Education, Health and Care Needs Assessment

Guidelines for educational settings for requesting a statutory Educational Health Care (EHC) needs assessment

December 2015

To be revised by July 2016
with legal parental responsibility about their child’s education and progress?

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<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1:7</td>
<td>Communication and interaction</td>
</tr>
<tr>
<td>1:8</td>
<td>Cognition and learning</td>
</tr>
<tr>
<td>1:9</td>
<td>Social, emotional, mental health</td>
</tr>
<tr>
<td>1:10</td>
<td>Sensory and or physical needs</td>
</tr>
<tr>
<td>1:11</td>
<td>Summary of provision at SEN support</td>
</tr>
<tr>
<td>1:12</td>
<td>Child or young person’s level of academic attainment and rate of progress over the previous three terms</td>
</tr>
<tr>
<td>1:13</td>
<td>Information and evidence that when progress has been made it has only been as a result of sustained support and instruction over and above that which is normally provided at SEN support</td>
</tr>
<tr>
<td>1:14</td>
<td>For a young person who has completed the compulsory stage of their education, how will accessing further education, training or apprenticeship build on earlier learning and support transition into adulthood?</td>
</tr>
</tbody>
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**Submitting the request for EHC needs assessment**

**What to do when an EHC needs assessment has been agreed**

**Educational Advice: Part 2**

<p>| | |</p>
<table>
<thead>
<tr>
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<th></th>
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<tbody>
<tr>
<td>2:1</td>
<td>Any additional or significantly different information about the child or young person’s special educational needs since the request was made</td>
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</tbody>
</table>

Educational Outcomes and Provision

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<thead>
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<th></th>
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</thead>
<tbody>
<tr>
<td>2:2</td>
<td>Communication and interaction</td>
</tr>
<tr>
<td>2:3</td>
<td>Cognition and learning</td>
</tr>
<tr>
<td>2:4</td>
<td>Social, emotional, mental health</td>
</tr>
<tr>
<td>2:5</td>
<td>Sensory and or physical needs</td>
</tr>
<tr>
<td>2:6</td>
<td>Year 9 onwards preparing for adulthood</td>
</tr>
<tr>
<td>2:7</td>
<td>Additional Information you wish to provide</td>
</tr>
<tr>
<td>2:8</td>
<td>Name of educational setting / signatures</td>
</tr>
</tbody>
</table>
Throughout this document the term parents is used to refer to the person/s with legal parental responsibility.

This document should be read in conjunction with the *Education, Health and Care Needs Assessment: Cornwall’s process and criteria for undertaking a statutory Education, Health and Care needs assessment* and the *Guidelines on helping a child or young person to contribution to their Education, Health and Care (EHC) needs assessment: The All About Me profile document.*

**Who is this guidance for?**

This document provides guidance for all educational settings on how to complete the:

- EHC needs assessment request form and what evidence is required in order to support the request
- Educational advice and processes if an EHC needs assessment is agreed

**What criteria are used by the Local Authority when considering an EHC needs assessment?**

The criteria used by the local authority to consider whether or not to carry out an EHC needs assessment are set out in the Code of Practice: 9.14 and in the *Education, Health and Care Needs Assessment: Cornwall’s process and criteria for undertaking a statutory Education, Health and Care needs assessment.*

**The key decisions that the local authority makes when considering a request for an EHC assessment**

When considering all requests for an EHC needs assessment the Special Educational Resource Panel (SERPs) on behalf of the local authority makes the following decisions:

**Key Decision 1**

Type and extent of the child or young person’s special educational needs

**Threshold**

The child or young person experiences significant and complex barriers to learning, participation and achievement

Based on the information and evidence provided, the Special Educational Resource Panel considers the following evidence:

- The views of the child or young person
• The views of the parents
• Views from relevant professionals in education, health and social care
• Information provided by the educational setting that considers the impact of difficulties experienced in the areas of:
  o Communication and interaction
  o Cognition and learning
  o Social, emotional and mental health difficulties
  o Sensory and/or physical needs

**Key Decision 2**

The child or young person’s academic attainment and rate of progress

**Threshold**

The child or young person is experiencing significant delay in their academic achievement and has not made expected progress.

The Special Educational Resource Panel considers the following evidence:

• Evidence of the child or young person’s academic attainment (or developmental milestones in younger children) and rate of progress over time
• Whether the young person has made expected progress
• Evidence that where progress has been made, it has only been as the result of additional intervention and support at a sustained level over and above that which is usually provided at SEN support
• The criteria as set out in the *Education, Health and Care Needs Assessment: Cornwall’s process and criteria for undertaking a statutory Education, Health and Care needs assessment*, September 2015 document.

**Key Decision 3**

Interventions and strategies already in place at SEN support

**Threshold**

Delegated SEN funding up to the government prescribed support level of £6,000 may not be sufficient to meet the significant and complex barriers to learning, participation that the child or young person experiences.

The Special Educational Resource Panel considers the following evidence:
• The educational setting has clearly implemented assessed and reviewed appropriate interventions from within delegated SEN funding

• The child or young person and their parents or carers have been involved in the planning and review of impact of the interventions provided at SEN support

• Professionals with relevant specialist knowledge have been involved and their recommendations has been implemented and reviewed

• Supporting evidence that where progress has been made, it has only been as the result of additional support and intervention at a sustained level over and above that which is usually provided at SEN support

**Key Decision 4**

Remaining barriers to the child or young person’s participation, learning and achievement

**Threshold**

There are still significant barriers to the child or young person’s participation, learning and achievement which might be met by the implementation of an EHC needs plan

The Special Educational Needs Panel considers the following:

• What barriers still remain that cannot be managed and supported through the use of delegated SEN resources

• Are there any other professionals not currently involved that would help the child or young person

• Evidence of the action already being taken by the educational setting to meet the child or young person’s special educational needs

**Exceptions to the SEN graduated response**

For a very small number of children or young people the local authority may decide to initiate an EHC needs assessment without the need to evidence staged interventions. This might include when a child or young person has:

• Special educational needs that change significantly following an illness or accident

• A degenerative or life limiting condition
• Significant, complex, long term needs and has moved into Cornwall without a previous EHC needs assessment being completed

**Requests for an EHC needs assessment not initiated by the child or young person’s educational setting**

Sections 9:8 – 9:10 of the Code of Practice set out the people who have a specific right to ask a local authority to conduct an EHC needs assessment. This list includes a young person over the age of 16 but under the age of 25 and a child’s parent/s.

Ideally when a young person, a child’s parent/s or other person who know the child or young person well, wants to request an EHC needs assessment this is done in partnership with the educational setting. However, requests for an EHC needs assessment can be made independently.

When a request for an EHC needs assessment is made independently of an educational setting, the SEN Assessment and Provision Team will contact the setting and request completion of the *Request for an EHC Needs Assessment Form for Educational Settings* that includes evidence of the support in place for the child or young person at SEN support.

Opinions can vary and the child or young person’s educational setting may assess that the child or young person’s special educational needs are being appropriately met at SEN support or that whilst an EHC needs assessment might be appropriate in the future, at the present time there are different/further interventions which need to be implemented and the impact evaluated at SEN support.

When this is the case, please make this clear within the form and adjust the level/detail of information you provide accordingly.

**Before completing the EHC needs assessment request form**

Please read page 6 of these guidelines before completing the form to clarify who to involve in the decision to request an EHC needs assessment and who should sign the form.

**Personal Budgets**

A personal budget is an amount of money identified by the local authority to deliver the provision set out in an EHC plan. The young person or the child’s parent/s should be made aware of personal budgets at the start of the EHC needs assessment process. Please signpost the young person or the child’s parent/s to the personal budget information on the Local Offer website once they have agreed to the request for an EHC needs assessment: [http://www.supportincornwall.org.uk/kb5/cornwall/directory/service.page?id=rv8zQ_rC7yE&localofferchannel=1](http://www.supportincornwall.org.uk/kb5/cornwall/directory/service.page?id=rv8zQ_rC7yE&localofferchannel=1)
If an EHC needs assessment is carried out, the young person or the child’s parent/s will also be sent information about personal budgets when the draft EHC plan is sent to them.

### The EHC needs assessment request form

By completing the EHC needs assessment request form you are asking the local authority to consider whether to conduct an education, health and care needs assessment for a child or young person aged between 0 - 25 under the requirements set out in the Children & Families Act 2014.

The EHC needs assessment request form must be word processed and a copy must be saved until you have been informed as to whether or not an EHC need assessment will take place.

The EHC needs assessment request form is colour coded. The boxes in orange are completed and submitted by the educational setting in order to request an EHC needs assessment.

The boxes in green are only completed if the local authority has agreed that an EHC needs assessment is required.

The form has been designed so that the majority of the information is provided at the request stage of the process. This will ensure that all requests for an EHC needs assessment provide a robust and comprehensive picture of the level and complexity of the child or young person’s special educational needs and the effectiveness and impact of the support they have already received at SEN support. This will assist the local authority when making the decision as to whether an EHC assessment is required.

Providing detailed information at the request stage also avoids the educational setting having to duplicate information when an EHC needs assessment has been agreed.

When an EHC needs assessment has been agreed the SEN Assessment and Provision Team will contact the educational setting and request that Part 2 (boxes in green) of the EHC needs assessment form is completed and returned to them. Both Part 1 and Part 2 are the educational advice, if an EHC plan is issued.

By completing Part 1 and 2 of the EHC needs assessment form the educational setting will have completed their educational advice. An electronic copy should be kept.
Completing the EHC needs assessment form

Name of educational setting

Please complete in full.

Child or young person’s details

Check that the child or young person’s details are accurate and up to date.

For a young person aged 16+ please ensure you have their permission to include their details.

Person/s with legal responsibility details

Confirm that it is the contact details of the person/s with legal parental responsibility you are entering on the form. For a Child in Care, discuss this with the child or young person’s social worker, as it may be the social worker rather than foster carer/s who has legal parental responsibility.

If more than one person has legal parental responsibility, please ensure you include both people’s details.

Check that the parent/s contact details are accurate and up to date. Have they moved? Changed phone number or email address?

To be completed by young person 16+

or

To be completed by person/s with legal parental responsibility

After compulsory school age (the end of the academic year in which they turn 16) it is the young person themselves who should be involved in the decision to request an EHC needs assessment and it is the young person who should sign the form. It should be assumed that the young person has the capacity to make a specific decision about their education, unless they have been assessed under The Mental Capacity Act, 2005 not to have the capacity.

However, even when the decision making moves from the parent to the young person, parents, or other family members, can continue to support young people in making decisions, or act on their behalf, provided that the young person is happy for them to do so, and it is likely that parents will remain closely involved in the great majority of cases. You will need to bear this in mind when discussing this with the young person and or their parent/s.

Please get the young person or their parent/s to answer yes or no to the questions asked on the form and ask them to specify if there are any professionals they do not wish to share information with.
Obtain the written signature of the young person or parent/s.

It is also important to discuss with them that the decision whether to proceed with an EHC needs assessment is made by the local authority and if the decision is not to proceed with an EHC needs assessment, that the child or young person’s special educational needs will continue to be met at SEN support.

**Support to access process**

In this section please outline any communication requirements of the child, young person or person/s with legal parental responsibility to enable their full engagement in the EHC needs assessment process e.g. British Sign Language, translation etc.

**Services/professionals involved with the child or young person in relation to their special educational needs**

In accordance with the Code of Practice: 6.59 a school *(educational setting)* should always involve a specialist where a pupil continues to make little or no progress or where they continue to work at levels substantially below those expected of pupils of a similar age despite evidence-based SEN support delivered by appropriately trained staff.

Please provide the contact details of any professionals involved with the child or young person.

All supporting evidence, including reports from external professionals/specialists should be based on current need. Reports more than 12 months old are unlikely to be helpful. Please indicate on the form whether the involvement has been (ideally) within the last 12 months and whether or not a report is attached.

**Person completing the form on behalf of the educational setting**

The form may be signed and dated by the person completing the form, or signed and dated by the head/principal of the educational setting.

**Checklist of attached evidence**

Please ensure that all of the requested evidence is provided. It is the quality of the evidence and information provided, rather than the quantity which is important.
Educational Advice: Part 1

Part 1 of the Educational Advice must start on a completely separate page and not back on to the information you have provided so far. Please insert blank pages if required.

### 1:1 Legal names and details

Check that the child or young person’s details are accurate and up to date.

For a young person aged 16+ please ensure you have their permission to include their details.

### 1:2 Background context

Please include details of any educational settings:

- Previously attended
- Currently attended
- Concurrently attended. This should include details of:
  - Being educated off-site as a result of a behavioural, medical or other need
  - Flexi-schooling - only attending the educational setting on a part-time basis as a result of an agreement between the setting and home
  - Dual registration i.e. attendance at college or other alternative provider as a result of a personalised timetable

In the supporting evidence please provide details of the child or young person’s educational provision, on a daily basis across the academic week.

### 1:3 Attendance

Provide details regarding the child or young person’s:

- Attendance percentage
- Attendance/non-attendance patterns
- Reasons for non-attendance
- Details of part time timetables:
  - Why is the child or young person on a part time timetable
  - How long has the child or young person been on a part time timetable
  - What is the plan and the anticipated timescale by which the child or young person will be attending full time
**1:4** What are the main forms of communication that the child or young person is able to use? How can they provide their views?

Indicate the child or young person’s main forms of communication. This might include augmented forms of communication, speaking to a trusted adult, writing, picture exchange (PECS) etc.

**1:5** What are the child/young person’s views about their education? How do you know this?

This only needs to be a brief summary of the child or young person’s own views about their learning and education and how you obtained their views.

A brief summary is all that is required at this stage of the request for an EHC needs assessment. If the EHC needs assessment goes ahead, then the child or young person will be asked to complete (with assistance if required) an All about me form.

The summary will vary according to the child or young person’s special educational needs, but factors such as age, being non-verbal or having significant and complex needs should not in themselves be regarded as barriers to gathering the child or young person’s views.

This should briefly include:

- Do they enjoy learning?
- What do they think they are good at?
- What do they want to get better at?
- What do they think is the best way to support them?
- Where do they want to go to school/college?
- What do they want to achieve in the future?
- Any other information the child or young person wishes to share

Please attach a copy of any information produced by the child or young person as supporting evidence.

If despite your best endeavours the child or young person chooses not to share their views please indicate on the form what steps you took and that the child or young person chose not to participate.
For a child under the age of 16 what are the views of the person/s with legal parental responsibility about their child’s education and progress?

A brief summary of parental views is all that is required at this stage of the request for an EHC needs assessment. If the EHC needs assessment goes ahead, then the parent/s will be asked to make a formal parental contribution. Parent/s may of course wish to provide a more detailed contribution at this stage.

This section also needs to be completed for young people over the age of 16 who have been assessed under the Mental Capacity Act 2005 not to have the capacity to make a decision about their education.

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Under each of the four main areas of special educational need, in bullet form please indicate:

**What’s working well**

At SEN support as part of the graduated response what is working well for the child or young person. This could be a particular approach or intervention, the use of specific resources such as visual timetables, time out card etc.

**Strengths**

Describe the child or young person’s strengths.

**Identified special educational needs**

Not all children and young people will have special educational needs in all of the four main areas of need, when this is the case please enter no special educational needs currently identified under the appropriate area of special educational need.

**Provision at SEN support**

Detail the nature and level of SEN support provision which has been made using delegated resources.

Be specific – what interventions are in place? Who does what? How frequently? Is the support delivered by appropriately trained staff? How is the additional support provided, individually, via small group work etc.

There is no prescription as to the number of cycles of assess-plan-do-review a child or young person will have received. As a general guide it is expected that
the child or young person will have received SEN support for at least 2 or 3
graduated cycles before a request for EHC needs assessment is made.

Attach evidence of the graduated cycles of assess-plan-do-review. Whilst
formats may vary, this should include individualised SEN support plans which
have outcome focused SMART targets; that detail strategies, duration of
teaching programmes, timetables of interventions, adult/student ratios. These
should also clearly indicate the impact of the provision provided at SEN support.

### 1:11 Summary of provision at SEN support

Provide an overview of the SEN support and provision which has been put in to
place to date. This should include the following information that:

- The child or young person has received SEN support over time
- The child or young person’s special educational needs have been assessed
- Interventions to achieve individual outcomes for the child or young person
  have been put into place
- The effectiveness of these interventions have been reviewed and amended
  as necessary
- The educational setting has utilised all relevant available resources

### 1:12 Child or young person’s level of academic attainment and
rate of progress over the previous three terms

Changes to the national curriculum and national guidance state that educational
settings can determine their own approach to recording progress data. This
means that there are a variety of ways in which progress towards outcomes is
recorded and evidenced.

Progress information in any format is acceptable, providing it is clear what the
rate of progress is, and how this compares to the expected rate of progress. The
information you provide needs to be clear to professionals who do not have a
close knowledge of the setting/school and the way progress is recorded and
tracked.

This should include:

- Evidence of the child or young person’s academic attainment (or
developmental milestones in younger children) and rate of progress over
time
- Whether the young person has made expected progress
Please refer to the *Education, Health and Care Needs Assessment: Cornwall’s process and criteria for undertaking a statutory Education, Health and Care needs assessment* document for further details on cognition and learning criteria.

**1:13 Information and evidence that when progress has been made it has only been as a result of sustained additional support and instruction at SEN support**

If appropriate, within this section please provide information and supporting evidence that where progress has been made, it has only been as the result of sustained additional support and intervention at SEN support. In schools this is provision via delegated SEN funding up to the government prescribed support level of £6,000 per annum.

If appropriate attach:

- An example of current unaided independent work, dated and annotated
- An example of current aided work, dated and annotated

**1:14 For a young person who has completed the compulsory stage of their education, how will accessing further education, training or apprenticeship build on earlier learning and support transition into adulthood?**

Please only complete this section if the young person has completed the compulsory stage of their education (the end of the academic year in which a young person turns 16).

**Submitting the request for an EHC needs assessment**

Please save the form electronically.

If an EHC needs assessment is agreed the educational setting will be prompted at the appropriate time to complete the Educational Advice: Part 2 (boxes in green) section of the form.

At this stage, a hard copy of the completed form, together with all supporting evidence, reports and records should be sent to the SEN Assessment and Provision Team at 3W, County Hall, Truro TR13AY

Or alternatively you may use encrypted email to send all the documents to specialeducation@cornwall.gov.uk electronic copies must include signatures.
What to do when an EHC needs assessment has been agreed

Complete and sign Part 2 (boxes in green) of the EHC needs assessment form.

Read the Guidelines on helping a child or young person to contribution to their Education, Health and Care (EHC) needs assessment: The All About Me profile document.

Help the child or young person, if appropriate, to complete their All about Me Profile.

Parent/s will have been asked to complete a parental contribution and guidelines to help them write their contribution will have been sent to them. Please offer appropriate help and support to enable them to complete their written contribution.

Educational Advice: Part 2

2:1 Any additional or significantly different information about the child or young person’s special educational needs since the request was made

Only complete this section if required. This may include:

- Positives, such as progress made as a result of the support the child or young person has received
- Education, health or social care professional information received since the request for an EHC needs assessment was submitted
- Move of educational setting
- Exclusions

Educational Outcomes and Provision

2:2 Communication and interaction
2:3 Cognition and learning
2:4 Social, emotional, mental health
2:5 Sensory and or physical needs

In this section please suggest the educational outcomes that you think should be put into place for the child or young person over the next three to four years and the provision required.

Please do not include outcomes for health or social care needs as these can only be made by the appropriate health or social care professional.
The outcomes and provision should relate to the special educational needs identified earlier in the form. Delete or insert rows as required.

Not all children and young people will have special educational needs in all of the four main areas of need, when this is the case please enter *no special educational needs currently identified* under the appropriate area of special educational need.

Outcomes can be defined as the expected benefit or difference made to a child or young person as a result of an intervention. Outcomes need to clearly state where the child or young person will be at / what they will be doing / what they will have achieved after an intervention has been in place e.g. “ Frankie will be able to........”

In Cornwall, outcomes in an EHC plan should be written in terms of what the child or young person will be able to achieve over three to four years. This may coincide with the end of a key stage or phase of education or span two key stages.

Outcomes should **Specific, Measurable, Achievable, Realistic and Time-limited**.

The provision should also be SMART and any suggested interventions should be evidenced based. Please ensure that you do not explicitly name and recommend one particular type of provision.

| 2:6 | **Year 9 onwards preparing for adulthood** Training work employment and independent living |

This section should only be completed for young people Year 9 and above.

Preparing for adulthood outcomes should focus upon:

- Higher Education and/or employment - including exploring different employment options, such as support for becoming self-employed and help from supported employment agencies

- Independent living - this means young people have choice, control and freedom over their lives and the support they have, their accommodation and living arrangements, including supported living

- Participating in society - including having friends and supportive relationships, and participating in, and contributing to, the local community

- Being as healthy as possible in adult life - ensuring access to the right health professionals who understand the young person’s learning difficulties and disabilities.
Only complete this section if you wish to provide any additional information you believe is relevant and pertinent to the EHC needs assessment.

Sign the completed EHC needs assessment form. It is not necessary to sign and date each separate page.

At this stage a hard copy of the completed EHC needs assessment form and a signed copy of the child or young person’s All about me profile should be sent to the SEN Assessment and Provision Team at 3W, County Hall, Truro TR13AY

Or alternatively you may use encrypted email to send all the documents to specialeducation@cornwall.gov.uk electronic copies must include signatures.