

## Guidelines for the decision whether to secure an assessment of a child or young person's education, health and care needs

|   | Question                                                                                                                                                                                                                                                                                                                                                                                                                 | Answer                                                                                                                                                                                   |
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| 1 | <p>Does the child have needs that would not normally require provision to be made in accordance with an EHCP?</p> <p>Examples of these are:</p> <ul style="list-style-type: none"> <li>• specific learning difficulties</li> <li>• an exclusively medical need</li> <li>• an exclusively physical / mobility issue</li> <li>• behaviour that does not arise from or cause a child's special educational needs</li> </ul> | <p>These should either be met by the school or setting, or by a mechanism that is better suited to the purpose e.g. a medical plan (see below), physical adaptations to the building</p> |
| 2 | <p>Do we have detailed evidence of the impact of more than one recent assess, plan, do, review cycle (see below) and do we have clear evidence of any progress made?</p> <p>Has enough time been allowed for improvements to occur?</p>                                                                                                                                                                                  | <p>If no, we are likely to refuse the request until interventions have been tried and time allowed for their impact to be properly reviewed by the education institution or provider</p> |
| 3 | <p>If the child is in an early-years setting, has inclusion funding been put in place recently and its success monitored?</p>                                                                                                                                                                                                                                                                                            | <p>If no, we are likely to refuse the request until this has been put in place and reviewed</p>                                                                                          |
| 4 | <p>Do we have evidence that schools or setting has used their delegated/element 2 funding (£6,000) to support the needs of the child?</p> <p>Do we have a detailed breakdown of this expenditure?</p>                                                                                                                                                                                                                    | <p>If no, we are likely to refuse the request until this has been provided</p>                                                                                                           |
| 5 | <p>If in a school or college, has the provider implemented their own SEN Information Report or Learning Support offer and is this up to date?</p> <p>Has the provider done everything that is normally expected at SEN Support?</p>                                                                                                                                                                                      | <p>If no, we are likely to refuse the request until this has been done and evidence has been provided</p>                                                                                |
| 6 | <p>Has the school or provider commissioned outside experts, as appropriate (e.g. Educational Psychologist, Speech and Language Therapist, Occupational Therapist, Sensory Impairment Service)</p> <p>Do we have their report and evidence that the school or provider has implemented their recommendations? For example, is this evident in the assess, plan, do, review information?</p>                               | <p>If no, we are likely to refuse the request at this time</p>                                                                                                                           |

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| 7 | <p>Do we have a clear and detailed Provision Map, Individual Education Plan, Inclusion Support Plan, or other equivalent document from the school or setting?</p> <p>This makes clear what resources are available across the institution and the specific support that the child been receiving.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>If this is missing, we will ask for it to be sent but if still not available, we are likely to refuse the request at this time</p> |
| 8 | <p>If there enough evidence that the child/young person may need Special Educational Provision that can only be delivered via an EHCP?</p> <ol style="list-style-type: none"> <li>1. The child may need provision but from <b>another agency</b> such as social care or health</li> <li>2. Additional needs may be arising from <b>failure to implement expert advice</b></li> <li>3. Additional needs could be arising from <b>failure to implement reasonable adjustments</b> under the Equalities Act 2010 (see below)</li> <li>4. <b>Needs will be met by the provision available in a new setting</b> (e.g. child is about to move from an independent childminder to an infant school)</li> <li>5. Additional needs may be arising from child being in an <b>inappropriate placement</b> (e.g. a highly academic independent school)</li> <li>6. Although the child is not progressing, an <b>EHCP is unlikely to improve outcomes or deliver the provision needed</b> (e.g. child is awaiting a particular type of surgery, the family needs to move house)</li> </ol> | <p>If no, we are likely to refuse the request at this time</p>                                                                        |

**These are guidelines only. Every case will be assessed on its individual merits.**

Some children/young people have very clear, profound needs, acquired special educational needs (e.g. through a brain injury), or have a rapidly deteriorating situation that needs intervention immediately. In these rare cases, we will make a rapid decision without the need for consideration of the above criteria (and in such cases, we could potentially fund provision without a final EHCP being in place).

**Useful Resources:**

Supporting pupils at school with medical conditions: statutory guidance, December 2015 (DfE website)

The SEN Code of Practice January 2015 (DfE website) explains assess, plan, do, review cycles

Reasonable adjustments for disabled pupils: Equality and Human Rights Commission