WIASS

Wolverhampton Information, Advice and Support Service

"For special educational needs and disability"

Impartial information, advice and support on matters relating to a child or young person's special educational needs or disability from birth to 25 years.

EHCP Education, Health and Care plans



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CITY OF WOLVERHAMPTON COUNCIL

Families at the heart of the system

Children and young people (and their parents or carers) will be fully involved in decisions about their support and what they want to achieve. This is not just best practice it is a legal requirement. Section 19 of the Children and families Act 2014 sets out the principles underpinning the legislation and the guidance in the SEND Code of Practice.

> *The EHCP has been extremely helpful in making my special educational needs easier to manage and I'm grateful for it. I can't imagine what my life would be like without this!*

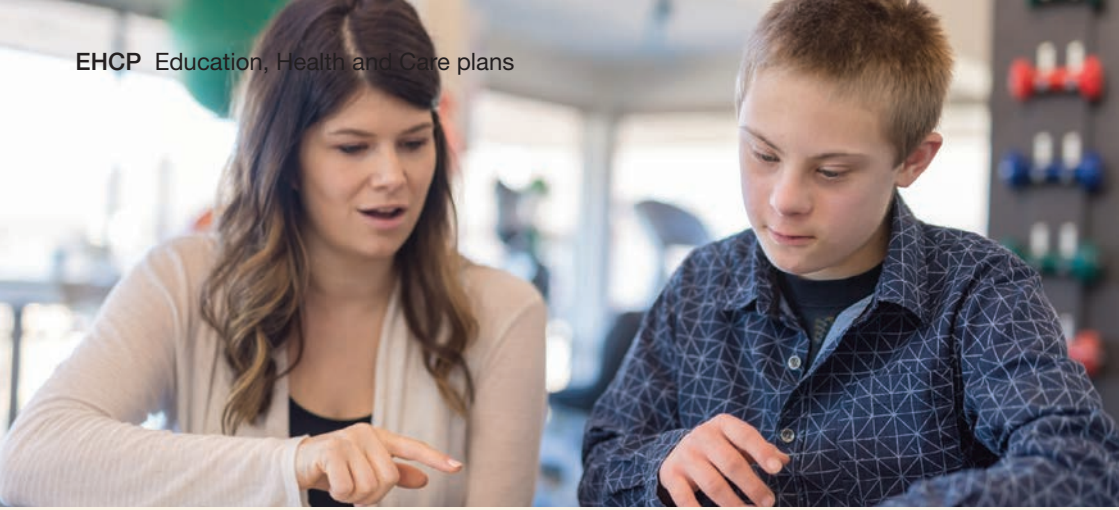


Local authorities, in carrying out their functions under the Act in relation to disabled children and young people and those with special educational needs (SEN), must have regard to:

- the views, wishes and feelings of the child or young person, and the child's parents
- the importance of the child or young person, and the child's parents, participating as fully as possible in decisions, and being provided with the information and support necessary to enable participation in those decisions
- the need to support the child or young person, and the child's parents, in order to facilitate the development of the child or young person and to help them achieve the best possible educational and other outcomes, preparing them effectively for adulthood

With this in mind this leaflet is written for parents, carers and young people.

> *From the start when I was doing my One Page Profile and family journey, right up to where I am now nearing the end of the process. I really feel that I have been able to discuss my views and how I am feeling about the plan.*



What is an Education, Health and Care plan (EHCP)?

An EHCP is a legal document written by the local authority. It describes the special educational needs that a child or young person has and what is required to meet those needs (referred to as 'provision'). The EHCP will detail any required provision from education, health and social care.

An **EHCP** is for children and young people who need more support than their school or setting can reasonably provide. An **EHCP** can start from a child's birth and continue up to the age of 25 if the young person remains in education, which includes further education and training.

The SEND Code of Practice says: *The purpose of an EHC plan is to make special educational provision to meet the special educational needs of the child or young person, to secure the best possible outcomes for them across education, health and social care and, as they get older, prepare them for adulthood. (9.2)*

Many children and young people will need extra help at some time during their education. In most cases schools, early years and post 16 settings will be able to meet individual needs through **SEN** support from their own resources and expertise. **Please read our SEN Support booklet.**



SEN Support booklet

Some children and young people may need support that is over and above this and may benefit from an **Education, Health and Care plan (EHCP)**. Before an **EHCP** can be produced, an **Education, Health and Care needs assessment** must take place.

For others **SEN** support may not be an option and as soon as the local authority is aware that this is the case an **Education, Health and Care needs assessment** should start without delay.

A Graduated Approach to supporting Special Educational Needs

Step 1	The school, setting, parent or carer identifies the child or young person may have additional needs. Together they discuss any worries and concerns.
Step 2	To help identify a child's additional needs, schools must use a **Graduated Approach**. The child/young person and their parents/carers must be involved in this **Assess, Plan, Do Review** process. This is called **SEN** support. See our SEN Support booklet.
Step 3	The school/setting should provide adequate interventions and reasonable adjustments for the child/young person to make progress. Support may continue this way until interventions are no longer required.

Step 4

If the child or young person does not make adequate progress further guidance can be sought from other professionals such as an **Educational Psychologist, Specialist Teacher, Wolverhampton Outreach Service, Occupational Therapist and Speech** and **Language Therapist**.

Step 5

SEN review meetings should be held at least once a term for family, school/setting and other professionals to review the **SEN** support plan and agree next steps. Further strategies and support could be implemented and evidenced.

Step 6

If the school/setting cannot provide adequate intervention for sustained progress everyone should agree that an **Education, Health and Care needs assessment** should be the next step. The school will gather evidence and outcomes of the support that has been implemented along with information and reports from professionals.

Step 7

The school/setting submits a request for an **Education, Health and Care needs assessment** to **Wolverhampton SEND team** – known as **SENSTART**.

Who needs an EHC needs assessment?

The school or setting can usually provide support to meet the special educational needs of most children and young people. Sometimes other professionals will give advice or support through SEN support.

Some children and young people need more help than the school or setting is able to provide from its own budget and resources. If a child or young person is still not making progress despite **SEN** support, an **EHC** needs assessment should be considered.

If you think that more help is needed than the school or setting can provide, or you are unsure, you can **contact IASS for advice.**

Some children and young people will have needs that clearly require support through an **EHCP**. As soon as the local authority is aware that this is the case, it must start the process without delay.

The SEND Code of Practice says: *A local authority must conduct an assessment of education, health and care needs when it considers that it may be necessary for special educational provision to be made for the child or young person in accordance with an EHC plan. (9.3)*

The SEND Code of Practice says: *The SEND Code of Practice says: In considering whether an EHC needs assessment is necessary, local authorities should pay particular attention to the views, wishes and feelings of the child and his or her parent, or the young person. (9.12)*

Making a request for an EHC needs assessment

A person acting on behalf of a school or setting can make a request to the local authority for an assessment. This must be done only after a discussion with you first.

Parents or a young person over the age of 16 but under the age of 25 can make a request by writing to the local authority

How you can make a request

You can complete a request form on the Wolverhampton Local Offer website. **How to get an Education, Health and Care Needs Assessment** (EHCNA) | Wolverhampton SEND Local Offer

Things to include in your request

Any school-based evidence you may have such as school reports, **Individual Education Plans (IEPs**) and reviews, provision maps, one page profiles if you have copies.

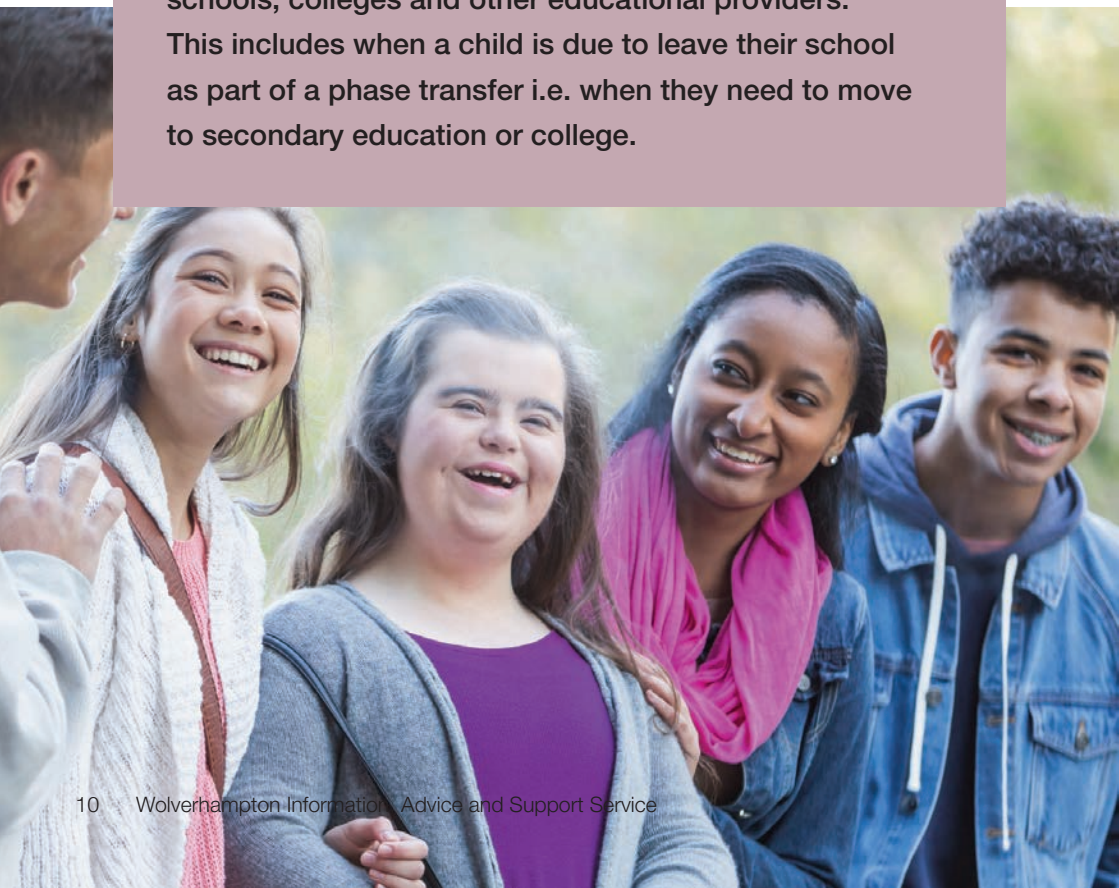
Medical evidence you may have such as letters from a consultation with a paediatrician or other specialist, speech and language therapist, occupational therapist, physiotherapist and **CAMHS**.

These can be taken as a photo on a phone and attached to the email or forwarded separately.

You can also post your request to:

SENSTART
City of Wolverhampton Council,
Civic Centre, St Peter's Square, Wolverhampton. WV1 1RL

SENSTART is the **Special Education Needs Statutory Assessment and Review Team** in Wolverhampton local authority which is responsible for administering the **EHC** needs assessment process including making decisions around whether to carry out an **EHC** needs assessment and issue an **EHCP**. **SENSTART** is responsible for ensuring decisions following an annual review are made and for maintaining an **EHCP**. The team is also responsible for placing children with **EHCPs** in education settings such as nurseries, schools, special schools, colleges and other educational providers. This includes when a child is due to leave their school as part of a phase transfer i.e. when they need to move to secondary education or college.



What is an EHC needs assessment?

It is a detailed look at the special educational needs (SEN) of a child or young person and the support he or she may need in order to make progress in education or training and will include health and/or social care needs.

The needs assessment brings together information about:

- attainments and rates of progress
- special educational needs
- what has already been done
- the difference that support has made
- physical, emotional and social development and health needs

Information is gathered from:

- child/young person
- parents/carers
- the setting or school
- professionals working with you
- professionals who may not already be working with you such as a paediatrician



What happens when the local authority receives a request for an EHC needs assessment?

As soon as the local authority receives a request for an **EHC needs assessment** you must be notified. The decision whether to assess or not must be made within six weeks.

The local authority will consider the request and must tell you whether it has decided:

- to start the EHC needs assessment immediately OR
- that an EHC needs assessment is not necessary

If you have not heard within six weeks you can contact the local authority or ask the school or setting to do so on your behalf.

Evidence should include:

- the action already being taken to meet needs
- where progress has been made, it has only been as the result of much additional intervention and support over and above that which is usually provided
- physical, emotional and social development and health needs, drawing on relevant evidence from clinicians and other health professionals

The SEND Code of Practice says: *In considering whether an EHC needs assessment is necessary, the local authority should 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. (9.14)*

Decision Making Panels

In line with statutory decisions around assessment of **EHC** needs and issuing an **EHCP**, Wolverhampton local authority has decision making panels which are chaired within the service and attended by professionals across education, health and social care.

These panels make decisions about whether to issue an **EHCP** following an assessment and the type of setting or provision required following an **EHC** needs assessment or an **EHCP** annual review.

If the local authority decides that an EHC needs assessment is not necessary you must be informed of the reasons for the decision and the following:

- your right of appeal to the **Special Educational Needs and Disability Tribunal** and the time limit for appealing
- independent disagreement resolution and mediation
- how to get further information, advice or support

SEN support will continue. An assessment can be requested again in the future. If you disagree with the decision, the **Information, Advice and Support Service (IASS)** can explain your options to you.

See page 25: Resolving Disagreements.

The EHC needs assessment process

You will be allocated a SEND Officer within SENSTART who will complete the assessment and be a point of contact for you throughout the process.

The SEND Code of Practice says:
Local authorities must consult the child and the child's parent or the young person throughout the process of assessment and production of an EHC plan. They should also involve the child as far as possible in this process. The needs of the individual child and young person should sit at the heart of the assessment and planning process. (9.21)

The IASS can also give you information, advice and support to help you with this.

Key principles of an assessment:

- Children, young people and parents/carers must express their views, wishes and feelings
- There should be a 'tell us once' approach, with a system for sharing information so that families don't need to repeat information or go through lots of different assessments
- A person-centred approach which means children, young people and their parents/carers are involved in all aspects of planning and decision-making
- Information, advice and support must be available to families

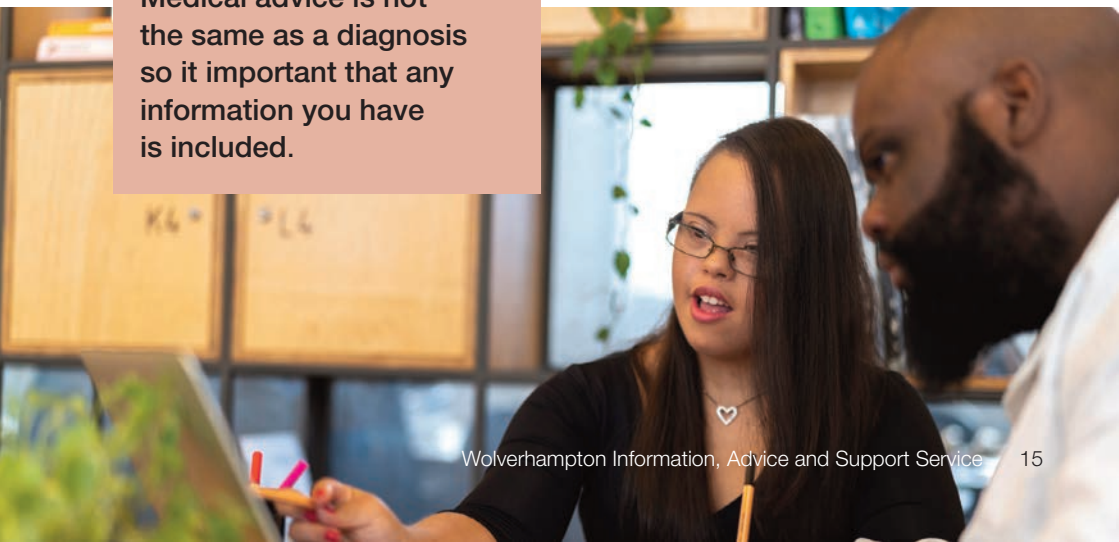
The local authority will ask a number of people for information and reports. This is called 'advice'. It should include information about:

- education, health and care needs
- desired outcomes
- the special educational, health and care provision required to meet identified needs and achieve the desired outcomes

The local authority must ask for advice and information from:

- you (parent, carer or young person)
- the school or setting
- an educational psychologist
- health professionals - this might include a paediatrician, speech and language therapist, physiotherapist or occupational therapist
- social care staff - this might include people who may be working with you from services such as the Strengthening Families Service or Youth Offending Team
- anyone else you think may be able to give relevant information and advice such as Connexions (career advisor), or activity club leader

Medical advice is not the same as a diagnosis so it important that any information you have is included.





For children and young people with a hearing or visual impairment the local authority must also seek information and advice from a suitably qualified teacher.

You will have the chance to discuss your views and be involved in the assessment and you will receive a copy of all reports.

The SEND Code of Practice says: *The evidence and advice submitted by those providing it should be clear, accessible and specific… (9.51)*

If you are not happy with the information or reports provided contact the person who provided the report and inform your **SEND Officer.**

Sometimes advice and information is already available because professionals have been involved.

The SEND Code of Practice says: *The local authority must not seek further advice if such advice has already been provided (for any purpose) and the person providing the advice, the local authority and the child's parent or the young person are all satisfied that it is sufficient for the assessment process. In making this decision, the local authority and the person providing the advice should ensure the advice remains current. (9.47)*

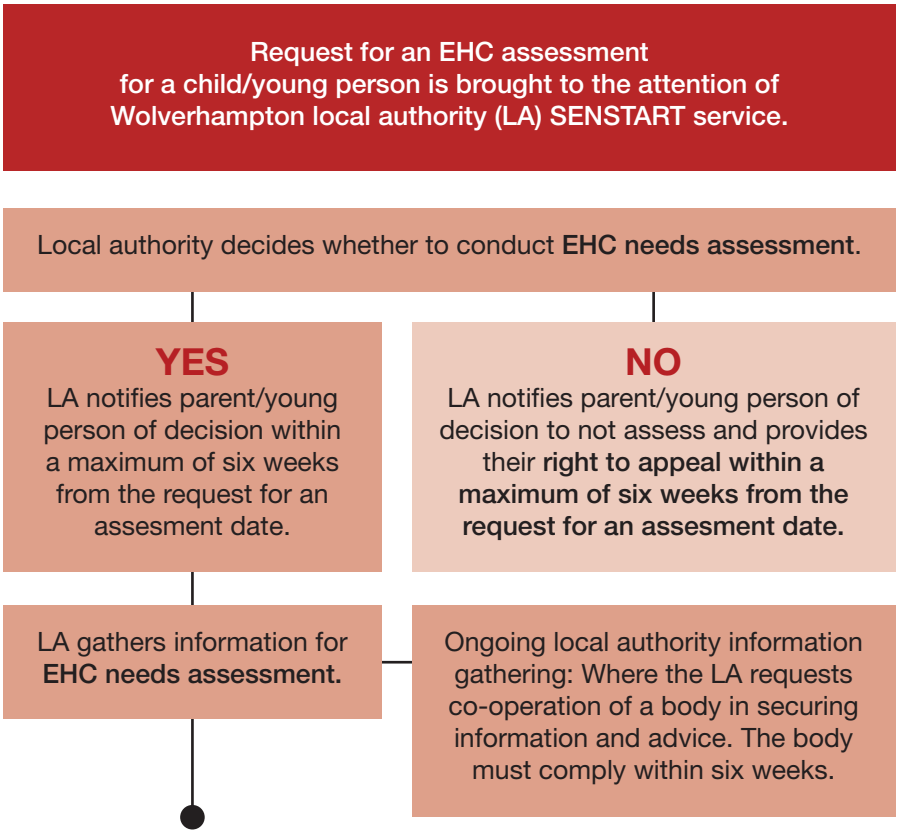
This means that unless you are satisfied with the advice given then it is not sufficient.

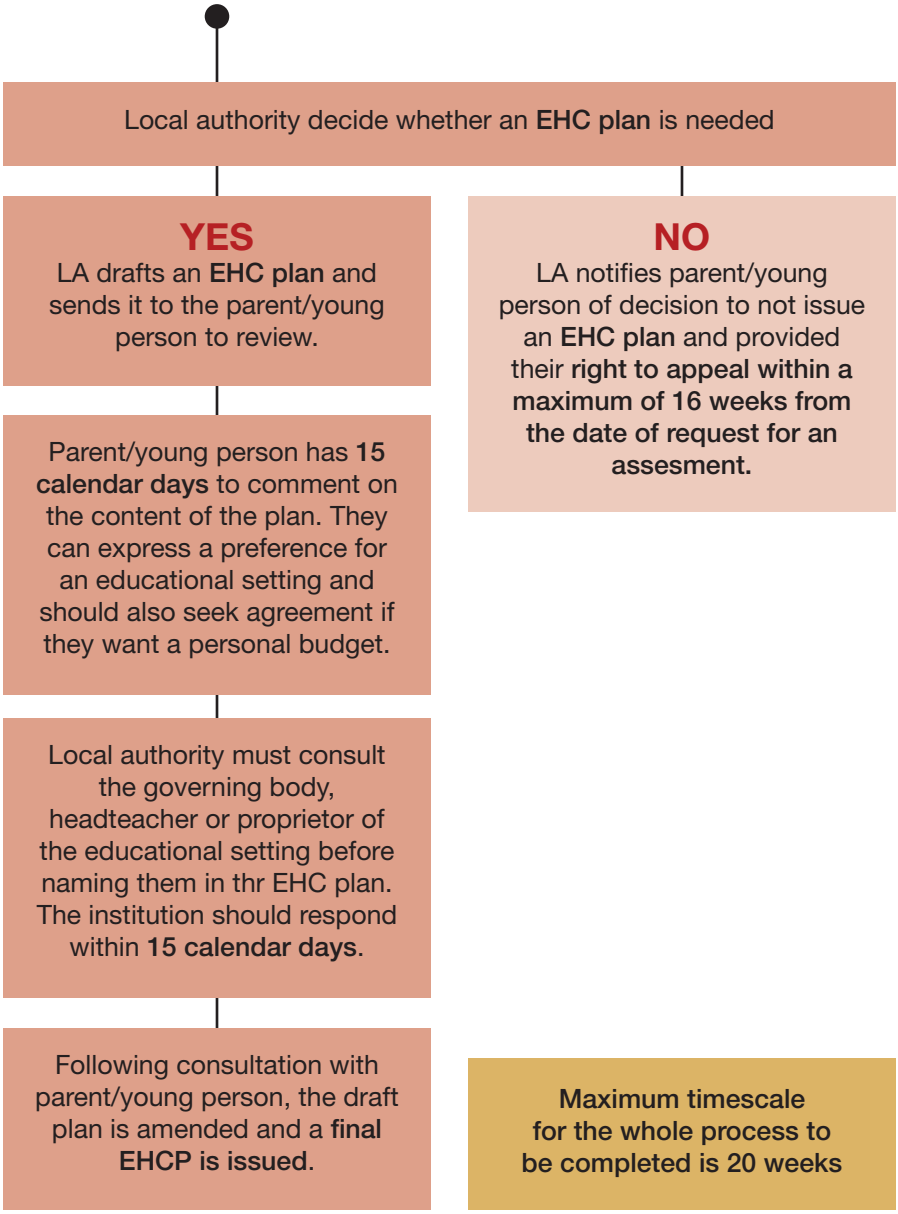
The local authority works to the statutory legal timescales laid out in the SEND Code of Practice and aims to:

- Make decisions to assess within 6 weeks from the receipt of the request
- Make decisions to issue an EHCP within 16 weeks of the receipt of the request
- Consult with settings and finalise the EHCP within 20 weeks of the receipt of the request

Timescales for EHC needs assessment and EHCP development

from the SEND Code of Practice




Local authority decide whether an **EHC plan** is needed
YES
LA drafts an **EHC plan** and sends it to the parent/young person to review.
Parent/young person has **15 calendar days** to comment on the content of the plan. They can express a preference for an educational setting and should also seek agreement if they want a personal budget.
Local authority must consult the governing body, headteacher or proprietor of the educational setting before naming them in thr EHC plan. The institution should respond within **15 calendar days**.
Following consultation with parent/young person, the draft plan is amended and a **final EHCP is issued**.
NO
LA notifies parent/young person of decision to not issue an **EHC plan** and provided their **right to appeal within a maximum of 16 weeks from the date of request for an assesment.**
Maximum timescale for the whole process to be completed is 20 weeks

Outcomes after an EHC needs assessment

Once the local authority has all the information and advice it must decide whether an EHCP is required or not. There are two possible outcomes:

The local authority decides an **EHCP is not needed.** Sometimes the local authority will decide that the special educational needs can be met through **SEN** support. If this is the case, the local authority must tell you it's decision within 16 weeks of receiving a request for an **EHC needs assessment**. See our SEN Support booklet for more information.

You have a right to appeal this decision. For information on resolving disagreements see page 25.

The local authority decides an **EHCP is necessary.** If this is the case, the local authority must write a draft **EHCP**. It will send you the draft **EHCP** and copies of the reports.

What does an EHCP include?

The EHCP will be based on the 'advice' and information collated during the assessment. The local authority must give good reason if recommendations gathered during the assessment are not included in the plan.

An EHCP must include the following (each local authority can decide how to set these out):

A The views, interests and aspirations of the parent and child or the young person.

B The child or young person's special educational needs.

C Health needs related to their SEN.

D Social care needs related to their SEN.

E Planned outcomes.

F Special educational provision (provision which 'educates or trains' is special educational provision not health or social care provision).

G Any health provision required that is related to their SEN.

H1 Any social care provision that must be made for the child or young person under 18.

H2 Any other social care provision required that is related to their SEN.

I The name and type of the school, maintained nursery school, post-16 institution or other institution to be attended. This will be blank in the draft plan for you to express a preference. The name of the school or setting will only appear in the final plan.

J Details of how any personal budget will support particular outcomes and the provision it will be used for.

K The advice and information gathered during the EHC needs assessment.

Guidance on specificity

Provision must be specified for each and every need. It should be clear how the provision will support achievement of the outcomes. Provision must be detailed and specific and should normally be quantified in terms of the type, hours and frequency of support and level of expertise.

In year 9 and beyond, the **EHCP** must also include the provision required to help prepare for adulthood and independent living.

You will find information in our 'Checking a draft plan' factsheet on the IASS website.

Once you have been sent the draft EHCP you will be given at least 15 days to:

- Comment on the draft **EHCP** so that any amendments can be made
- Request a personal budget if you would like one
- Request a particular school or setting

You can discuss all of these with your SEND Officer.

You should check that everything you think is important has been included in the draft **EHCP** and that you agree with the outcomes and the proposed provision.

Remember that the IASS can help support you through every step of this process.



Personal Budgets

You have the right to request a **personal budget** when you have received the draft **EHCP** to secure all or part of the **SEN** provision yourself. **This means the support that has been identified in the educational provision section of the EHCP to help you.** Your **SEND** officer will be able to inform you of the information they require to process your request. Examples of personal budgets might include:

- Equipment, tools, aids, and technology that is not provided by the NHS, and their ongoing maintenance
- Extra support to access activities
- Specialist teaching
- Complimentary therapies

There are four ways in which a personal budget can be delivered:

- Direct payment – you receive cash to contract, purchase and manage the provision specified in the plan
- An arrangement – the local authority, school or college holds the funds and commissions the provision specified in the plan
- Third party arrangements – a direct payment is paid to and managed by an individual or organisation on your behalf
- a combination of the above

You will find more information on **Personal Budgets** and **Personal Health Budgets** in our factsheet on the **IASS website.**

There is also **video on the IASS website.**

The SEND Code of Practice says:
A Personal Budget is an amount of money identified by the local authority to deliver provision set out in an EHC plan where the parent or young person is involved in securing that provision. (9.95)



Requesting a school or setting

Before the local authority can finalise the **EHCP** you will be asked which school or setting you prefer to be named. Don't worry, this may not necessarily mean that the school or setting has to be different from the current one. Remember in the draft **EHCP** this section will be blank. The local authority will formally 'consult' with the school or setting of your preference. The local authority may also consult with other suitable schools. The school or setting have 15 days to respond to the consultation. The law says that parents or the young person have the right to request a particular school, college or other institution is named in the **EHCP**.

The local authority must agree to this request unless:

- it 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

Contact your SEND officer if you need more time to give our comments about the draft EHCP and/or your school/setting preference.

Wolverhampton local authority may use a **'Decision Making Panel'** (see page 13) to determine the type of setting.

What happens if I move to another local authority area?

If you plan to move to another local authority area you should contact the 'old' and the 'new' local authorities so the support specified in the **EHCP** will be in place. In consultation with you, the 'new' authority will amend the plan and name the new school or setting.

Resolving Disagreements

There may be things you disagree with during the EHC needs assessment process and the creation of a plan. At any stage you can talk to the local authority to try to resolve the issue. You have a right to appeal to the First Tier Tribunal (SEN and Disability) on the following:

- the decision not to conduct an **EHC needs assessment/ re-assessment**
- the decision not to issue an **EHCP**
- Parts B, F or I of the final **EHCP** - this means the parts relating to special educational needs and provision. The Tribunal will also consider and can make non-binding recommendations on the health and social care aspects in the **EHCP**
- the decision not to amend an **EHCP** following an annual review or re-assessment
- the decision to cease an **EHCP**

An appeal to the Tribunal must be requested within 2 months from the date of the local authority decision letter.



Mediation

When a local authority makes a decision that can be appealed, the right to mediation will be triggered. Mediation is an informal, confidential, non-legalistic process involving the parties in dispute and an impartial and independent mediator. The mediator's role is to understand the position of both parties, to facilitate a conversation with the aim of reaching a mutual agreement through a structured meeting. They will ensure your views are heard. If you wish to appeal to the Tribunal you may only do so once you have considered mediation, even if you choose not to go ahead with a meeting. You will need to contact an independent mediation adviser (the local authority will provide the contact details in its communication with you), obtain a 'certificate' to prove that you have considered mediation and send it with your appeal request. You do not have to consider mediation if you are only appealing the name or type of school in section I. Accessing mediation does not affect your right to appeal.

You can find more information in our **Appeal Factsheet** on the **IASS website.**

Throughout the assessment process the IASS can help you. The IASS can support you to be actively involved in any discussions and decisionsand help you to express your views.



Annual Reviews



An **EHCP** must be reviewed at least once every 12 months. This process is known as the **Annual Review** and it will usually be organised by the head teacher or principal of the school or setting. The Annual Review must focus on the progress made towards achieving the outcomes specified in the **EHCP**. The review must also consider whether these outcomes and supporting targets remain appropriate. You must be invited to a review meeting and given at least two weeks' notice of the date. Relevant professionals must be invited to the meeting. Your views, wishes and feelings must also be taken into account and your right to request a personal budget will be explained. Within four weeks of the meeting the local authority must decide whether to keep the **EHCP** as it is, amend it or cease to maintain it. The local authority must inform you of your rights to appeal. Sometimes a re assessment maybe necessary.

For some young people an EHCP will continue until they are 25. However, the plan will stop if the young person:

- goes to university (this is known as Higher Education and support is provided by the University)
- gets a job
- tells the local authority they no longer want their **EHCP**, or
- no longer needs special help and the local authority decides that the **EHCP** should cease

You will find more information in our Annual Review factsheet on the **IASS website**.

WIASS

Wolverhampton Information, Advice and Support Service

'for special educational needs and disability'

Impartial information, advice and support on matters relating to a child or young person's special educational needs ordisability from birth to 25 years.

IASS would like to thank parents, carers and Voice4Parents Wolverhampton's parent carer forum for co-producing this booklet with us.

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WCC 2035 11/2026