



Requesting an education, health and care needs assessment

An Education, Health and Care plan (often called an EHCP or EHC plan) can only be issued after an education, health and care needs assessment has been carried out. A request for an assessment must be submitted to the local authority for their consideration, so it is important to give as much relevant information as possible when making your request. Anyone can bring a child to the attention of the local authority, but only specific people can actually request an assessment. Although we will refer to your “child” in this guide, we are talking about children and young people up to their 25th birthday.

The SEND Code of Practice section 9.8 states:

The following people have a specific right to ask a local authority to conduct an education, health and care needs assessment for a child or young person aged between 0 and 25:

- the child’s parent
- a young person over the age of 16 but under the age of 25, and
- a person acting on behalf of a school or post-16 institution (this should ideally be with the knowledge and agreement of the parent or young person where possible)

This means that you have the right, as a parent carer, to make a request to the local authority for your child to be considered for an education, health and care needs assessment. However, where possible, we would advise you to work with your child’s school or college and would encourage you to make the request together, as this will provide the local authority with the best range of information on which to base their decision.

In some circumstances this is not possible, and if you feel that your child has been receiving support and is not making progress, then you can make the request yourself.

Requests for an education, health and care needs assessment for a young person 16-25 should be made by the young person. They can ask for all further communication to be only with them or to be with their parent carers.

Legally, you only need to demonstrate that you believe your child has special educational needs AND that they require an EHC plan to deliver the level of support they require. In practice, most LAs will use additional criteria to decide whether to conduct an assessment so it may strengthen your initial request to include details of your child's needs, evidence of the support that works for them and information about what else they may need. Amaze has template letters, which you can use, to email or post your request to the local authority. Download them from our website [Resources](#) section.

Although local authorities prefer to receive requests in writing there may be exceptional circumstances where a request could be made verbally. Following your request, you should receive an acknowledgement of this from the local authority. When making a request for an EHC needs assessment, it is helpful to bear in mind the key things the local authority will consider when they discuss your request and tailor your request letter to meet these factors.

The local authority will treat each request in the same way. They will look for the following key information:

What are your child's special educational needs? How does this affect them both at school and at home?

It is helpful to think of these in terms of these four areas of need:

1. **Cognition and learning**, e.g., how do they learn and process information?
2. **Communication and interaction**, e.g., how do they express themselves and understand what is being said to them?
3. **Social, emotional and mental health**, e.g., when they are feeling overwhelmed, how do they behave? Do they display any anxious behaviours?
4. **Sensory and physical**, e.g., do they react to loud noises? Do they have any physical disabilities?

You are the expert on your child and will be able to provide a great deal of information about your child that professionals may not be aware of. You can discuss how their needs are demonstrated outside of school and anything that a professional has not seen.

What support is the school giving to help your child?

The local authority would expect your child to have been receiving support from their school and will want to see evidence of this. If you are making the request yourself (and not with the school), then it will help to include copies of your child's additional needs plan or school support plan. If your child has not been receiving support, then it would help to include school reports, which gives evidence of their difficulties.

The SEND Code of Practice section 9.14 states:

In considering whether an EHC needs assessment is necessary, the LA 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.

Where a young person is aged over 18, the LA must consider whether the young person requires additional time, in comparison to the majority of others of the same age who do not have special educational needs, to complete their education or training. Remaining in formal education or training should help young people to achieve education and training outcomes, building on what they have learned before and preparing them for adult life.

How much progress has your child made?

Your child may have made some progress in their learning but, in order to achieve this, they have received a lot of support from school. Alternatively, they may have been receiving support but have made very little, or no progress. The local authority always considers the progress made alongside the amount of support that has been given to achieve it.

Does your child need an EHC plan?

Having special educational needs and/or a diagnosis does not mean that a child requires an EHC plan. Most children with SEN do not have a plan as their needs can be met in school through SEN support, using the school's resources. If a school has planned, delivered, analysed and recorded a variety of strategies then an EHC needs assessment may be required to gather more information. It may be decided that SEN support cannot meet your child's needs and they require an EHC plan. If the local authority believes that school should be delivering more SEN support, then they may decide that an EHC needs assessment is unnecessary.

When you present your request for an EHC needs assessment, you should show why you believe your child has special educational needs AND that an EHC plan, rather than SEN support, is required to address their needs.

Do they need more time in education?

For a young person aged over 18, the local authority will consider whether they need more time in education or training to gain qualifications or skills that they need for adult life.

If your child is currently out of education, proving this can be more challenging. The local authority will ask their last education setting for evidence. But if you have anything else you can supply to show this, do.

Can you provide more evidence?

If you have reports or information about your child from other professionals working with them, it is helpful to include copies with your request.

The SEND Code of Practice section 9.11 states:

Following a request for an EHC needs assessment, or the child or young person having otherwise been brought to its attention, the local authority **must** determine whether an EHC needs assessment is necessary. The local authority **must** make a decision and communicate the decision to the child's parent or to the young person within 6 weeks of receiving the request.

The local authority does not have to consider whether an EHC needs assessment is necessary where it has already undertaken an EHC needs assessment for the child or young person during the previous six months, although the local authority may choose to do so if it thinks it is appropriate.

Time frame and process

Following receipt of your request, the local authority has up to **six weeks** to consider whether to go ahead with the assessment. During this time, the local authority has to notify key people that a request for an assessment has been made:

- the health service and medical practitioners who have been looking after your child



- social care (if your child is not known to social care, this will not affect the decision the local authority makes regarding your child)
- the nursery, school or college that your child or young person attends. The education setting will have to provide evidence of the support they have been giving your child through SEN support and demonstrate they have looked at your child's needs, put into practice a programme of support and been regularly monitoring this to measure progress (this is called Assess, Plan, Do, Review).
- you, the parent carer. If you made the request yourself, this gives you an opportunity to review the paperwork you sent and add any additional information about your child to this. We produce an in-depth guide to your parental contribution to the EHC plan. Download it from the [Resources](#) section of our website.

You should remember that being offered an education, health and care needs assessment does not guarantee that an education, health and care plan will be issued. However, the information gathered during the assessment may indicate ways in which the school, college or other provider can meet the child or young person's needs without a plan.

Most local authorities make the decision to carry out an education, health and care needs assessment at a panel made up of different representatives from the local authority SEN team, the educational psychologist service, school SENCOs, and health and social care professionals (Brighton & Hove also has a parent carer on the panel). Once they have reviewed all the submitting paperwork, they have to inform you of their decision and should give you, their reasons. If you disagree with their decision, you have the right to appeal at a tribunal.

Amaze SENDIASS is the impartial Special Educational Needs and Disability Information, Advice and Support service for Brighton & Hove and East Sussex. SENDIASS guides are written by SENDIASS advisers trained in SEND law, together with parent carers. We offer impartial and confidential support with anything to do with special educational needs and disabilities for 0–25-year-olds.

Please email sendiass@amazesussex.org.uk or leave a message on our advice line on 01273 772289 if you would like further advice and support.