

EDUCATIONAL HEALTH CARE NEEDS ASSESSMENT (EHCNA) PROCESS

WHAT IS AN EDUCATIONAL HEALTH AND CARE NEEDS ASSESSMENT?

An EHC Needs Assessment is the first step to obtaining an EHCP. For more information on how to make a request please see our EHCNA Request Factsheet:

<https://www.familiesinfocusessex.org.uk/education-support/educational-health-care-plans-ehcp-information/>

EHCP PROCESS - REQUEST PHASE Weeks 0 - 6

On the day a request for an EHC Needs Assessment is received from the young person, family, setting or supporting professional, the Local Authority (LA) begins the statutory maximum 20 week timescale.

A multi-disciplinary panel reviews the request & information then decides whether the LA will undertake the EHC Needs Assessment. The panel is made up of a range of SEND professionals from Education, Health and Social Care. They will consider all the information that is supplied, is already in their records and contact the current setting. They will take into account whether all efforts and resources available to their current setting have been utilised effectively.

The panel's decision is then given in writing and must be given within 6 weeks of the request being received. The letter will explain the reasons for the decision and contain information about the next steps.

If the decision is made not to carry out an EHC Needs Assessment a support planning meeting should be arranged with the family, setting and Inclusion Partner to discuss how the child or young person's needs can be met via SEND Support.

For more information on a refusal to assess decision please see our Refusal to Assess appeal factsheet:

<https://www.familiesinfocusessex.org.uk/wp-content/uploads/2023/01/RTA-Factsheet.pdf>

If the decision is that a needs assessment is necessary the process will move on to the Assessment Phase.

EHCP PROCESS - ASSESSMENT PHASE Weeks 7 - 16

If an EHC Needs assessment is agreed the family and young person's views are obtained.

The LA will provide a 'Young Person's Views' form, this can be completed by the child/young person themselves or those who know them best. An EHC Needs Assessment and any EHCP that follows must be person centred with the child or young person at the heart. Their views, wishes and feelings are paramount regardless of their age or capacity.

Education, Health, Social Care professionals are formally asked to submit reports. It is a legal requirement to respond with a report within 6 weeks regardless of waiting lists or shortage of professionals.

The LA must seek advice from a range of people. The list is set out in Regulation 6(1) of the Special Educational Needs and Disability Regulations 2014.

- The child or young person and their family (see above.)
- Education advice usually from the SENCO or Headteacher.
- Medical advice from health care professionals who are or have recently been involved. This could include GP, Paediatrician, SaLT, OT, Continence, Physiotherapy, Specialists, CAMHS etc.
- Educational Psychologist (see below)
- Social Care advice whether or not the child or young person has a Social Worker (This can be a useful time to request a Social Care assessment)
- Advice and information from any other person the LA thinks are appropriate.
- If the young person is beyond year 9 information will be sought regarding preparation for adulthood and independence.
- Advice from any person the child or young person's family, or the young person themselves 'reasonably requests.' This could be from another service, counsellor, private therapist, support service, activity club etc. A request would be considered reasonable where, for example, a child or young person has been identified as needing an assessment already and they are on a waiting list, or where the nursery, school, college or other professionals have said this advice may be needed.

The advice must be clear, accessible and specific (see paragraph 9.51 of the [SEN and Disability Code of Practice](#)). In particular, it should address the child or young person's needs, the special educational provision required to meet those needs, and the outcomes which this provision will aim to achieve. Advice should be based on an up-to-date assessment and that provision which is recommended should be clearly specified and quantified. Advice should relate directly to the needs of the child or young person and not be dependent on the level of services which are available.

Anyone asked for advice must provide it within 6 weeks of the request (SEN Reg 8(1) and paragraph 9.52 of the SEN and Disability Code of Practice). This is a legal duty which must be complied with; it cannot be avoided because there is a long waiting list or because there are staffing shortages. If an LA is genuinely unable to obtain one of the necessary pieces of advice during the time frame, they would be expected to obtain an independent report in its place. This includes EPs (see below).

An Educational Psychologist is allocated to conduct an assessment including observation of young person, discussion with family and current setting. They will have a discussion with the family regarding their concerns, observations and aspirations for their child or young person. They will visit the child or young person ideally in their current setting (if they have one) and aim to engage with them or observe them taking part in activities, interacting with others, and consider their functional skills. The EP will also speak with the staff at the setting to gather their views. They will consider all the information that is available regarding the child or young person relating to their SEND including the advice provided by others as part of the EHCNA process (see above).

The EP will write a detailed report which describes their views of the child or young person's needs in detail, identify appropriate long-term outcomes and make recommendations for supports that the child or young person will need to achieve these.

Reports are gathered and a Needs Assessment Report (NAR) is written by SEND Operations. (This step in the EHCNA process is unique to Essex County Council and is similar to a Draft Plan.)

The LA compiles all the information gathered during the EHCNA process into one report. This is set out in particular sections;

- Section A: the views, interests and aspirations of the child or young person and their family.
- Section B: the child or young person's special educational needs (SEND).
- Section C: health care needs which relate to their SEND.
- Section D: social care needs which relate to their SEND.
- Section E: the outcomes sought for the child or young person.
- Section F: the special educational provision required to meet their SEND.
- Section G: any health care provision reasonably required by the learning difficulties or disabilities which result in the child or young person having SEND.
- Section H: any social care provision required from social services under the Chronically Sick and Disabled Persons Act 1970, and/or reasonably required by the learning difficulties or disabilities which result in the child or young person having SEND.

- Section I: the name of the school or other institution to be attended by the child or young person, however at this stage this will be left blank.
- Section J: details of any direct payment which will be made.
- Section K: copies of all of the advice and information obtained as part of the EHC needs assessment.

The NAR and Section K documents will be shared with the family and current setting.

An Outcomes Meeting is offered for family & professionals to discuss and revise the NAR. (This step in the EHCNA process is unique to Essex County Council).

It is helpful if the family's comments are shared with the LA in advance of the outcomes meeting so the SEND Operation representative is aware and ready to discuss these, so the meeting runs efficiently, this can also take the pressure off the family.

The family can request that their current setting SENCO/teacher attends along with anyone else they feel would be helpful although this may not always be possible, this may include a Family Support Advisor from Families InFocus Essex (depending on availability), another support service or a trusted friend.

The purpose of the meeting is to go through the NAR line by line and give the family the opportunity to request amendments. They can add information from the professional reports that has not been included, correct or rephrase what is written. However, families cannot request additional provisions if there is no professional evidence that these are necessary, even if they feel that this is legitimate.

The key things to check are that:

- All of the child or young person's special educational needs (SEND) identified during an assessment are set out in Section B.
- All of the special educational provision (the extra help they need with learning and developing) is set out in Section F. It should specify the provision which is required to meet the child's needs. The provision set out in the EHC plan must be detailed and specific and should normally be quantified – for example - by who, doing what, when and for how long.

This is because:

- If a need is identified in Section B, then there must be a corresponding provision to support that need set out in Section F.
- If provision is included in Section F, then this will become legally binding, and the LA must ensure that this provision is delivered if the NAR becomes an EHCP.

It is helpful to request a copy of the updated NAR if amendments are made at the Outcomes Meeting so the family and SENCO has this as a record of what was requested/agreed.

The NAR including any requested amendments are then checked prior to the next step. It may be necessary for SEND Operations refer back to the professionals who supplied reports if the family feels information is inaccurate.

The LA and multi-disciplinary panel review the NAR & decides if an EHC Plan is necessary to support the child or young person.

As mentioned earlier the panel is made up of a range of SEND professionals from Education, Health and Social Care. They will consider all the information that has been generated through the Needs Assessment and the NAR including any amendments that have been requested. They will decide whether they feel that the needs of the young person and the provisions that will support them can be met by the setting within the resources already available via SEND Support, or if an EHCP along with additional funding is necessary.

If the panel determines that an EHCP is necessary they will make recommendations for which type of setting would be suitable and allocate a funding band at the appropriate level to fulfil the provisions listed in section F. The process will then move to the Planning Phase.

The decision is given over the phone and in writing.

This stage must occur by the 16th week of the process. A member of the SEND Operations Team will phone the family first to inform them of the decision. Then follow this with a secure email containing a decision letter which will give a brief explanation of the reasons for the decision and provide information regarding the next steps.

If the panel decides that an EHCP is not required the reasons for this will be given in the decision letter which will be sent to families and the current setting. A support planning meeting should be arranged with the family, setting and Inclusion Partner to discuss how the child or young person's needs can be met via SEND Support.

If LA decides not to issue an EHCP please see our refusal to issue an EHCP Factsheet:

<https://www.familiesinfocussessex.org.uk/wp-content/uploads/2023/05/Appeals-for-Refusal-to-Issue-Factsheet.pdf>

EHCP PROCESS - PLANNING PHASE Weeks 17- 20

A Proposed EHC Plan is issued, and all supporting evidence is shared and the family have 2 weeks to respond; accept the Proposed Plan or seek further amendments, and state their school/setting preference.

The family and current setting will be sent a decision letter explaining what funding band has been allocated in order for the provisions to be delivered. The email will also contain the Proposed EHCP and section K documents.

Step 1

- Check that any amendments requested have been included in the new Proposed EHCP.
- If they have then move on to Step 2.
- If not then decide if anything which has been left out is essential or preferable.
- It may be that some of the amendments requested are in the proposed plan but in a different location.
- If the majority of amendments requested have been added and what has not been accepted is minimal or not essential then move on to step 2.
- If the majority of amendments requested have been incorporated and what has not been accepted is essential then contact SEND Operations and ask for an explanation. This may lead to further discussion. However, if agreement cannot be reached regarding the contents of the Proposed EHCP at this stage, families will have the right to challenge this at the end of the process. (See below).

Step 2

Once you have decided the plan is acceptable you need to let the LA know using the response form. This form also enables families to formally identify your school/setting preference and give a brief summary of your reasons. You can name a type of setting, a specific school or several settings to be formally consulted.

The family or young person has a right to request any of the following types of nursery, school or college:

- A maintained school or nursery (mainstream or special)
- An Academy (mainstream or special)
- An institution in the Further Education sector including Sixth Form College
- A non-maintained (independent) special school
- A section 41 school (these are independent schools which have 'opted in' to be able to be requested by parents.)

Families have up to 2 weeks to give their response. You can seek independent advice if necessary from Families InFocus Essex or other support services.

Once the Proposed Plan is issued the LA formally consults settings they feel may be appropriate sharing the EHCP - including nearest local mainstream setting and parental preference. Settings have to respond within 15 days.

The LA will send a copy of the Proposed EHCP and Section K documents to these settings and ask if they feel they can meet the needs and provide the provisions in the EHCP within the funding band which the LA feels is appropriate. This is called a Formal Consultation. Settings have a statutory duty to respond within 15 days with a decision and give specific reasons for this.

Responses from settings are received - LA and multi-disciplinary panel decides which setting to formally name - The Final EHCP is issued to family, and named school.

Once all the Formal Consultation responses have been received the LA will take these into consideration and issue a Final EHCP which will officially name the setting in Section I.

Ideally the setting the parents prefer will respond that they can meet the needs and would be happy to offer a place and the LA agrees. However, the LA can disagree with this (please see below for more information on this).

Also, a setting can state that they do not feel that they are able to meet the needs of the child or young person, however the LA can disagree with this and instruct or direct a school to take a child by naming the school in Section I (please see below for more information on this).

A member of the SEND Operations Team will phone the family first to inform them of the decision and follow this with a secure email containing a decision letter which will give a brief explanation of the reasons for the decision and provide information regarding the next steps. This will also include a copy of the Final EHCP and section K documents.

The decision letter from the LA will give reasons and explain next steps - families & young person can accept or challenge this decision.

Hopefully families are happy with the contents of the Final EHCP and can begin the process of working in partnership with the setting named in the Final Plan and put into effect the additional support for the child or young person. Ordinarily and EHCP review will be held annually, for children under 5 years of age this will take place every six months.

For information on EHCP Annual Reviews see our Annual Review Factsheet:

<https://www.familiesinfocusessex.org.uk/education-support/annual-reviews/>

If you disagree with the contents of the Final EHCP you can then challenge this including an Appeal to the SEND Tribunal. The decision letter will explain what happens next and the options open to families. For more information on appealing the final EHCP please see our appeals factsheet:

<https://www.familiesinfocusessex.org.uk/wp-content/uploads/2022/12/Appeal-contents-and-school-placement-Factsheet.pdf>

Families can request copies of the full Formal Consultation responses provided by settings.

The SEN Code of Practice says that the local authority must comply with parental preference and name the school or college in the EHC plan unless;

- The school or other institution is unsuitable for the age, ability aptitude or special education needs of the child or young person.
- The attendance of the child or young person would be incompatible with the provision of efficient education for others.
- The attendance of the child or young person would be incompatible with the efficient use of Local Authority resources. A decision letter will also be sent to the setting named in Section I. A setting can respond if they feel that they cannot meet the child or young person's needs or fulfil the provisions within the EHCP.

If a school feels that they could meet the needs of the child or young person, but the funding band would be insufficient they can discuss this with the LA.

If you disagree with the school named in Section I of the EHCP you can appeal this decision. For more information please see our appeals factsheet:

<https://www.familiesinfocusessex.org.uk/wp-content/uploads/2022/12/Appeal-contents-and-school-placement-Factsheet.pdf>