

EHC Needs Assessment requests – post 16

Oldham Council's decision making process when receiving a request for an EHC needs assessment where a young person currently has a learning difficulty assessment in place

26 October 2015

1 Purpose of this guidance

This guidance has been developed to provide further clarity around the local authority decision making process when receiving a request for an EHC needs assessment in the following circumstances:

- Where a young person is subject to a learning difficulty assessment and is considering requesting an EHC needs assessment as part of the transfer process;
- Where a young person not currently in formal education or training has indicated that they would like to return to formal learning and where it is evident that they are strongly motivated to re-engage.

This approach is supported by the SEND Code of Practice (DfE, 2014, p. 9.16) which states that LAs may develop criteria as guidelines to help them decide when it is necessary to carry out an EHC needs assessment (and following assessment, to decide whether it is necessary to issue an EHC plan).

This document does not replace existing guidance but should be read in conjunction with the following:

- Oldham Council Guidelines for EHC Needs Assessment (Oct 2015)
- Oldham Guidelines in support of decision making for high needs (April 2015)
- SEND Code of Practice (DfE, 2014)
- Transition to the new 0 to 25 SEND System (DfE, 2015)

2 Introduction and context

Local authorities must consider requests for an EHC needs assessment under the 2014 Act for a young person who receives support as a result of a learning difficulty assessment (LDA).

Young people in further education or training who receive support to meet their SEN as a result of an LDA and who intend to continue in education beyond 31 August 2016 can choose either to:

- continue for the time being to receive their support as a result of their LDA (where it is still required); or
- request an EHC needs assessment.

Young people who are currently receiving support as a result of an LDA and remain in further education or training during the transition period to 31 August 2016, who request and need an EHC plan, must be issued with one.

For clarity, young people aged between 19 and 24 are still able to access learning regardless of whether they have an EHC plan or not, the only difference is that the funding comes from a different funding body where a young person doesn't have an EHC plan in place.

The Code of Practice sets out a clear vision for young people:

- Young people should be prepared effectively for adulthood and the decision to provide or continue an EHC plan should take this into account, including the need to be ambitious for young people.
- Where an EHC plan is put in place, the outcomes specified in the EHC plan should reflect the need to be ambitious, showing how they will enable the young person to make progress towards their aspirations.
- Young people with EHC plans may need longer in education or training in order to achieve their outcomes and make an effective transition into adulthood. However, this position does not mean that there is an automatic entitlement to continued support at age 19 or an expectation that those with an EHC plan should all remain in education until age 25 (9.151).
- A local authority may cease a plan for a 19 to 25 year old if it decides that it is no longer necessary for the EHC plan to be maintained. Such circumstances include where the young person no longer requires the special educational provision specified in their EHC plan. In deciding that the special educational provision is no longer required, the local authority **must** have regard to whether the educational or training outcomes specified in the plan have been achieved.
- The local authority should also consider whether remaining in education or training would enable the young person to progress and achieve those outcomes, and whether the young person wants to remain in education or training so they can complete or consolidate their learning. In both cases, this should include consideration of access to provision that will help them prepare for adulthood. Young people who no longer need to remain in formal education or training will not require special educational provision to be made for them through an EHC plan (9.152).

3 Information to support the request

The Code sets out the evidence local authorities should take into account in considering whether an EHC needs assessment is necessary; this includes evidence of the action already being taken by the post 16 Institution to meet the young person's SEN:

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 SEN, to complete their education or training and remaining in formal education or training should help young people to achieve the education and training outcomes, building on what they have learned before and preparing them for adult life.

An essential element of the Council's decision making around whether a young person requires an EHC needs assessment or not is in understanding firstly what the SEND needs are of the young person but also whether the identified provider can meet these identified needs within their notional funding allocation from the Education Funding Agency (EFA) or whether additional resources (over £6000k = high needs) are essential to enable the young person to learn.

The Council's 'Guidelines for EHC Needs Assessment' sets out the type of evidence (see annex 1) which is expected to be provided when a request for an EHC needs assessment is submitted. Taking into account the different circumstances for those who have already left the school setting and the SEND vision for young people to be prepared for adulthood, the Council would expect any request for an EHC needs assessment to include further clarity around the following:

- Where is the young person now?

If the young person is currently in education or training, please provide information about the learning programme and the type of support, both formal and informal which is currently in place. It is helpful to include information about other types of support which are being provided by charitable organisations, volunteer or youth groups which support the holistic needs of the young person. Support which is provided through social care (including personal assistants), health or youth offending teams is also important information which helps the local authority understand how the young person is currently being supported.

If the young person is not currently in education or training but it can be demonstrated that they are strongly motivated to access education or training, please provide further information about what the young person is currently engaged with, what learning programme or pathway of study they are considering and what discussions have taken place with the education or training provider.

As set out in the Council's guideline document (see annex 1), we would expect to see information about the young person's learning career so that we can see clearly a chronology of achievements or reasons why a qualification has not been achieved. We would expect this to come from the relevant education or training provider with information as to how the young person was supported.

- Has the young person received additional learning support in the past?

Where a young person has a learning difficulty assessment, this will be reviewed as part of the initial decision making process to understand what type of support is recorded.

Where a young person has not received additional learning support in the past, please include within the submission the reasons why this is no longer seen as adequate; for example, has something changed for the young person in relation to a special educational need?

- What are the young person's aspirations and expectations from accessing education or training?

What options has the young person explored which can help them to achieve their goals ? This should include information about different pathways which have been explored and where the aspiration relates to securing employment, we would expect to see how government funded work programmes or activity through Job Centre Plus have been utilised. For information, a visual of learning pathways can be found at annex 2.

- What impartial and independent careers advice and guidance has the young person received to inform their decision making if they are considering returning to education or training?

We would expect that young people are supported to make informed decisions about their chosen pathway into employment to ensure that there is a realistic opportunity to achieve and that they make best use of the different options available to them.

4 Submitting a request

Under the timescales set out in the SEND Regulations 2014, local authorities have six weeks following a request within which to consider whether it is necessary to carry out an assessment. To support this timescale and to ensure that officers can make an informed decision, we would expect that requests contain the relevant information as described.

Requests for an EHC needs assessment should be submitted to the Access Team at level 12 Civic Centre. This can either be submitted through the post or alternatively through the dedicated email address ehcinfo@oldham.gov.uk. If you would like to speak to a member of the Access Team, please call 0161 770 1839.

If you require any additional support or advice relating to a request, Oldham SEND Information, Advice and Support Service (SENDIASS) are available to support the process; the service can be contacted on 0161 667 2055 or iass@pointoldham.co.uk.

Annex 1

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 maps 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 Psychologist 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 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

<p>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</p>	<p>Non- annotated 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)</p>
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Annex 2

Pathways to preparing for adulthood

