

Middlesbrough Council

THE EDUCATION HEALTH & CARE PLAN PATHWAY

*Information, Guidance and Support for
Assessments and Education, Health
& Care Planning*

Updated: February 2019

Education, Health and Care Pathway

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1. Introduction

In Middlesbrough, the majority of children and young people with special educational needs and/or disabilities [SEND] will have their needs met within their mainstream educational setting, sometimes with the help of outside specialists. However; some children or young people may attend a more specialist base in a mainstream school or a specialist educational setting depending upon the needs of the individual child or young person.

The Council's procedures regarding SEND has been reviewed in line with the reforms; the SEND Code of Practice 2015 [0-25 years], associated regulations and the introduction of Education Health and Care Plans [EHCPs] to replace Statements of SEN.

With effect from September 2014, any new assessment of SEN has covered a child or young person's education, health and care needs, and will be identified through an education, health and care assessment.

Any professional working to support a child or young person can request that the LA carries out an education health and care assessment. Requests are most often made by the Special Educational Needs Coordinator [SENCO] of a child or young person's education setting. Parents/carers and young people may also request an EHC assessment.

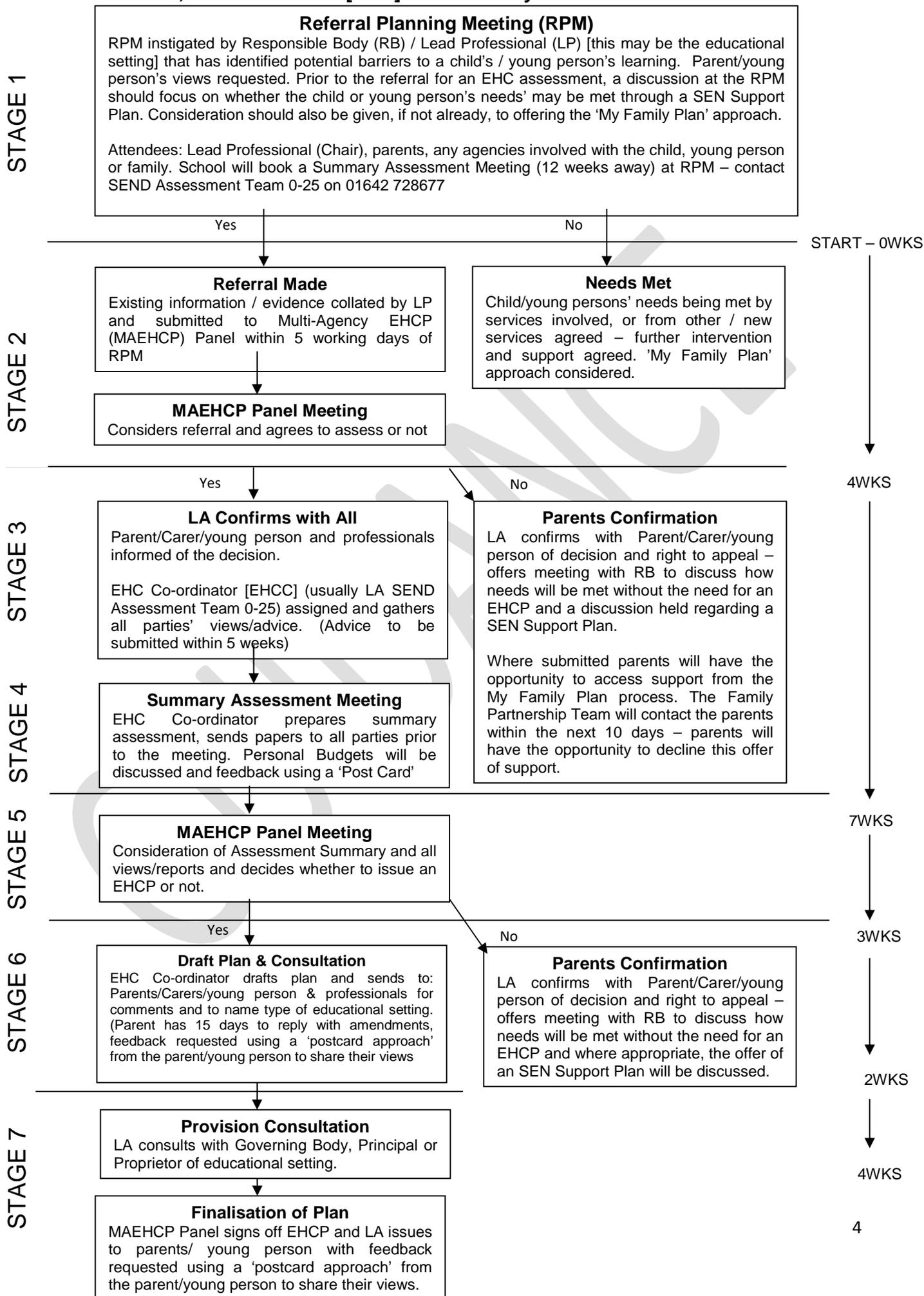
Parents and carers can talk to anyone who supports their child or young person about the EHC assessment process to discuss whether an assessment is needed and if so complete the request form.

Please note: this is a working document which was initially product of consultation with parents [Parents4Change], school staff, social care staff, health professionals and various LA staff plus cross LA consultation with representatives across other LA's.

It will be amended over time as part of the LA's ongoing monitoring of progress regarding the implementation of the SEND reforms.

Please see below a copy of the pathway.

2. Education, Health and Care [EHC] Plan Pathway



Stage 1 - Referral Planning Meeting

This meeting will be arranged by the responsible body / lead professional (usually the child's educational setting) who has identified possible barriers which may impact upon a child's / young person's learning. The Lead Professional could also be a Health Visitor, Social Worker, Nursery leader, Special Educational Needs Co-ordinator [SENCo], therapist etc.

The lead professional will be responsible for organising the initial meeting, inviting all professionals involved with the child / young person and their family. The lead professional should try to give parents and professionals as much notice as possible in advance of the meeting.

The purpose of the meeting is to draw together everybody who is involved with the child / young person and their family to share their knowledge and discuss the support on offer from their educational setting; and explore other options which may still need to be undertaken to provide further support. This may include updating the child's SEN Support Plan and/or undertaking a My Family Plan approach. The lead professional must use a referral planning meeting proforma to record minutes of the meeting. The minutes must cover:

- Attendees;
- Concern(s) raised regarding the possible barriers to the child / young person's learning and outcomes;
- Main points of discussion;
- Any assessments and involvement professionals have had up to this point;
- Agreed action for those in the meeting to follow-up to provide any further support;
- A decision on whether to refer for an EHC assessment or not. The educational setting's identification of additional learning needs;
- A timeline through the use of a 'Graduated Approach' i.e. 'Assess, Plan, Do, and Review';
- It is expected that the educational setting will have had a SEN Support Plan in place to help support the child / young person prior to a referral;
- Involvement of other professionals;
- Educational progress reports.

During the RPM a SEN referral form [SEN_1] must be completed. This will capture specific information regarding the child's / young person's additional needs which the LA require

Educational settings will need to clearly demonstrate and provide evidence of using a graduated approach to show they have taken all relevant and purposeful action in trying to meet a child or young person's needs.

If a decision to refer the child / young person for an EHC Needs Assessment is reached at the RPM the Lead Professional must set a date with all agencies and parents/carers to hold a Summary Assessment Meeting (see pathway flowchart pg. 4) to ensure attendance by key personnel when the progress regarding assessment and ideas regarding possible content of the EHCP will be determined. A checklist of what needs to be submitted is included in the SEN Referral form [SEN_1]. Please note that the documentation, evidence, and reports are vital pieces of evidence to help identify;

- *Whether the child or young person has or may have special educational needs (SEN); **and***
- *Whether It may be necessary for special educational provision to be made for the child or young person in accordance with and EHC Plan they may need special educational provision to be made through an EHC Plan**

**more information on this legal test is provided in on the following pages*

The referrals for EHC assessment will be made to the SEN Assessment Team 0-25 who will co-ordinate the referral being heard at a MAEHCP Panel meeting.

If the decision is not to proceed with the referral, then the recorded actions and outcomes in the Referral Planning Meeting Proforma should be used to ensure professionals follow up on what's been agreed, setting appropriate timescales for these to take place and scheduling a review programme.

4. Stage 2 - First Multi-agency EHCP [MAEHCP] Panel Meeting (referral)

The MAEHCP Panel will have multi-disciplinary representation and will be made up of:

- Special Educational Needs 0-25 Manager and/or Deputy SEND Manager and/or Senior SEND Case Officer;
- Representation from special, mainstream and/or post 16 educational settings;
- Consultant Paediatrician;
- Social Worker;
- Educational Psychologist

The Panel will meet every two weeks within school term time, with additional panels held during the summer holiday period as necessary to ensure EHC time limits are adhered to. The Panel dates will be agreed and issued annually in July for the school year.

The purpose of the Panel is to:

- Consider all referrals for assessment from educational settings and responsible bodies;
- Consider all referrals for assessment from parents / young person where of age;
- Recommend to the LA whether or not to undertake a formal assessment;
- Recommend to the LA whether or not to issue an Education, Health and Care Plan following assessment;
- Consider amendments to existing Education, Health and Care Plans, where significant change is required following an interim or annual review and make recommendations to the LA;
- Consider any other cases when a multi-agency view may be helpful in determining provision required and make recommendations to the LA;
- Consider any requests made for assessment places within a specialist provision and make recommendations to the LA.

On receipt of a referral, the MAEHCP Panel must consider its content and recommend whether or not to undertake a formal assessment within 6 weeks. The MAEHCP Panel will minute its decisions made for each referral.

When making a decision, the LA must decide to assess where:

- The child or young person has or may have special educational needs **and**
- It may be necessary for special educational provision to be made for the child or young person in accordance with and EHC Plan.

Definitions:

A child or young person has **special educational needs** if he or she has a learning difficulty or a disability which calls for special educational provision to be made for him or her. (Section 20(1) of Children and Families Act 2014)

Learning Difficulty

(2) A child of compulsory school age or a young person has a learning difficulty or disability if he or she:

- a) Has a significantly greater difficulty in learning than the majority of others of the same age, or
- b) Has a disability which prevents or hinders him or her from making use of facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post 16 institutions

(3) A child under compulsory school age has a learning difficulty or disability if he or she is likely to be within subsection (2) when of compulsory school age (or would be likely, if no special educational provision were made).

(Section 20 of Children and Families Act 2014)

Special educational Provision means educational or training provision that is additional to or different from that made generally for others of the same age in:

- a) Mainstream schools in England
- b) Maintained nursery schools in England
- c) Mainstream post 16 institutions in England, or
- d) Places in England at which relevant early year's education is provided.

(Section 21 of Children and Families Act 2014)

5. Stage 3 - Confirmation of Assessment

Yes to assess

If the LA's decision is to undertake an EHC assessment for the child or young person, then the Local Authority SEN Assessment Team 0-25 will take the lead on co-ordinating the assessment process, and will collate any further assessment reports. The Local Authority will inform all those involved with the child / young person and the family that an assessment is to be undertaken. If required, further relevant reports or advice from professional will be requested by the SEN Assessment Team 0-25 as part of the assessment process. A member of the SEN Assessment Team 0-25 will be allocated to each case (EHC Co-ordinator – usually member of SEN Assessment Team 0-25) and will act as a single point of contact for the family and all professionals during the assessment.

Not to assess

If the decision of the LA is not to assess the child or young person, then the parents / carers will receive confirmation within 10 working days of the decision, and the ways in which they can appeal if they so wish. In addition, settings should review the existing SEN Support Plan for the child and consider undertaking the 'My Family plan' approach with the agreement of parents, if not already offered.

Where submitted as part of the referral process, parents will have the opportunity to access support from the My Family Plan process, unless parents choose not to accept such an offer at this point. SEN Assessment Team 0-25 will inform the Family Partnership Team of the decision and indicate that the Family Partnership Team will contact the parents within the next 10 days – parents will have the opportunity to decline this offer of support. Parents will also have the opportunity to access independent mediation followed by an appeal to an independent SEN Tribunal if any disagreements are not resolved.

6. Stage 4 - Summary Assessment Meeting [SAM]

The date for this meeting must have been identified at the point of referral (see Stage 1 - EHCP Pathway). The EHC Co-ordinator will collate all views, reports, evidence and assessments needs, and present this information at the Summary Assessment Meeting [SAM].

This will form the basis of discussion at the SAM with parents, the child / young person where appropriate, and the range of professionals involved. The SAM will start to share the overall information about the child / young person's needs and allow parents to consider the information / views being given by professionals. The broad areas of additional need, objectives and possible provision will be used to formulate the EHC plan.

The SAM will be formally recorded on the main points of discussion, what was amended / changed / deleted, and what else was added to the summary assessment at this point. All alterations made to the summary assessment will be kept in hard copy format with the hand written alterations on it. The SAM should be no more than 1 hour 15 minutes.

As part of the meeting, personal budgets will be discussed and consideration will be given as to whether to include any existing personal budgets or to discuss and agree on a personal budget where necessary. For children and young people from year 9 upwards; a Preparing for Adulthood approach will be used and linked to outcomes in the EHCP. The period of time between the first MAEHCP Panel, and the SAM will be used to gather information about the child prior to the meeting.

To support and help parents and the child in preparing for the SAM, they may revisit their parent and child views form or use these as a prompt of things they may wish to raise / highlight at the SAM.

7. Stage 5 - Second MAEHCP Panel – (EHC Plan)

The purpose of this MAEHCP Panel meeting is to receive all information and reports gathered during the child/young person's assessment and recommend to the LA whether or not to issue an EHC plan. The second MAEHCP Panel meeting will usually take place 3 weeks after the SAM. The Panel will consider the allocation of additional resources from individual services required to meet the child/young person's needs above that which would usually be available from education, health and care services. The Panel discussion and recommendations along with outcomes will be recorded and will be used to show the main points of discussion along the decision arrived at, and reason for this.

When making a decision, the LA must consider the following legal test:
37 (1) of children Act 2014

37 (1) Where, in the light of an EHC needs assessment, it is necessary for special educational provision to be made for a child or young person in accordance with an EHC Plan:

- a) The local authority must secure that an EHC Plan is prepared for the child or young person, and
- b) Once an EHC Plan has been prepared, it must maintain the Plan

8. Stage 6 - Draft EHC Plan or SEN Support Plan (Non-EHC Plan)

Decision to issue an Education, Health and Care [EHC] Plan

If the decision of the LA is to issue a plan then the EHC Co-ordinator will take the information from the Summary Assessment Meeting and start to draft a more formalised EHC plan. This will be shared with parents, child / young person (where appropriate), and the professionals who have contributed to the assessment in order to get collective ownership and accountability of the plan. Comments will be expected from all in shaping the final version of the EHC plan.

The EHC Co-ordinator will pull all the comments together and amend the plan accordingly in order to draft a final version. A record of all comments and changes will be kept as part of the documentation on the child's / young person's record. Parents will be asked for their views on the provision they would like for their child and appropriate schools/setting will be considered by the Local Authority. The Local Authority must issue a draft EHC plan within 2 weeks of agreeing to issue a plan. Feedback to be requested using a 'postcard approach' from the parent/young person to share their views.

Decision not to issue an Education, Health and Care [EHC] Plan

If the decision of the LA is not to issue an EHC plan, an update of the child or young person's SEN Support Plan will be recommended, giving advice to the those involved with the child / young person of what can be done further to support the child / young person. It will be the responsibility of educational settings to continue to maintain and review the SEN Support Plan.

Parents will be informed within 10 working days of the decision and reasons not to issue an EHC plan, along with details of their right to appeal.

9. Stage 7 - Consultation and Finalisation of EHC Plan.

If parents and the child or young person have given their views in relation to the draft EHC plan, and an agreement has been reached on the amendments, then consultation would take place with the preferred educational setting that parents have asked for. At this stage parents/carers or young people will be advised regarding the eligibility process for transport and the undertaking of assessment of transport needs. If the local authority and the educational setting are in agreement that the child's needs can be met at the preferred educational setting expressed by parents, then the draft EHC plan can be finalised naming the school/setting. Each agency providing the support that is identified and agreed during the assessment will confirm their commitment to support and where necessary associated funding by agreeing 'Sign Off' in the relevant funding section in the EHCP. This will be facilitated by the SEN Assessment Team 0-25 with the plan signed off by a designated Local Authority Officer. Feedback to be requested using a 'postcard approach' from the parent/young person to share their views.

10. Disagreement Resolution and Mediation

Disagreement resolution services are for all parents of children and young people with Special Educational Needs [SEN] and young people with SEN. Using this service is voluntary and covers SEN provision as well as disagreements about health and social care. This applies specifically to parents and young people who are considering appealing about an Education, Health and Care needs assessment and the special educational element of an Education, Health and Care [EHC] plan.

Mediation is a voluntary process for parents and young people, which can be used should an agreement not be reached with a Local Authority or Clinical Commissioning Group [CCG] in

matters relating to Education, Health and Care plans. It only covers disagreements in the following circumstances when a Local Authority decides:

- Not to carry out an EHC needs assessment or re-assessment of a child/young person;
- Not to draw up an EHC plan for a child/young person, once they have completed a re-assessment;
- Not to amend a child or young person's plan after the annual review or reassessment;
- To cease to maintain an EHC plan.

If an agreement with parents/carers/young person cannot be reached:

- Further discussions between the parents/carers/young person and the EHC Assessment Co-ordinator will be held;
- Independent mediation will be offered to try and resolve the situation;
- Parents will be informed of their right to appeal to the SEND Tribunal Services.

11. Forms and templates

RPM Minutes Referral Planning Minutes

SEN_1 Referral for EHC Assessment and Consent

Advice A1 Parental Views to complete, if not already complete

Advice A2 Child/young person's views to complete if not already complete

Advice B Education advice for Education, Health and Care [EHC] assessment

Advice C Health advice for Education, Health and Care [EHC] assessment

Advice C Health advice [other] for Education, Health and Care [EHC] assessment

Advice D Social Care advice for Education, Health and Care [EHC] assessment

Advice E Other Professional advice for Education, Health and Care [EHC] assessment

Letter 1 Referral Planning Meeting (RPM) invite to parent/carer.

Letter 1a Referral Planning Meeting (RPM) invite to professionals

Letter 1b RPM decision not to assess notification

Letter 1c Parental referral letter

Letter 2 Referral received notification letter

Letter 3 Decision to assess letter

Letter 3a Request for advice letter

PfA Outcomes Tool

References and resources

Middlesbrough Local Offer: <http://www.middlesbrough.gov.uk/localoffer>

Source: Special Educational Needs and/or disability Code of Practice [0-25 years] January 2015 <https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

Source: The Children and Families Act 2014
<http://www.legislation.gov.uk/ukpga/2014/6/part/3/enacted>
http://www.legislation.gov.uk/ukpga/2014/6/pdfs/ukpga_20140006_en.pdf

Source: Department of Education and the Department of Health / Special Educational Needs and/or disability Code of Practice [0-25 years] January 2015
<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

Source: Preparing for Adulthood/ Factsheet /The Children and Families Act 2014 and The Care Act 2014 with changes
http://preparingforadulthood.org.uk/media/412594/care_act_mar15.pdf

<http://preparingforadulthood.org.uk/resources/all-resources/factsheet-the-children-and-families-act-and-the-care-act>

Source: Preparing for Adulthood (PfA) – Linking Outcomes to PfA themes
<https://www.preparingforadulthood.org.uk/downloads/education-health-and-care-planning/pfa-outcomes-tool.htm>

<https://www.preparingforadulthood.org.uk/>

Source: The Children and Families Act 2014
<http://www.legislation.gov.uk/ukpga/2014/6/part/3/enacted>

http://www.legislation.gov.uk/ukpga/2014/6/pdfs/ukpga_20140006_en.pdf

Source: Department of Health/The Mental Capacity Act 2005
<http://www.legislation.gov.uk/ukpga/2005/9/section/1>

Source: The Care Act 2014 and changes effective from April 2015
<https://www.gov.uk/government/publications/care-and-support-whats-changing/care-and-support-whats-changing>