

EDUCATION, HEALTH and CARE (EHC) Plans explained

Education Health and Care Plans

An EHC plan will replace the current statement of Special Educational Needs and Learning Difficulty Assessments. The plan will be a legal document describing a child or young person's needs, what should happen to meet those needs and the suitable educational provision. The plan must be person centred, focusing on the needs and hopes of the child or young person. The EHC may continue after the age of 16, into further education and training, and, for a small group of young people with complex needs, up to the age of 25 years.

How does an EHC plan differ from a Statement of Special Educational Needs?

- The child or young person is at the centre of the assessment of their needs and of the EHC plan
- All professionals working with the family will make sure that the family are involved in the planning process
- Parent carers participate in developing and evaluating the EHC plan and pathway
- Parent carers have increased choice and control through access to a personal budget
- There is transparency and openness in regard to all parts of the process
- Plans focus on the desired outcomes or results with a clear view of how resources will be allocated
- The time scale proposed to produce an EHC plan is 20 weeks instead of the current 26 weeks for a statement

Who will have an EHC plan?

A child or young person who currently has a Statement of SEN will have an EHC plan unless they no longer need this level of support. A young person with a Learning Difficulty Assessment (LDA) may apply to the Local Authority for a transfer to an EHC plan. For children and young people new to the SEN statutory process the SEN Code of Practice says that "a Local Authority must conduct an assessment of education, health and care needs when it consider that it may be necessary for special educational provision to be made for the child or young person in accordance with the EHC plan. This is likely to be where the special educational provision required to meet the child or young person's needs cannot reasonably be provided from within the

resources normally available to mainstream early years providers, schools and post 16 institutions.” (SENCoP 9.3)

An assessment for an EHC plan should not normally be the first step in the process and should follow on from planning already undertaken with parents and young people and the education setting. The majority of children and young people with SEN and disabilities will have their needs met within local mainstream settings, schools or colleges.

When does the authority decide to conduct an assessment of education, health and care needs?

The local authority will conduct an assessment of education, health and care needs when it is considered that it may be necessary for special education provision to be made for a child or young person through an EHC plan. “In considering whether an assessment is necessary the Local Authority should consider whether there is evidence that despite the early years provider, school or post 16 institute 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.” (SENCoP 9.13)

The Local Authority will consider the following when making a decision whether to conduct an assessment

- 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
- Where a young person is over 18 consideration will be given to 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.

Who can request an EHC assessment?

These can be requested by:

- Child or young person's parents (or someone on their behalf)
- A young person over the age of 16 and under 25 (or someone on their behalf)
- A person acting on behalf of a school or post 16 institute

In addition anyone else can bring a child or young person who has SEN to the attention of the local authority e.g. foster carers, social care professionals, early years practitioners, youth offending teams. This should be done with the knowledge and agreement of the child's parent or the young person.

What happens if the local authority decides that an EHC plan is not necessary?

If following assessment the local authority decides that an EHC plan is not necessary it must inform the parents or young person; the early year's provider, school or post 16 institute currently attended and the health service and give the reasons for the decision. This must take place within 16 weeks of the initial request.

Information gathered during the request or assessment will have indicated ways in which the setting, school or college can meet the child or young person's needs from within available resources through early years, school or college based support. The SEN team will offer to facilitate a meeting with the education provider, parents and/or young person to look at the provision that can be put into place from these resources.

What if a parent or young person does not agree with what has been decided?

An SEN Officer will give parents and carers details of rights to appeal and details of informal and formal mediation and next steps