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Education: Assessment of Education, Health and Care needs – England

Introduction

The Children and Families Act 2014 introduces changes the arrangements for support that children and young people with special educational needs will receive at nursery, school and college.

Here we look at how children and young people might receive support under the new system, which will be in force from 1 September 2014.

The needs of most children can be met by their school¹, with the help of outside specialists sometimes needed. However, in some cases the local authority will be asked to make an assessment of a child's education, health and care needs (an EHC needs assessment). After the EHC needs assessment, if the authority decides that a child or young person needs special help which is greater than can be provided by the school's resources, they must prepare an Education, Health and Care Plan. The plan describes all the child's needs and details the specialist help and provision required to meet them. Education, Health and Care Plans can be issued to children and young people from ages 0 – 25 years, if the young person remains in some form of education or training. Students going to university will not be eligible for a plan.

EHC Needs Assessment

An EHC needs assessment is a detailed exploration to find out what a child's special educational needs are and what provision should be put into place to meet them.

An EHC needs assessment is the step before an Education, Health and Care Plan (often known simply as a 'plan'), but doesn't always lead to a plan being written.

¹ We will use the term 'school' to refer to all educational establishments, including nursery, pre-school settings and further education colleges

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(Note: before September 2014, parents can still apply for a statutory assessment that may or may not lead to the issue of a statement of SEN).

The local authority must, by law, comply with a request for an assessment unless:

- A child already has an Education, Health and Care Plan
- An EHC needs assessment has been made within the last six months
- It believes upon examining evidence that an EHC needs assessment is not necessary.

The local authority will only carry out an EHC needs assessment if they believe a child **probably** has special educational needs **and** that they need, or **probably** need, to determine the level of a child's special educational provision by writing a plan.

It's important to remember that an EHC needs assessment is different from assessments that the school may carry out. It is also different from tests or visits by educational psychologists, specialist teachers or speech and language therapists. Only a local authority can carry out an EHC needs assessment, and this is the only kind of assessment that can lead to an Education, Health and Care plan.

Who can request an EHC needs assessment?

A request for an EHC needs assessment can be made by a representative from the child's school, but parents should be consulted before a request for an assessment is made. Parents can request an assessment if they believe that the child's needs are either not being met through SEN Support (support programmes which are funded by schools), or that they are so substantial that a school could not meet them from within their own resources. People over the age of 16 can also request an assessment of their own needs.

An EHC needs assessment can be carried out for children from birth to the age of 25. Before making a request, parents should discuss their concerns with the school's special educational needs co-ordinator (SENCO), the manager of the early years setting, or the person with responsibility for SEN at college. If they're unable to offer any further support and the parents concerns remain, parents can make a request for an EHC needs assessment directly to their local authority (council). Parents should clearly set out the reasons for making the request and provide information about the help that the child has already received.

The request should be made in writing to the either the Director of Education, or Director of Children's Services of the local authority where the child lives. Send a copy of the letter to the school, early years setting or college.

Considering the request for an assessment

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As soon as the local authority starts looking at the request for an EHC needs assessment they must write to parents and tell them that they are **considering** whether to carry out an EHC needs assessment. The local authority should take into account:

- Parents views and the views of the child
- Evidence of the child's academic attainment and progress
- Information about the nature, extent and cause of the child's special educational needs
- Evidence of the action already being taken by the school to meet their needs
- Evidence that, where progress has been made, it has only been as the result of a lot of additional instruction and effort over an above what the school would usually provide
- Evidence of the child's physical, emotional and social development and health needs
- If the child is over 18 years, whether remaining in education or training would help them to progress and help them make a successful transition to adult life

The local authority has **six weeks** to decide whether or not to carry out an EHC needs assessment from the date that they first receive the request.

The decision to assess or not

If the local authority refuses to agree to a request for an EHC needs assessment, parents and children over 16 years have a legal right to appeal to the First tier Tribunal – Special Educational Needs and Disability (SEND). Parents can appeal whether they made the request for an EHC needs assessment themselves, or whether the school did. For more information about the appeal process, please contact the Education Rights Service Tribunal Support Line on 0808 800 4102, option 2.

If the local authority agrees to conduct the assessment they will ask parents and a number of professionals to give views on the child, including:

- the child's school
- an educational psychologist
- a doctor
- social services (who will only give advice if they know the child)
- anyone else whose advice the local authority considers appropriate

If a child is in Year 9 or above, the local authority should also ask for advice in relation to preparing them for adulthood and independent living, e.g. a careers adviser.

While the assessment is underway, local authorities, health and other agencies should work with parents try to minimise disruption. For example, multiple appointments should be co-ordinated or combined where possible and appropriate. The local authority must also provide parents with access to impartial information, advice and support about the process.

Parents:

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- have the right to be present at any interview, medical or any other test during the assessment process
- can suggest other people or organisations whose views may be helpful to the assessment of their child
- may send the local authority any private advice or opinions parents have collected. The local authority should take these into account.

The assessment process should take **six weeks**, after which the local authority will decide whether or not to issue an Education, Health and Care plan.

It is only the local authority which can issue a plan and they must do so if a child has complex and significant special educational needs which need more help than can be given from school's resources.

If the local authority decides not to issue a plan they must inform parents of their right to appeal to the First tier Tribunal (SEND). If the local authority decides to make a plan, they must first issue a draft plan and ask for their views.

Timescales from EHC needs assessment to plan

- Once the local authority receives a request for an EHC needs assessment they have **six weeks** to make decision about whether to carry out an assessment.
- If the local authority decides **not** to assess they will write to parents with information about their right to appeal and the requirement for them to consider mediation.
- If the local authority decides to assess:
 - They will seek advice from parents and a range of professionals within **six weeks** (unless in exceptional circumstances).
 - They will decide whether or not to make a plan after receiving all the advice.
- If the local authority decides **not** to make a plan they will write to parents within **16 weeks** from the date they received the request for an EHC needs assessment, telling them that they have the right to appeal.
- If the local authority decides to make a plan they will issue a draft plan and within **20 weeks** from the date they received the request for an EHC needs assessment make a final plan.

View a flowchart of the timescale on page 5.

Further information

You can also find a wealth of information on the National Autistic Society website:
www.autism.org.uk

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Timescales from EHC needs assessment to plan

