

# Needs Assessment for an Education, Health & Care Plan (EHCP)



## What is an Education, Health & Care Plan Needs Assessment?

An EHC needs assessment is a detailed look at the special educational needs (SEN) of a child or young person (YP) and the support he or she may need in order to learn. Local Authorities are responsible for carrying out EHC needs assessments under the **Children and Families Act 2014**.

The needs assessment brings together information about:

- What a child/YP can and cannot do
- The special help they need

It includes information from:

- The parent/carer
- The child/YP
- The early years' setting, school or college
- Other professionals who work with or support the child/YP
- Educational Psychologist

The assessment is to see if your child/YP may need an Education, Health and Care plan (EHCP). An EHCP is a legal document written by the Local Authority. It describes the special educational needs that a child/YP has and the help that they will be given to meet them. It also includes the health and care needs related to education and the provision that is needed when it relates to the SEN. You can read more about EHCP's in our booklet 'An Overview of EHCP'.



## When is an EHC needs assessment necessary ?

Early years settings, schools or post 16 settings give children/YP with SEN additional support to meet their needs. This is called **SEN support**. If the child/YP does not make progress despite SEN support, an EHC needs assessment might be the next step.

### The SEND Code of Practice says:

**A Local Authority must conduct an assessment of education, health and care needs when it considers that it may be necessary for special educational provision to be made for the child or young person in accordance with an EHCP (9.3)**

This means to get an assessment you will need to show that your child/YP may have SEN and may need an EHCP.

## Who can ask for an EHC needs assessment?

- Parent/carer of the child/YP
- a YP over the age of 16 but under the age of 25
- the early years setting or school or post 16 institution (after talking with you first)

Anyone else, such as a doctor or a health visitor, can tell the local authority that they think a child/YP needs an assessment.

## How to ask for a EHC needs assessment

You can complete an online request form which you will find on the Norfolk Local Offer: visit [www.norfolk.gov.uk/send](http://www.norfolk.gov.uk/send) or call/write to Norfolk County Council.

## What to include in the request

- Date of birth
- Early years setting/school/post 16 setting she/he attends
- If you have already spoken to anyone about the child/YP, copies of any reports including school's SEN support
- An example of the child/YP's work
- Child or YP's views
- Why you feel the child/YP may need to be assessed



## What happens when the Local Authority (LA) gets a request for an EHC needs assessment?

As soon as the Local Authority gets a request for an EHC needs assessment they must tell you about it and they must pay attention to your views and the views of your child/YP. The Local Authority must also tell the school, the health commissioning body and social care that they are considering whether to assess the child/YP.

### The SEND Code of Practice says:

**In considering whether an EHC needs assessment is necessary, local authorities should pay particular attention to the views, wishes and feelings of the child and his or her parent, or the young person. (9.12)**

The Local Authority will look at:

- A child or YP's attainments and rate of progress
- Their special educational needs
- What support they have already had
- The difference that support has made
- The child/YP's physical, emotional, social development and health needs

The Local Authority has up to six weeks to decide whether to make an EHC needs assessment.

They must then tell you whether they have decided:

- To start the EHC needs assessment
- OR that a needs assessment is not necessary as the child/YP's needs can be met at SEN support

## What happens if the Local Authority decides that an EHC needs assessment is not necessary?

The Local Authority must tell you why it thinks that an EHC needs assessment is not needed and they must tell you about:

- Your right of appeal to the First Tier Tribunal (SEND) and the time limit for appealing
- Independent mediation
- How to get further information, advice or support

The Local Authority should also give you feedback collected during the assessment.

If you do not agree with this decision you can discuss this with the EHCP Co-ordinator, whose name will be on the letter from the Local Authority, or call Kids Mediation and Disagreement Resolution Service. For more information and support please contact us at Norfolk SEND Partnership or read our booklet 'What if I don't agree' available on our website.

You can also appeal this decision to the First Tier Tribunal (SEND) but you have to consider mediation first.



**KIDS SEND Mediation &  
Disagreement Resolution Service**  
**03330 062 835**

## What happens if the EHC needs assessment goes ahead?

The Local Authority will write to you to tell you that they are going to assess the child/YP and will ask you for any further information. Your views and the child/YP's views are really important.

The Local Authority will ask a number of other people for information. This is called 'advice' and it should include information about:

- Their education, health and care needs
- Outcomes—what the child/YP should achieve with support
- The support or provision they will get to meet their needs and achieve their outcomes

### **SEND Code of Practice sections 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. They should also involve the child as far as possible in this process. The needs of the individual child and young person should sit at the heart of the assessment and planning process. (9.21)**

The Local Authority must ask for advice and information from:

- Parents (or the YP)
- The child/YP's early years setting or school
- An educational psychologist
- Health professionals who work with the child/YP. This might include a paediatrician, speech and language therapist, physiotherapist or occupational therapist
- Social care
- Anyone else who may be able to give relevant advice

If a child has a vision or hearing impairment the Local Authority must seek information and advice from a suitably qualified teacher before obtaining the rest of the educational advice and information.

The Local Authority should also try to find out the child/YP's views. You, the school and other professionals may be able to help with this.

You can find out more about advice and information for EHC needs assessments in the **SEND Code of Practice sections 9.45 – 9.52.**



## What if some of this advice is already available?

### The SEND Code of Practice says:

The Local Authority must not seek further advice if such advice has already been provided (for any purpose) and the person providing the advice, the Local Authority and the child's parent or the young person are all satisfied that it is sufficient for the assessment process. In making this decision, the Local Authority and the person providing the advice should ensure the advice remains current. (9.47)

## What happens when the EHC needs assessment is complete?

Once the Local Authority has all the information and advice, it must decide whether the child/YP needs an Education, Health and Care Plan (EHCP).



## What if the Local Authority decides NOT to issue an EHCP?

Sometimes the Local Authority will decide that a child/YP has special educational needs that can be met through SEN support and therefore decide not to issue an EHCP.

If this is the case the Local Authority must tell you of its decision within 16 weeks of receiving the request. They must provide you with written feedback including evidence and the reports from the professionals collected as part of the assessment. The Local Authority must also tell you about:

- Your right of appeal and the time limits
- The need to consider mediation if you wish to appeal
- How to get information, advice and support

The Local Authority should also tell you about the resources available to meet the child/YP's needs within school or early years settings.

### The SEND Code of Practice says:

An EHC needs assessment will not always lead to an EHCP. The information gathered during the assessment may indicate other ways in which the school, college or other provider can meet the child or young persons needs without an EHCP (9.6)

## What happens next if the Local Authority decide to issue an EHCP?

If the Local Authority decides an EHCP is necessary they must issue one. A parent or YP has the right to request a **personal budget** at this stage. For more information on personal budgets read our booklet 'Personal budgets' available on our website.

The Local Authority must write a **draft EHCP** and send it to you with copies of the reports so that you can read it all. These reports contain the information that the plan has been written from. Make sure you keep all the paperwork which arrives with the draft plan as you may need it later.

You should check that everything you think is important has been included and that you agree with the needs of the child/YP, outcomes and the proposed provision. See our booklet Reading and Understanding an EHCP.



The **draft EHCP** must not name the school or type of provision as the plan should be written based on the child/YP's **needs** not on what a certain school or type of school can provide.

You have at least 15 days to:

- Say which school/establishment you would like the child/YP to go to
- Make comments
- Ask for a meeting or accept the draft plan.

The Local Authority must meet with you if you ask for a meeting during this time.

Many children with an EHCP will stay in mainstream provision but those with more complex needs may require specialist provision.

## Final EHCP

If you have asked for amendments and they are agreed by the Local Authority, or if they are not agreed, the Local Authority must send you a final EHCP within 20 weeks from the request for the assessment.

Keep your EHCP and the letter it came with safe.

If you are not happy with the final EHCP, including the name of school, you can appeal to the first Tier Tribunal (SEND). You also have to consider mediation.

For more information read our 'What if I don't agree' booklet and chapter 11 in the SEND Code of Practice available on our website.

**Note that if you do not reply within 15 days the Local Authority may assume that you agree with the draft plan.**



## How can we help?

You can contact us at Norfolk SEND Partnership for impartial information and advice about the options open to you at any stage during the assessment and with the EHCP.

Visit our website for a wide range of information booklets or find our contact details on the back page of this booklet.



# How long does all this take?

The Local Authority receives a request for an EHC needs assessment. (the authority must tell parents about this request)

This is the start date of the process

Is a needs assessment required? The authority must tell parents about its decision

Within 6 weeks of the start date

The EHC needs assessment takes place

This starts as soon as the decision is made

**EITHER** -The Local Authority tells the parents of the decision not to issue an EHCP

Within 16 weeks of the start date

**OR** -The Local Authority sends a draft EHCP to parents

Parents should respond to the draft EHCP. They can:

- ◆ Request the school they would like named
- ◆ Agree with the draft
- ◆ Ask for changes
- ◆ Ask for a meeting

Within 15 days of receiving the draft EHCP

Parents have the right at this point to state a preference for a school or early years setting

The Local Authority consults with the school or early years setting

Within 15 days of parent's response to draft EHCP

Final EHCP

Within 20 weeks of the start date



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**If you need this in another format or language please contact us**

Disclaimer: This is a guide and should not be treated as legal advice. Although SEND Partnership makes all reasonable efforts to ensure that the information contained in this booklet is accurate and up to date at the time of publication we cannot accept responsibility suffered as a consequence of any reliance placed upon it.

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