6. Education Health and Care Needs Assessment in North Somerset

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1.0 Introduction

This guidance sets out North Somerset’s approach to the statutory assessment of Special Educational Needs and Disability (SEND) for children and young people from 0-25, known as an Education Health and Care (EHC) Needs Assessment. It is meant as a guide for young people, parents and professionals.

EHC Needs Assessment

North Somerset’s approach to EHC Needs Assessment is based on the legislation and practice guidance included in the Children and Families Act 2014 and the Special Educational Needs Code of Practice 2014. The following principles which underpin the legislation and Code of Practice are fundamental to the approach:

1. The approach to EHC Needs Assessment is future facing

The approach is designed to improve outcomes for children and young people with SEND. An EHC Needs Assessment can be carried out for children and young people from birth to 25 and includes planning for preparation for adulthood from the earliest stage. As part of the assessment process, medium and long-term aspirations are agreed which will raise expectations of what our children and young people can achieve.

2. The approach to EHC Needs Assessment involves ‘working with’ children/young people and their families rather than ‘doing to’

The approach puts children/young people and their families at the centre of decision making and planning which helps us identify what is important to and important for the child or young person. There is greater recognition of the needs of families when carrying out the assessment and increased joint decision making and planning with parents and young people during the process.

3. The approach to the EHC Needs Assessment involves integrated assessment, planning and provision between services supporting children and young people with SEND.

There is greater coordination of assessments and planning for children and young people between education, health and social care during the assessment process and for those children and young people who are issued with an Education Health and Care Plan (EHC Plan).

4. The approach to the EHC Needs Assessment of Special Educational Needs and Disability will offer personalisation for parents and young people of the assessment process and subsequent provision

Our approach also accords with the vision and principles outlined in our Local Area SEND Strategy and the co-production charter. These have been developed with the involvement and support of parents, carers and professionals across North
Somerset. The strategy documents, along with a range of other support and guidance can be found on our Local Offer website.

2.0 What Support is Available to Children, Young people and their families?

2.1 SEN Support

The majority of children and young people with SEND will have their needs met within their local mainstream early years settings, schools or college through ‘SEN support’.

The Code of Practice describes SEN support as “settings taking action to remove barriers to learning and putting effective special educational provision in place”. SEN support consists of a four-part cycle (see below) through which earlier decisions and actions are revisited, refined and revised with a growing understanding of the child or young person’s needs and of what supports the child or young person in making good progress and securing good outcomes. You may hear this called a graduated response.

2.2 What is the graduated response?

The Children and Families Act 2014 and the supporting Code of Practice make it very clear that early years settings, schools and colleges have to meet the needs of all children and young people with SEN including those who do not have an Education, Health and Care (EHC) Plan.

Actions within the Graduated Response:

- When a pupil is identified as having SEN the school must take immediate action. Staff must put effective SEN provision in place and ensure that all barriers to learning are removed.
- As soon as a pupil is identified as having SEN, their family must be informed. The school must then work in partnership with parents/carers, listening to their views and proactively involving them in decision making and planning.
- SEN provision must be reviewed at least termly, and all reviews must involve the pupil and their family.
- It may be decided that advice from a specialist professional is required in order to meet the needs of a pupil.
- SEN support and provision should be informed by the ‘assess, plan, do, review’ cycle (SEND Code of Practice), p100.

2.3 The Local Offer

The support which children and families need is not always provided by statutory agencies such as the council or the NHS. In many cases, families use a range of services in the community which provide activities, advice or support. We refer to this network of services as our Local Offer. Many of these services do not require a formal diagnosis, assessment or referral and are open and inclusive.
We maintain a directory of these services, alongside a range of advice and guidance documents at our Local Offer website.

2.4 Independent Advice and Support from Supportive Parents, SENDIAS Service

Supportive Parents provide the Special Educational Needs and Disability Information Advice and Support (SENDIAS service) for North Somerset. They are an independent organisation offering free, confidential and impartial advice to parents, children or any young person about SEND in North Somerset.

Contact Details
Information, Advice & Support Line
Tel: 0117 989 7725
Email: support@supportiveparents.org.uk

2.5 The SEN support cycle

The following flow chart outlines the steps in the EHC Needs Assessment process. There is a statutory duty on the Local Authority to adhere to the time scales outlined in the flowchart, and to issue the Final EHC plan, if agreed, within 20 weeks (See section 6.0 for further information).
Summary of the Assessment Process

Weeks 1-4

Request for Assessment brought to Local Authority’s attention and they seek information already available from school setting and professionals.

Special Educational Needs and Disabilities (SEND) Panel meet. Request from a parent, professional or young person is considered at the SEND panel against the criteria for statutory assessment.

- Request Refused
- Request Agreed

- Parent or Child/Young Person notified with right to appeal the decision.
- Offer of Way forward meeting with school and family

Feedback following assessment plan issued

Weeks 5-6

Not Issuing an EHCP
- Sufficient Evidence for EHCP

Assessment. Professionals carry out individual or joint assessments to understand the child or young person’s needs

Joint Planning Meeting held, chaired by the SEN Officer.

Assessment information considered by the SEND panel and decision to write an EHCP is taken

Options:
- Offer of Way forward meeting with school and family
- Disagree with EHCP
- Agree with EHCP School response

Weeks 6-14

Requests for education setting considered

Final EHCP issued

Week 15

Parent or Child/Young Person notified with right to appeal the decision.

Offer of Way forward meeting with school and family

Weeks 16-20

Parents discuss with SEN Officer about any changes they wish to make to draft EHCP.

Right to appeal given with regards to content or placement specified in the EHC plan

EHCP is Maintained and Reviewed Annually.

Key

- Process or action
- Decision
- Output

EHCP = Educational Health and Care Plan
3.0 Who can request an Education Health and Care Needs Assessment?

An EHC Needs Assessment of a child or young person aged 0-25 can be requested by the following people:

- The child’s parent
- A young person over the age of 16 but under the age of 25
- A school / SENDCO or post-16 institution
- Any other person who thinks an EHC Needs Assessment may be necessary, for example a foster carer, health or social care professional or early years practitioner
- A child or young person under 19 in a youth custodial establishment

A request for an EHC Needs Assessment should be made with the knowledge and, where possible, agreement of the child’s parent or the young person.

Requests for an EHC Needs Assessment should be made in writing to the Local Authority at the following address:

SEN Team
Education Inclusion Service
Town Hall
Walliscote Grove Road
Weston Super Mare
North Somerset
BS23 1UJ

or emailed to: SEN.team@n-somerset.gov.uk

When making a request it is helpful if you provide your child/young person’s full name, DOB, education setting they are attending and a list of any professionals that currently have or previously had involvement with your child/young person.

4.0 How will the decision be made about whether an Education Health and Care Needs Assessment will go ahead?

In order to make the decision about whether an EHC Needs Assessment of SEND should be agreed, the Local Authority will carry out the following actions:

1. Write to the parents or young person to gain their consent for the assessment to go ahead if agreed
2. Request information from the parents or young person about the child/young person’s strengths and difficulties and why they are making the request
3. Request existing information from the educational setting about the child or young person’s strengths and needs, progress and SEN support put in place over time
4. Ask professionals within Social Care, Education Inclusion Service and Health for any information that they hold.

4.1 The Special Educational Needs and Disability Panel

The decision about whether an EHC Needs Assessment should be agreed will be made by the Special Educational Needs and Disability (SEND) Panel.

The SEND Panel is chaired by the SEND Manager, or, in their absence, by the SEND Operations Manager, and is attended by the following professional groups:

- SEN Officers
- School Admissions (when required)
- Senior Educational Psychologist
- School staff
- Early Years Officers
- Special School Head Teacher
- Social Care Manager
- Health Representative

4.2 How the panel comes to a decision

In order to make the decision about whether an EHC Needs Assessment will be agreed, the panel will consider:

‘Whether there is evidence that despite the early years provider, school or post-16 institution 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’ (SEND Code of Practice, 2014).

To aid this decision, the panel will look at

a) Whether the Child/Young person has or may have special educational needs;

b) Whether it may be necessary for Child/ Young person to receive special educational provision pursuant to an EHC Plan;

c) Whether the Child/Young person is making the expected progress with the provision they are currently receiving; and

d) Whether any progress that the Child/ Young person has made has only been the result of “much additional intervention and support over and above that which is usually provided.”

5.0 What will happen if the request for an Education Health and Care Needs Assessment is agreed?

If the decision of the SEND Panel is that there is sufficient evidence to suggest an EHC Needs Assessment is needed, this decision will be communicated by letter to
the parent, young person or professional requesting the assessment within 6 weeks of the request being made.

There is a statutory duty on the Local Authority to adhere to these time scales and to issue the Final EHC plan, if agreed, within 20 weeks except in the following circumstances:

- Appointments with people from whom the Local Authority has requested information are missed by the child or young person
- The child or young person is absent from the area for a period of at least 4 weeks
- Exceptional personal circumstances affect the child or young person or his/her parent
- The educational institution is closed for at least 4 weeks, which may delay the submission of information from the educational setting

6.0 What will happen if the request for an Education Health and Care Needs Assessment is refused?

If, on considering the evidence and applying the criteria, the SEND panel agrees that there is not sufficient evidence to suggest that EHC Needs Assessment should proceed, the request will be refused. If this is the case, the Local Authority will write to the parents and/or young person within 6 weeks of the request being made. This letter will outline the decision, the reasons the decision was made and the right of appeal and avenues of support available.

It may be helpful for parents and/or the child/young person to meet with the SEN Officer responsible for the case. These are called 'Way Forward' meetings, which are designed to explain Local Authority decisions to parents, children or young people, and educational staff, provide reassurance and plan next steps. It may also be useful to consider other support and services which might assist in meeting the needs of the child and their family. Please see Section 2.3 ‘The Local Offer’ for further information.

It is recommended that parents or the young person requesting the assessment also talk to their educational setting to plan how any ongoing needs will be met without an Education Health and Care Plan. Please refer to the disagreement resolutions section for more information.
7.0 Assessment

Following a decision to start an EHC Needs Assessment, any further assessments required take place and reports and advice are submitted to the SEN Team to allow the SEND Panel to make a decision regarding the issue of an EHC Plan.

The assessment must include up to date information from professionals and others involved with the child or young person including:

- Advice and information from the child’s parent or the young person.
- Educational advice and information from the manager, head teacher or principal of the early years setting, school or post-16 or other institution attended by the child or young person.
- If the child or young person is either vision or hearing impaired, or both, educational advice and information from a person who is qualified to teach children or young people with these impairments.
- Psychological advice and information from an educational psychologist commissioned by the Local Authority. The educational psychologist will consult any other psychologists known to be involved with the child or young person.
- From Year 9 onwards, advice and information related to supporting the child or young person to prepare for adulthood and independent living.
- Advice and information from any person requested by the child’s parent or young person, where the Local Authority considers it reasonable to do so.
- Medical advice and information from health care professionals with a role in relation to the child’s or young person’s health (for instance a community paediatrician, health visitor or school nurse).
- The following information may also be sought as part of the assessment if appropriate:
  - In the case of children of members of the Armed Forces, information and advice from the Children’s Education Advisory Service
  - In the case of a looked after child, from the Virtual School Head Teacher
  - From the Youth Offending Service

Where existing up to date information and advice is already available from any of those listed above, this can be accepted as the contribution to the assessment provided this is agreed by parents, child/young person and relevant professionals.

8.0 Decision Making

Once the assessment has been completed, written information provided during the assessment will be considered at the SEND Panel. The Panel will decide whether the written information provides sufficient evidence of the need to issue an Education and Health Care Plan. This decision will be made in or before the 15th week after the request for EHC Needs Assessment has been made. A letter will be sent to
the parent or young person outlining the decision made and giving the reasons for
the decision if an EHC Plan will not be written.

When making the decision about whether to issue an EHC Plan the SEND panel will
look at the information collated during the EHC Needs Assessment process and use
the local questions below as a guide to help make the decision:

- Whether the information collated confirms the information on the nature and
  extend of the child or young person’s SEN prior to assessment.
- Whether there is evidence that despite appropriate assessment and provision,
  the child or young person is not progressing, or not progressing sufficiently
  well.
- Whether the special educational provision made prior to the EHC Needs
  Assessment was well matched to the SEN of the child or young person or
  whether further provision is needed.

In line with the SEN Code of Practice section 9.54, in deciding whether to make
special educational provision in accordance with an EHC plan, the Local Authority
should consider all the information gathered during the EHC needs assessment and
set it alongside that available to the Local Authority prior to the assessment. Local
Authorities should consider both the child or young person’s SEN and the special
educational provision made for the child or young person and whether:

- the information from the EHC needs assessment confirms the information
  available on the nature and extent of the child or young person’s SEN prior to
  the EHC needs assessment, and whether
- the special educational provision made prior to the EHC needs assessment
  was well matched to the SEN of the child or young person

Where there is evidence that the SEN are severe and complex and there is a lack of,
or insufficient progress, and the Special Educational Provision was not well matched
to the needs, the panel will consider what further provision may be needed.
Specifically, the panel will consider:

- Whether the special educational provision required to meet the child or young
  person’s needs can reasonably be provided from within the resources normally
  available to mainstream early years providers, schools and post-16 institutions;
  or:
- Whether it may be necessary for the Local Authority to make special educational
  provision outside of this provision as identified in the assessment information.

In addition, when making decisions about whether a plan needs to be made for a 19-
to 25-year-old, local authorities 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 his or her education or training.
8.1 Applying the criteria

The criteria above have been drawn up to support decision making and to ensure decisions are consistent, fair and transparent. However, it is recognised that there will be times when there may be compelling reasons to deviate from the criteria in order to consider the needs of each child or young person as an individual.

8.2 Children Looked After and Child Protection

It should be noted that children placed on the Child Protection Register or Looked After by the Local Authority or with English as an Additional Language or with high ability should not, for these reasons, be regarded as having special educational needs unless the EHC Needs Assessment criteria are also met.

9.0 What if the decision is to issue an EHC plan?

9.1 The Joint Planning Meeting

The SEN Caseworker will set a date, time and venue for the Joint Planning Meeting (JPM) once an assessment has been agreed. This meeting will go ahead if the Local Authority agrees to write an EHC plan but will be cancelled if it is decided not to issue a plan. Everyone involved in the assessment will be invited to attend the JPM, including the parents and or young person. Younger children may also attend some or the entire meeting as appropriate. In these cases, the venue of the meeting will need consideration, to ensure the child does not miss more of their education than is required if the meeting is held within school hours.

The JPM will be chaired by a member of the SEN Team, usually the officer responsible for your child’s case. The aim of the meeting is to write a draft plan together which outlines the child or young person’s educational, health and care needs, the provision required to meet these needs and the aspirational outcomes which it is hoped will be reached as a result. The resulting plan will also outline whether a personal education budget is being requested for any element of the provision identified.

9.2 Involvement of the child or young person

The older the child, the greater the emphasis that will be placed on their involvement in the assessment and planning process, to ensure that a process that significantly affects their life, is done with them rather than to them. This approach is known as person centred planning.

As a child reaches 16 some rights to participate in decision-making about Education Health and Care (EHC) Plans transfer from the parent to the young person, providing they have mental capacity to do so as set out in the Mental Capacity Act 2005.
underlying principle of the Act is to ensure that those who lack capacity are empowered to make as many decisions for themselves as possible and that any decision made, or action taken on their behalf is done so in their best interests. Decisions about mental capacity are made on an individual basis and may vary according to the nature of the decision. Someone who may lack capacity to make a decision in one area of their life may be able to do so in another. Parents of young people can still access information, advice and support on behalf of, or with, the young person if both parties are happy with this arrangement. Where there are cases when the young person and the parents do not agree on an issue legally, it is the young person's decision which prevails, subject to their capacity.

The great majority of children and young people with SEN or disabilities, with the right support, can find work, be supported to live independently and participate in the community by the time they reach adulthood. From Year 9 onwards, the Education Health and Care Plan must include information about the provision needed to assist the child or young person in preparation for adulthood and independent living for example, support for finding employment, housing or for participation in society.

9.3 What might be included in my Education, Health & Care Plan?

As per the SEN code of practice the format of an EHC plan will be agreed locally (North Somerset’s template can be found on the Local offer), However, as a statutory minimum, EHC plans must include the following sections,

**Section A**: The views, interests and aspirations of the child and his or her parents or the young person.

**Section B**: The child or young person’s special educational needs. Which includes strengths as well as difficulties.

**Section C**: The child or young person’s health needs which are related to their SEN.

**Section D**: The child or young person’s social care needs which are related to their SEN or to a disability.

**Section E**: The outcomes sought for the child or the young person. This should include outcomes for adult life.

**Section F**: The special educational provision as advised by the EHC Assessment to help support the child or the young person to help them achieve the outcomes.

**Section G**: Any health provision reasonably required by the learning difficulties or disabilities which result in the child or young person having SEN.

**Section H1**: Any social care provision which must be made for a child or young person under 18 resulting from section 2 of the Chronically Sick and Disabled Persons Act 1970.

**Section H2**: Any other social care provision reasonably required by the learning difficulties or disabilities which result in the child or young person having SEN. This
will include any adult social care provision being provided to meet a young person’s eligible needs (through a statutory care and support plan) under the Care Act 2014.

**Section I**: The name and type of the school, maintained nursery school, post-16 institution or other institution to be attended by the child or young person and the type of that institution (or, where the name of a school or other institution is not specified in the EHC plan, the type of school or other institution to be attended by the child or young person).

**Section J**: Where there is a Personal Budget, the details of how the Personal Budget will support particular outcomes, the provision it will be used for including any flexibility in its usage and the arrangements for any direct payments for education, health and social care. The special educational needs and outcomes that are to be met by any direct payment must be specified.

**Section K**: The advice and information gathered during the EHC needs assessment must be attached (in appendices). There should be a list of this advice and information.

### 9.4 Personal Education Budgets

If an EHC Plan is issued, parents have the right to request a personal education budget. This is an amount of money that has been identified to deliver education, health or care provision where the parents or young person is involved in deciding how that provision is delivered.

Where parents or the young person are considering requesting a personal education budget, they are asked to notify the SEN Officer as early as possible in the process to allow financial and provision decisions to be made within the statutory 20-week time scale.

There are three ways in which the parent or young person can be involved in managing a personal education budget:

a) **A Direct Payment** - the family is given the money directly and uses it to purchase the support that is agreed in the plan

b) **An Organisational Arrangement** – this means that the money remains with Health or with the Council, but the family are told how much money is available and identify how the money is to be spent.

c) **An Agreed Third Party** (sometimes called a Broker) - holds the personal education budget and will manage it on behalf of the family.

Parents and young people have the right to request a personal education budget for provision agreed in an EHC Plan and the Local Authority has a duty to consider these requests carefully. Any personal education budget agreed must contribute to outcomes agreed in the plan.

In cases where families have chosen to receive a Personal Health Budget or Personal Care Budget in order to manage these aspects of their child’s care and
support, it may be possible to pursue an integrated approach. Managing multiple funding streams in this way can be complex and demanding for families and will be approached on a case-by-case basis.

**Weeks 16-20**

10.0 What happens after the draft plan is issued?

Once the JPM has been held, a draft of the EHC Plan will be sent to the parent or young person. The parent or young person then has 15 days to give their views on the draft and request any changes. The SEN Officer managing the case will be available during this period by telephone to discuss the contents of the draft EHC Plan. The Local Authority will also seek agreement for any personal education budget specified in the draft EHC Plan if this has not happened already.

During this 15-day period the parent or young person may request that a particular school, or type of school, or other institution, be named in Section I in the final plan. By law, this information cannot be recorded in the plan at the JPM or when the Local Authority issues the draft EHC Plan. Information about the schools and colleges available for the child or young person to attend is provided in North Somerset’s Local Offer.

The Local Authority has a duty to comply with the young person or parent’s educational preference unless the school or setting would be unsuitable for the age, ability, aptitude or SEN of the child or young person, or the attendance of the child or young person there would be incompatible with the efficient education of others, or the efficient use of resources (including financial resources).

When the parent or young person has expressed a preference for a particular educational setting, the Local Authority must consult with the setting by sending a copy of the draft EHC Plan and assessment reports and consider the setting’s response carefully before naming the setting in the final EHC Plan. Educational settings must respond to this type of consultation within 15 days.

11.0 How and when will the final Plan be issued?

When changes are suggested to the draft EHC Plan by the child’s parent or the young person and agreed by the Local Authority, the draft plan will be amended and issued as the Final EHC Plan as quickly as possible. This will always happen within 20 weeks of the request for EHC Needs Assessment being made. The final EHC Plan can differ from the draft EHC plan only as a result of any requests made by the child’s parent or the young person and decisions made about the school or other institution (or type of school or other institution) to be named in the EHC Plan. The final EHC Plan will be signed and dated by the Local Authority officer responsible for signing off the final Plan.
Where changes requested are not agreed, the final plan will still be issued, and the Local Authority will inform the parent or young person of their rights of appeal.

12.0 Maintaining an EHC plan

When an EHC plan is issued for a child or young person the Local Authority is accountable for the special educational provision specified in the Plan. The Local Authority is relieved of this duty, including securing a place in the school or college named in the Plan, if the child’s parent or the young person has made suitable alternative arrangements for special educational provision to be made, say in an independent school or college or at home.

Social care services have a duty to provide for the social care provision specified in the Plan which results from the child or young person having a disability. This provision will be clearly identified and labelled in the plan. Where the young person is over 18, the care element of the EHC plan will usually be provided by adult services. For health care provision specified in the EHC plan, the Clinical Commissioning Group (or where relevant NHS England) must ensure that it is made available to the child or young person.

12.1 Reviewing the EHC plan

The EHC Plan will be reviewed at least annually until it ceases. Information about the annual review process and criteria for ceasing EHC plans is made available through North Somerset’s Local Offer.


13.0 What if the decision is not to issue an EHC plan?

If the decision is made that there is insufficient evidence for an EHC plan to be issued, you will be notified in writing within a maximum of 16 weeks from the assessment request, with a clear explanation of the reason for this. In North Somerset, we also provide you with written information that summarises the child or young person’s need, what the school should aim to achieve and any recommendations for support that the school should provide. Wherever possible this document should guide the future arrangements for the child from within education, health and social care as it is based on an up to date assessment of the child or young person’s needs.

A Way Forward meeting will also be offered where an opportunity for the family, child/young person and school can meet to discuss the outcome of the assessment. It may also be helpful to consider what other support and assistance might be available – please see Section 2.3 on The Local Offer.

For other services available please refer to the Disagreement Resolution section.
14.0 Disagreement resolution

We are committed to finding local means of resolving disagreements about provision in the first instance, as this is often the swiftest way to ensure that children and families begin receiving the appropriate support. In order to resolve issues locally, the following may be considered:

‘Way Forward’ Meetings
These meetings are offered by the Local Authority so that families and school have the opportunity to meet with a member of the SEN Team who can explain Local Authority decisions. The aim of these meetings is to provide re-assurance and to work with the family and educational setting around next steps.

Mediation
There are informal arrangements that have been set up to help resolve disagreements that can be accessed by any parent of a child or young person with Special Educational Needs (regardless of whether an EHC Needs Assessment of SEN is being undertaken). Disagreement resolution can be requested at any time during the EHC Needs Assessment process from Global Mediation. They can be contacted on 0208 441 1355, or email info@globalmediation.co.uk. Website: www.globalmediation.co.uk.

14.1 Formal Mediation

Formal mediation is also available on request from Global Mediation where there is disagreement at key points in the EHC Needs Assessment process. Mediation can focus on:

- The decision not to carry out an EHC Needs Assessment
- The decision not to issue an Education Health and Care plan
- The content of the Education Health and Care plan.

14.2 The SEND Tribunal

Parents or the young person can appeal to the SEND Tribunal about key decisions within the EHC Needs Assessment process. An appeal to the Tribunal can be made regarding:

- The decision not to carry out an EHC Needs Assessment
- The decision not to issue an EHC Plan
- Specific content within the EHC Plan as follows:
  - The description of the child or young person’s SEN
  - The special educational provision to be made
  - The educational setting

The Tribunal does not hear appeals about outcomes or personal education budgets but will hear appeals about the special educational provision to which a personal education budget may apply.
Using the SENDIAS Service, disagreement resolution or mediation does not prevent a parent or young person from appealing to the Special Educational Needs Tribunal. The rights of a parent or young person are not affected and an appeal to the Tribunal can run at the same time as any disagreement resolution.

If a parent or young person wishes to appeal to the Tribunal they may do so only after they have contacted an independent mediation adviser and discussed whether mediation might be a suitable way of resolving the disagreement. If the parent or young person then decides not to engage in mediation after speaking to the independent mediation adviser, they will be issued with a certificate within three working days to this effect. If they do decide to engage in mediation, a meeting will be held within 30 days of this request being made known to the Local Authority. A certificate to this effect will be issued within 3 working days. This certificate will enable the parent or young person to lodge their appeal with the Tribunal. The appeal must be lodged within two months of the date of the decision against which they are appealing or within one month of receiving the certificate, whichever is the latest.

If the appeal is solely about the name or type of educational setting on the plan or the fact that no setting is named, the parent does not have to contact the mediation adviser prior to registering their appeal with the Tribunal. Disagreement Resolution is available in these circumstances should the parent or young person wish to make use of it.

This is a two-year Trial expanding the powers of the First-tier Tribunal SEND to make non-binding recommendations about the health and social care aspects of LA decisions concerning EHC Plans.

Appeals for health and/or social care can only be considered as part of an appeal about SEN (education)

Recommendations are non-binding on health and social care, but commissioners are generally expected to follow them – families can complain to the Ombudsmen to seek to have the decision judicially reviewed if recommendations are not followed.

Aims of the National Pilot

- Create a more holistic, person-centred view of the CYP’s needs at the Tribunal
- Bring appeal rights in line with the wider remit of EHC Plans
- Encourage joint working
- Bring about positive benefits to children, young people and parents.

This new approach will enable the Tribunal to take a more holistic view of children and young people’s needs across education, health and social care in line with EHC plans and provide a person-centred approach to decision making. It should also provide positive benefits for families and improve joint working among commissioners.
An evaluation process will run alongside the Trial, looking at implementation, outcomes for families and commissioners and costs.

**The Trial places responsibility on LA SEND teams to:**

1. Inform parents and young people of their new rights including through decision letters and the local offer
2. Contact the relevant health or social care lead about the issues raised and provide evidence to the Tribunal on their response, bringing additional witnesses to the hearing if necessary
3. Once a decision has been made, send the health or social care response to the evaluators.

**It also places responsibility on health and social care commissioners to:**

1. Attend the hearing if required
2. Respond to any request for information, such as any assessments or support provided
3. Following a decision, respond to the family and the LA within 5 weeks setting out the steps they have decided to take or why they are not going to follow the recommendation.

**This will give families new rights and they are advised to:**

1. Be clear about whether there is a health or social care issue and what the issue is
2. Receive support through Information, Advice and Support Services (IASS) and other organisations in preparation for and in attending a hearing
3. Feedback to the evaluators after any hearing or outcome

### 14.3 Health and Social Care disagreements

Parents and young people can access disagreement resolution in relation to health and social care disagreements during the EHC Needs Assessment process. These can focus on health or social care provision during EHC Needs Assessments and while EHC plans are being drawn up.

Parents and young people can also go to mediation about the health and social care elements of an EHC plan. N.B. Health and social care provision which educates or trains a child or young person is treated as special educational provision, rather than health and social care provision.