

An overview of Education, Health & Care Plans (EHCP's)



What is an Education, Health and Care Plan? (EHCP)

An **Education, Health and Care plan (EHCP)** describes a child's special educational needs (SEN) and the help (provision) they will get to meet them. An EHCP also includes any health and social needs related to their SEN and provision that is needed. It is a legal document written by the Local Authority and is intended to ensure that children and young people with an EHCP receive the support they need. The special educational needs provision in an EHCP **must** be provided.

The SEND Code of Practice says:

The purpose of an EHCP is to make special educational provision to meet the special educational needs of the child or young person, to secure the best possible outcomes for them across education, health and social care and, as they get older, prepare them for adulthood. (9.2)

An EHCP can only be provided once an EHC needs assessment has taken place (see below who needs an EHCP)



Who needs an EHCP?

Most children and young people (yp) with special educational needs will have the help given to them without the need for an EHCP.

EHCP's are for children and young people who have special educational needs or disabilities that cannot be met by the extra support that is available at their early years provider, school or college. This extra support is called **SEN support (For more information please see our booklet on SEN support, which is available to download from our website)**

Some children and young people may not make the expected progress even with SEN support. You, the early years setting, school or college can ask the local authority (LA) to carry out an Education, Health and Care Needs Assessment to identify all your child's/yp special educational needs. The LA, having considered the information which is already available, will then decide whether to agree to assess to see if an EHCP is needed.

A few children and young people have such significant needs that an EHC needs assessment should not be delayed.

The SEND Code of Practice says:

In considering whether an EHC needs assessment is necessary, the Local Authority should consider whether there is evidence that despite the early years provider, school or post-16 institution having taken relevant and purposeful action to identify, assess and meet the special educational needs of the child or young person, the child or young person has not made expected progress. (9.14)

The law states that a LA **must** carry out an assessment if a child or young person:

- has or **may** have special needs

and

- it **may** be necessary for the provision to be made in accordance with an EHCP

You do not have to prove that an EHCP is definitely necessary to obtain an assessment, you just have to show it **may** be necessary.

You can find more information about EHC needs assessments in our booklet [How to obtain an EHCP \(including the needs assessment\)](#) or by contacting us. You can also [Read Chapter 9 of the SEND Code of Practice](#) also available on our website - www.norfolksendpartnershiassi.org.uk

How will I be involved?

Your views, and those of your child or YP are really important. The Local Authority, school or college should help you take part and involve you in decision making. If you would like help to do this please contact **Norfolk SEND Partnership** for impartial information, advice and support.

The SEND Code of Practice says:

Local Authorities must consult the child and the child's parent or the young person throughout the process of assessment and production of an EHCP. (9.21)

For further information on how to share your views with the LA during an EHC needs assessment please see our booklet on ['Writing your contribution for an Education Health & Care Plan \(EHCP\) needs assessment](#)

The SEND Code of Practice says that an EHCP should:

- ◆ Be based on decisions made openly, and with parents, children and young people
- ◆ Clearly show the child or young persons views
- ◆ Describe what the child or young person can do
- ◆ Be clear, concise, understandable and accessible
- ◆ Consider how best to achieve the outcomes and what is to be achieved for the child or young person. They **must** take into account the evidence from the EHC needs assessment
- ◆ Specify clear outcomes
- ◆ Consider alternative ways of providing support if a parent or young person wishes it. This could include having a **personal budget**
- ◆ Show how education, health and care provision will be co-ordinated
- ◆ Be forward looking – for example, anticipating, planning and commissioning for important transition points in a child or young person's life
- ◆ Describe how informal support as well as formal support from statutory agencies can help in achieving agreed outcomes
- ◆ Have a review date.

There is a full list of principles and requirements in the **SEND Code of Practice** section 9.61.

The EHC plan should be written in a way that makes it clear, to parents, young people, schools, colleges and LAs, who is required to do what, when it has to happen and how often it should be reviewed.

Contents of an EHCP

Every EHCP **must** include the following 12 sections, but each Local Authority can decide how to set these out.

The sections are:

- A:** The **views, interests and aspirations** of parents, children or the young person
- B:** The child's or young person's **special educational needs**.
- C:** **Health needs** related to their SEN or to a disability
- D:** **Social care needs** related to their SEN or to a disability
- E:** Planned **outcomes** for the child or young person
- F:** **Special educational provision**, what is to be provided. Provision **must** be specified, very clear, for each and every need shown in section B
- G:** Any reasonable **health provision** required that is related to their SEN or to a disability
- H1:** Any **social care provision** that **must** be made for the child or young person under 18 in line with the chronically sick and disabled person's act 1970
- H2:** Any **other reasonable social care provision** required that is related to their SEN or to a disability
- I:** The **name and type of the school, maintained nursery school, post-16 institution or other institution** to be attended
- J:** Details of how any **personal budget** will support particular outcomes and the provision it will be used for
- K:** The **advice and information** gathered during the EHC needs assessment **must** be attached in the appendices. There should be a list of advice and information

Where the child or young person is in or beyond year 9, the EHCP must also include the provision required by the child or young person to help prepare for adulthood and independent living.

You can read the full list of what must be included in each section in the **SEND Code of Practice sections 9.62 and 9.63** available on to download on our website.

Can I request a particular school?

The law says that parents or a young person has a right to request that a particular school, college or other institution is named in the EHCP. The Local Authority must agree to this request.

Unless:

- ◆ It would be unsuitable for the age, ability, aptitude or SEN of the child or young person, or
- ◆ The attendance of the child or young person there would be incompatible with the efficient education of others, or the efficient use of resources (9.79)

You can find out more about your rights to request a particular school or college in the **SEND Code of Practice sections 9.78 to 9.90** available to download on our website.



Will there be a review of the EHCP?

The Local Authority **must** review the EHCP at least once every 12 months. This **must** be done in partnership with you and the child or young person, and must take account of your views, wishes and feelings.

The Local Authority **must** decide whether to keep the EHCP as it is, make changes, or cease to maintain the plan within four weeks of the review meeting. You have a right of appeal if the Local Authority proposes to cease the EHCP. If the Local Authority decides to amend it you will have a right of appeal when you receive a copy of the final amended plan.

For more information please see our **booklet on Annual Reviews** available to download on our website

For some young people an EHCP will continue until they are 25.

However the plan may be ceased if:

- the plan is no longer necessary (the child or young person no longer needs the SEN provision specified in it)
Or
- the local authority is no longer responsible for the child or young person if they:
 - ◆ Go into higher education
 - ◆ Get a job
 - ◆ Tell their Local Authority they no longer want to be in education or training
 - ◆ They move to another local authority



Who funds the provision in an EHCP?

The Local Authority is responsible for ensuring that the special educational needs set out in the EHCP are met and that the special educational provision is made, whatever their funding arrangements or agreements with other service providers.

All young people with an EHCP and all parents of children with an EHCP can ask for a **personal budget**.

SEND Code of Practice Sections 9.110 to 9.118 tells you more about what can be included in a personal budget. This is available to download on our website.

The SEND Code of Practice says:

A personal budget is an amount of money identified by the Local Authority to deliver provision set out in an EHCP where the parent or young person is involved in securing that provision.

Norfolk SEND Partnership IASS can give you more information on local funding arrangements and on personal budgets, including **direct payments**. You can also download our **booklet 'Personal budgets'** from our website

You can also find more information on funding and personal budgets by visiting **Norfolk's Local Offer** at **www.norfolk.gov.uk/send**



What can I do if I am not happy about the EHCP?

The first step is to contact your EHCP Co-ordinator at the Local Authority to discuss your concerns.

You can also contact **Norfolk SEND Partnership IASS** who can give you impartial information, advice and support and explain your options. This may include independent disagreement resolution, mediation or going to appeal.

You can only appeal sections B,F and I of the plan.

- B - Educational needs
- F - Educational provision
- I - Educational placement

Please see our **booklet on 'What if I don't agree'** which is available to download on our website.

What happens if I move to another Local Authority area?

If you plan to move to another Local Authority area it is important that you contact the 'old' and the 'new' Local Authorities. The 'old' Local Authority must transfer the EHCP on the day of the move, as long as it has had 15 working days notice.

The 'new' Authority will become responsible for the plan and for securing any provision within it. The new Authority may want to carry out a new needs assessment .

The new Authority must review the plan before one of the following deadlines

- ◆ Within 12 months of the plan being made or being previously reviewed by the old authority or,
- ◆ Within 3 months of the plan being transferred

The new Authority must inform you within 6 weeks of transfer then they will review the EHCP and if they are going to re-assess.

Where can I get more information, advice or support?

You can read about EHCP's in **Chapter 9 of the SEND Code of Practice**. Visit our website for more legislation www.norfolksendpartnershiassi.org.uk/legislation. The **Local Offer** tells you about the local arrangements for special educational provision, including EHCP. Visit www.norfolk.gov.uk/send

Norfolk SEND Partnership IASS offers:

- ◆ Information, advice and support to explain the process and to help you take part in EHCP needs assessments
- ◆ Advice and support about EHCP's
- ◆ Information, advice and support to help you take part in reviews of EHCP's
- ◆ Support to help you find out more about the funding and provision for SEND made for a child
- ◆ Information, advice and support about personal budgets if a child/young person has an EHCP
- ◆ Information, advice and support about your rights to make a complaint, seek independent **disagreement resolution** or **mediation** and appeal to the **SEND Tribunal**.



We also:

- ◆ Produce a newsletter each term
- ◆ Have information leaflets available on our website
- ◆ Ensure the views of children, young people and parent/carers are represented when influencing SEND policy and practice

Contact us:

Norfolk SEND Partnership

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