the decision not to assess, they have the right to appeal to the Special Educational Needs and Disability Tribunal.

They must consider mediation before they appeal*. (Chap 9 para 9.57)*

Information about appeals, mediation and dispute resolution services is available on

<http://www.kids.org.uk/mediation>

1. **Is an EHC plan necessary?** *(Chap 9 para 9.53-9.56)*

After the Local Authority has undertaken its assessment, it will then make another decision as to whether it is necessary to make an EHC Plan.

The Local Authority will consider all the information gathered during the EHC needs assessment, together with all the information originally submitted when the request for assessment was first made. *(Chap 9 para 9.54)*

They will consider whether:

* the new information confirms the information submitted when the request for assessment was first made
* the special educational provision made prior to the EHC needs assessment was well matched to the child or young person’s SEN.

If, despite receiving appropriate assessment and provision, the local authority feels that the young person is not progressing, or not progressing sufficiently well, the local authority will consider what further provision might be needed. They will take into account *(Chap 9 para 9.55)*:

* whether the provision can be reasonably provided from the setting’s own budget through SEN support as outlined in the *normally available* *document*

Or

* whether it is necessary for the local authority to make special educational provision in accordance with an EHC plan.

The local authority will also take into account any special circumstances. *(Chap 9 para 9.56)*

1. **If an EHC plan is considered necessary (weeks 12-16)**

The parents and/or young person and all involved professionals will be advised and a draft EHC Plan drawn up. The resources identified as being needed to deliver the plan will be agreed and allocated to the school or setting as part of the school funding scheme. Parents will be asked if they would like to have a Personal Budget for any part of the provision on the EHC Plan.

A Personal Budget is an amount of money that can be used by the parent or young person to provide some of the services set out in an EHC Plan. A Personal Budget can only be used for agreed provision in the EHC Plan. More information about Personal Budgets can be found on the Local Offer website. <http://www.barnet.gov.uk/downloads/download/1438/ehcp_personal_budget_policy>

A copy of the draft EHC plan will be sent to parents and/or the young person for them to make any final comments and to express a preference for a school or education provider. They must do this within 15 days.

1. **Finalising the EHC Plan - Weeks 16-20**

The local authority will consult with the school or education provider as to whether or not they can meet the needs of the child/young person. They must respond within 15 days.

Following consultation with the parent/young person, the draft Plan will be amended where needed and a final Plan issued. The Plan will need to be reviewed annually, or every 6 months for a child in a pre-school setting.

The local authority will arrange that the sen provision as identified in the Plan is put into place.

The Clinical Commissioning Group must ensure that specified health provision is made.

Once the Plan has been finalised, if the parent or young person remains concerned about provision they may talk to their SEN caseworker or other agencies such as

Barnet Send Information, Advice and Support Service (formerly known as Parent Partnership) SendIASS@barnet.gov.uk

They also have the right to appeal, but must consider mediation before doing so. Information about appeals, mediation and dispute resolution services are available on <http://www.kids.org.uk/mediation>

1. **If an EHC Plan is considered not to be necessary**

An EHC assessment does not always lead to a plan being written. The information gathered during the EHC needs assessment may indicate ways in which the education provider can meet the child or young person’s needs without an EHC Plan. *(Chap 9 para 9.6)*

If the Local Authority decides that an EHC Plan is not necessary, it will notify the parties within 16 weeks of the date they received the request for assessment. The reasons will be set out clearly in a letter to the parents, young person (if appropriate) and the setting.

The family will be offered a follow up meeting to discuss the decision and how it was reached. The work undertaken to assess the child or young person’s needs and the outcomes identified will be used to develop a plan of support without the need for an EHC Plan.

If the family is unhappy with the decision not to issue an EHC Plan, they have the right to appeal, as above.

1. **Children and young people in specific circumstances**

There are particular groups of children and young people whose specific circumstances require additional consideration by those who work with them and support their special educational needs. These groups include, amongst others, looked after children, care leavers, children or young people in hospital or youth custody or children of service personnel or children and young people with sen who are educated at home. Chapter 10 of the Code of Practice sets out information about managing their circumstances in order to help achieve good outcomes for them.

1. **Useful contacts**

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| --- | --- |
| SEN Team SENadmin@barnet.gov.uk 020 8359 7007 | Barnet SEND Information, Advice and Support ServicesendIASS@barnet.gov.uk 020 8359 7637 |
| Barnardos ISbarnet@barnardos.org.uk 0208 555 1880 | KIDS Mediation Service <http://www.kids.org.uk/mediation> |
| Barnet Local Offer website<http://www.barnet.gov.uk/info/920012/the_local_offer_and_special_educational_needs/1217/the_local_offer_and_special_educational_needs>  |

**The EHC Assessment Process – Summary version**

**(Maximum time for whole process to be completed - 20 weeks)**

1. A request is made for an EHC Assessment

**4**. LA notifies parents/young person of decision and right to appeal **within a maximum of 6 weeks from request for assessment.**

**2.** LA decides whether to conduct an EHC needs assessment within **6 weeks**

Yes

**6.** On-going LA information gathering – where an LA requests co-operation of a body in securing information and advice, the body must comply **within 6 weeks**

**At every stage, the child and their parent and/or young person is involved fully and their views or wishes taken into account.**

Yes

No

No

**8.** LA notifies parents/young person of decision and right to appeal within a maximum of 16 weeks from request for assessment

**12.** Following consultation with the parent/young person, the draft plan is amended where needed and issued. (LA notifies parent/young person of rights to appeal.)

**11.** LA must consult governing body, principal or proprietor of the educational institution before naming them on the EHC plan. The institution should respond within **15 calendar days**

**10.** Parents/young person has 15 calendar days to comment/ express a preference for an educational institution and should also seek agreement of a personal budget

**9.** LA drafts plan and send it to parents/young person

**5.** LA gathers information for EHC assessment

**3**. LA notifies parent/young person of decision **within a maximum of 6 weeks from request for assessment**

**7.** LA decides whether an EHC plan is needed