

SEND Guidance: Requesting an Education, Health and Care Needs Assessment



Requesting an Education, Health and Care needs assessment

1 When should a request be made?

- 1.1 In almost all cases before making a request for a statutory EHC needs assessment, the LA will expect early years providers, schools and post 16 institutions to have:
- provided the necessary information and support to enable the CYP and parents to participate as fully as possible from an early stage in discussions and decisions and so to be able to give their views, wishes and feelings;
 - fully implemented the graduated response with clear evidence of the assess, plan, do and review cycle over a sustained period;
 - involved specialists as described in the SEN Code of Practice 2014;
- 1.2 This means that a CYP in early years provision, school or post 16 institution should only be referred for a statutory EHC needs assessment if:
- Placements have utilised all relevant available resources.
 - The CYP has received SEN Support over time;
 - Need has been assessed;
 - Interventions to attain individual outcomes have been put into place;
 - The effectiveness of these have been reviewed and amended as necessary through person centred approaches in partnership with the CYP and parents.
- 1.3 The length of time spent with SEN support will not in itself justify a request for a statutory EHC needs assessment, however, as a general guideline it is expected that the CYP will have received SEN Support for at least 2/3 cycles of assess, plan, do and review without adequate progress being made at an expected level for the CYP's ability and age. This progress will be measured by the setting, school or post 16 institution using consistent methods of assessment.
- 1.4 For children who have not yet reached statutory school age or for those in post 16 institutions, the LA will expect evidence to show what SEN support has been provided and the child's response to a range of interventions.
- 1.5 For a very small minority of CYP the LA might wish to move directly towards a statutory EHC needs assessment without the need to demonstrate staged interventions.

This might include, for example, where a CYP with clear severe and complex needs moves into the Authority without a previous assessment being completed, or where a CYP's needs change dramatically following an incident or illness, or where a child has a severe degenerative or life limiting condition.

2 Who can request an Education, Health and Care needs assessment?

2.1 The following people have the specific right to ask the LA to conduct an EHC needs assessment for a CYP aged between 0-25:

- the child's parent;
- a young person over the age of 16 but under the age of 25;
- a person acting on behalf of a school or post-16 institution (ideally with the knowledge and agreement of the parent or young person where possible);
- CYP under 19 in youth custodial establishments – or their parent or a professional working with them (being introduced from April 2015).

Other people can bring a CYP who has, or may have SEN, to the attention of the LA – e.g. foster carers, health and social care professionals, early years practitioners, youth offending teams, probation services, educational professionals from custody placements, school or college staff or family friends. The LA will then discuss this with the CYP or parents.

3 What happens after a submission is received?

3.1 Once a submission has been received the LA will send out a notification to parents and the education provider of the submission being received which will be copied to health and social services for information. The LA will also inform the advisory teaching and educational psychology service.

3.2 The LA will then decide whether an EHC needs assessment is necessary. (LAs may develop criteria as guidelines to help them decide when it is necessary to carry out an EHC needs assessment COP 9.16) The LA will do this by considering 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 SEN of the CYP, the CYP has not made expected progress.

3.3 The current decision making process in Oldham is that a Triage Panel of Senior LA Officers consider the submissions for an EHC needs assessment and agree to carry out a statutory EHC needs assessment on those CYP where the evidence is clear that needs are severe and complex.

3.4 Where evidence is not clear the remaining submissions are circulated to the SEND Panel which considers the evidence provided and reports to the Chair of the SEND Panel as to whether the submission meets the criteria. The Chair of the panel then makes the final decision taking into account the views of the panel but also considers if there are any compelling reasons to depart from the criteria in individual circumstances. Triage decisions are ratified by this panel too.

3.5 The panel is made up of: Senior LA officers, Senior Management from schools, school SENCOs, advisory teachers, educational psychologists, health care professionals and social care representatives.

3.6 Throughout the course of the academic year 2014/15 the way the panel will operate in future will be considered under the new statutory requirements where there will be better quality information available as evidence and in view of the shorter timescales.

4 More information about the evidence required

4.1 To inform the decision making process the LA will need to take into account a wide range of evidence to check that the above criteria has been met. The rate of progress will be considered in terms of the CYP's ability and age. As per the SEN COP 2014 - 9.14 - the LA will pay particular attention to:

- evidence of the child or young person's academic attainment (or developmental milestones in younger children) and rate of progress;
- information about the nature, extent and context of the child or young person's SEN;
- evidence of the action already being taken by the early years provider, school or post 16 institution to meet the child or young person's SEN;
- evidence that where progress has been made, it has only been as the result of much additional intervention and support at a sustained level over and above that which is usually provided;
- evidence of the child or young person's physical, emotional and social development and health needs, drawing on relevant evidence from clinicians and other health professionals and what has been done to meet these by other agencies, and where a young person is aged over 18, the local authority must consider whether the young person requires additional time, in comparison to the majority of others of the same age who do not have special educational needs, to complete their education or training. Remaining in formal education or training should help young people to achieve education and training outcomes, building on what they have learned before and preparing them for adult life.

4.2 From within their own resources early years providers, schools and post 16 institutions are expected to have:

- made reasonable adjustments to the schools environment;
- used their best endeavours to meet identified SEN
- used person centred approaches to fully involve the CYP, where possible, around their difficulties and how they feel they might best be helped;
- fully involved and worked in partnership with the CYP's parents or carers at an early stage and particularly as part of reviews using person centred approaches;
- made specific SEN supported provision for the CYP within the resources available to them;
- alerted all relevant teachers and adults to ensure a consistent, appropriate response in the school to the CYP's difficulties;
- put in place an individualised planning tool with outcome focused, specific, measurable, achievable, relevant and time limited (SMART) targets, detailing strategies, frequency and duration of teaching programmes, timetables of interventions and adult:pupil ratios;
- maintained pupil records around baseline assessments, skills and attainments showing detailed evidence of the progression made against the targets and the general rate of progress;
- reviewed the individual planning tool on an at least termly basis, in partnership with parents, the CYP and any involved professionals;
- in the case of secondary schools, provided access to the School's Learning Support Unit or similar, as appropriate;
- explored the possible benefits of and secured access for the CYP to appropriate information technology, including training in its use, as appropriate;
- implemented its policy on pastoral care;
- sought external advice to meet any social, emotional or mental health difficulties, as appropriate, and integrated this into the personalised planning tool;

- maintained careful records and analysis of any social, emotional or mental health difficulties over time and to have systematically implemented, monitored and recorded an individual programme devised specifically to modify behaviour;
- ensured that individual planning for pupils at serious risk of exclusion reflect appropriate approaches, strategies and support to meet their individual needs;
- developed an Integrated Assessment Plan (IAP) using person centred approaches.

4.3 **Involving external agencies** – early years providers, schools and post 16 institutions are expected to have:

- Sought advice and implemented recommendations in partnership with appropriate education, health and social care services.

These might be: specialist advisory teachers, behaviour outreach services, educational psychologists, school attendance officers, Community Paediatricians, Speech and Language Therapists, Occupational Therapists, Physiotherapists, clinical psychologists, clinical psychiatrists and social workers - as appropriate for each CYP's needs.

4.4 Being able to demonstrate that there has been a referral to one or more of the above services is not in itself sufficient to warrant the school proceeding to request an EHC needs assessment. All early years providers, schools and post 16 institutions should be able to demonstrate that, having made the referral, they have then worked in partnership with parents and professionals to implement the advice given including any specific strategies suggested and have also accessed relevant training. Also that they have evaluated the outcome of these on the CYP's progress through writing an Integrated Assessment Plan developed through a person centred review before making the referral for an EHC needs assessment.

4.5 The following guidelines for evidence to submit are intended as support for when an EHC needs assessment might be requested. Oldham LA will require this evidence to inform the decision making process. As previously stated - the LA will need to take into account a wide range of evidence to check that criteria for an EHC needs assessment has been met and so it is important that the evidence provides this information. Decisions can only be made using the evidence provided. The rate of progress will be considered in terms of the CYP's ability and age.

4.6 For some very young CYP with complex needs the LA will accept as evidence one over-arching report from a lead professional involved with the CYP. This approach will also be used for an older CYP who through an accident or ill health suddenly acquires easily identifiable complex needs that require the LA to assess and make provision.

4.7 The LA is aware that during this first year there will be a variety of documentation used in early years settings, schools and post 16 institutions. The LA is developing a bank of resources that will support a move to more consistent paperwork - as has been requested.

Guidelines on evidence to submit and format of the evidence

The following checklist applies to all requests for an EHC needs assessment and should be adjusted according to age. **Please note that all of the evidence should be available already from the documentation held by parents, early years providers, schools or post 16 institutions**

Evidence required	Examples of type of documentation
From parents/person with parental responsibility or the YP if over 16	One Page Profile data / background information sheet
Signed consent form from parents/person with parental responsibility or the YP if over 16 up to the age of 25	Consent form for carrying out an EHC needs assessment, for agreeing to the content of the submission and to detail which information can be shared with other advice givers
Evidence of parental views	Parents own views if preferred to give separately. Records/ minutes from review meetings / person centred meetings
Evidence of CYP's views as appropriate to the age, ability and mental capacity of the CYP.	Records/ minutes from review meetings / person centred meetings
From early years providers, schools or post 16 institutions	Examples of type of documentation
Evidence of the involvement of the CYP and parent in early and ongoing discussions around the CYP's SEN, provision, interventions and reviews	Individualised planning tools & Integrated Assessment Plan (IAP) Chronology Records/ minutes from review meetings / person centred meetings
Analysis of CYP's areas of strength and areas of need	Individualised planning tools & Integrated Assessment Plan (IAP) One page profile Records/ minutes from review meetings / person centred meetings
Evidence of a graduated response to identified need indicating how provision has been changed to match need and interventions adjusted to show that advice has been sought and taken on board from education, health and social care services through assess, plan, do and review cycles – one current plan and the 2 previously reviewed plans – if appropriate given the circumstances of the request	Individualised planning tools & Integrated Assessment Plan (IAP) Chronology Provision map Records/ minutes from review meetings / person centred meetings
Detailed evidence of interventions currently being provided with regard to the: what, where, when, how long for - including the context of groupings and ratio of adult : CYP during the intervention.	Individualised planning tools & Integrated Assessment Plan (IAP) Provision map Clear timetable Records/ minutes from review meetings / person centred meetings

Detailed evidence of current levels of attainment using age appropriate measures with contextual information around how the assessment took place and whether it was independently assessed or if the CYP had permitted support, or more than permitted support. This will include both non-statutory and statutory assessments and progress checks in areas /subjects appropriate to the age of the CYP	Early Years Outcomes EYFS Progress End of year assessments End of Key Stage assessments Accreditation and qualifications
Detailed evidence of the rate of progress over time – as detailed above but for previous years as appropriate given the age of the CYP	Early Years Outcomes EYFS Progress End of year assessments End of Key Stage assessments Accreditation and qualifications
Evidence of the involvement and views of education professionals with relevant specialist expertise outside the normal competence of the educational setting.	Individualised planning tools & Integrated Assessment Plan (IAP) Chronology Provision map Records/ minutes from review meetings / person centred meetings
Non- annotated copies of written advice, where provided, from external educational professionals	Advisory teacher reports Pupil Intervention Project reports Jigsaw Team reports Educational Psychology reports
From Health Services:	Examples of type of documentation
Evidence of the involvement and views of health service professionals, where health needs affect education, as appropriate to the needs of the CYP	Non- annotated, signed and dated copies of written advice, where provided, from health service professionals e.g. Schedule of Growing Skills (Health Visitor) Early Health Check Child Development Service minutes Speech and Language Therapy reports Physiotherapy reports Occupational Therapy reports CAMHS Reflections professional reports
From Social Care Services:	Examples of type of documentation

Evidence of the involvement and views of social care service professionals,, where social care needs affect education, as appropriate to the needs and circumstances of the CYP	Non- annotated, signed and dated copies of written advice, where provided, where relevant and where not confidential, from social care service professionals, e.g. Core assessments Team Around the Child meetings Child in Need meeting reports Child Protection reports Looked After Child Meeting reports Social Care Resource Allocation System (SCRAS)
---	---

Order and format of the submissions Please note that all professional reports must be non-annotated and dated with the author clearly noted as these will be used as advice if there is agreement to carry out an EHC needs assessment	Tick box
Page 1 – CYP information sheet which includes the ‘One Page Profile’ sheet & signed and dated official consent form from parent/ person with parental responsibility or YP if over 18 for carrying out an assessment and permission to share stated information	
Education information/evidence – analysis of strengths and SEN, chronology, assessment and attainment information, planning documents and review of provision, provision map, timetable, integrated assessment plan and other educational service reports	
Health information/evidence – any reports provided by health services with parental permission or directly from parents	
Social care information/evidence - any reports provided by social care services with parental permission or directly from parents	
The content of the submission should be relevant to the present situation and so all reports must be up to date – any old information should be summarised or evident in the chronology	Tick box
All reports must be dated and show the author’s name and designation	
As much as possible will be typed or written clearly in black ink	
Test results must be dated and contextualised with regard to permitted support	
Generally the panel does not require samples of work as these levels should be evident in the other documents. If these are considered necessary to include they must be carefully chosen to illustrate need and should be annotated to show: the context of the task; whether the work is supported / unsupported and if supported the adult / pupil ratio the level of differentiation needed for access the level of input required from the adult and intended outcomes the pupil’s access to props etc., the time taken on task/pupil’s responses how the activity relates to the pupil’s personal targets	
Funding information from the school must clearly show how the school is using the totality of its resources	Tick box

Timetables of interventions must show duration, frequency and adult : pupil ratio and be totalled to show pro-rated level of provision for the CYP	
Across school interventions must not identify any other child	

All submissions have to be photocopied for the panel and must:	
Be on white A4 single sided loose sheets - no staples, binding, plastic jackets, files, dividers, ring binders	
Be grouped together by one elastic band, wallet, envelope, bulldog clip or paperclip	
Have sheets numbered in the centre at the bottom of the page	
Have no front sheet and no blank sheets or dividing sheets	
Be black and white only with no coloured items including highlighting as these do not show on photocopies	
Have no names of other CYP	
Have no photographic images of any other CYP	
It is good practice for submissions to be photocopied first so that the submitter can see what the panel will see and can make any adjustments required before submitting the information and evidence.	
Everything must have been shared with parents/CYP	
Confidential reports are not included in the general submission but are submitted separately, in an envelope addressed to the Chair of SEND Panel and sent in to Access Service – SEN	

5 What happens next?

- 5.1 Once the SEND Panel has met a decision to assess or not assess is made and the same people notified of the submission being received are advised of the decision.
- 5.2 If the decision is not to assess clear information is provided in a letter as to the reason why not and parents have the right to appeal the decision to the First Tier Tribunal and this will be detailed in the letter.
- 5.3 If the decision is to assess the LA will consider all the information already submitted to check if anything additional might be needed, will discuss this with parents and with other potential advice givers. If further information is required the advice givers have a maximum of 6 weeks to provide any additional advice requested.
- 5.4 Once all this advice has been received the LA will consider if the advice indicates that an EHC Plan is required or whether SEN Support should continue through further Assess / Plan / Do / Review cycles. There are set timescales with a maximum of 20 weeks in total if all advice is received in time.

The SEN Code of Practice states that in deciding whether to make special educational provision

in accordance with an EHC plan, the local authority should consider and take into account:

- all the information gathered during the EHC needs assessment and set it alongside that available to the local authority prior to the assessment;
- both the CYP's SEN and the special educational provision made for the child or young person and whether the information from the EHC needs assessment confirms the information available on the nature and extent of the child or young person's SEN prior to the EHC needs assessment;
- whether the special educational provision made prior to the EHC needs assessment was well matched to the SEN of the child or young person;
- where, despite appropriate assessment and provision, the CYP is not progressing, or not progressing sufficiently well the local authority should consider what further provision may be needed;
- whether the special educational provision required to meet the child or young person's needs can reasonably be provided from within the resources normally available to mainstream early years providers, schools and post-16 institutions;

or:

- whether it may be necessary for the LA to make special educational provision in accordance with an EHC plan.

5.5 The resources provided in schools and post 16 institutions for CYP with SEN are through a notional SEN budget. In Oldham schools there is an expectation that for a CYP being put forward for an EHC needs assessment the school will have already allocated £6000 from their notional SEN budget. This provides approximately 9.5 hours of Teaching Assistant support through Oldham LAs funding arrangements with schools. Schools can use this funding in a variety of ways to make the most effective use of this provision through individual, small group and in class support. *E.g. a CYP might receive 3 hours per week of individual interventions (3) with 12 hours per week in a small group of 3 (4) and 6 hours a week in a group of 6 (1). The proportional SEN support per week for that CYP would be 8 hours with some time for preparation and liaison.*

The level of support for each individual CYP with SEN should be detailed out and apportioned per CYP on a Provision Map so that schools and post 16 institutions can be clear of how their funding is being used for each CYP. This information will have been supplied by the school and post 16 institution to the LA so that it can be taken into account when consideration is being made as to whether to issue an EHC Plan.

5.6 Given the above information this is the checklist when considering if the LA should issue an EHC Plan:

Does all the information provided, both pre EHC needs assessment and anything additional provided from the EHC assessment, tally? Yes / No

If Yes – the provider has accurately assessed need and provision

Was the provision made well matched to the identified SEN needs of the CYP? Yes / No

If Yes – the provider has accurately assessed need and provision

Is the special educational provision required to meet the CYP identified SEN within the level of resources normally available to mainstream early years providers, schools and post-16 institutions? Yes / No

If Yes – the LA might not need to make special educational provision through an EHC Plan

If No – the LA will need to make special education provision through an EHC Plan

- 5.7 The LA will organise a meeting with parents, the CYP, school and other advice givers to either co-produce a draft EHC Plan to reflect the totality of advice or to review the IAP if an EHC Plan is not considered to be required.
- 5.8 If the decision is not to write an EHC Plan the reason why not is also provided in a letter and the YP or parents have the right to appeal the decision to the First Tier Tribunal and this will be detailed in the letter.

EHC Assessment and Plan: Timeline

Whole process to be completed in 20 weeks

