



## The Education, Health and Care Needs Assessment

The education, health and care needs assessment is a 20-week process that can lead to the local authority issuing an Education, Health and Care Plan (EHC plan) for a child or young person with Special Educational Needs and Disabilities (SEND). This EHC plan will pull together the aspirations, wishes and needs of a child or young person alongside the provision required to meet these. The needs assessment should be person-centred, meaning that the views, wishes and aspirations of your family should underpin the process.

This guide will explain what happens during the 20 weeks and gives hints and tips for families as they move through the process.

### *Useful glossary of SEND terms*

- **LA** – the local authority
- **CWO/APO** – your SEN caseworker at the LA for the needs assessment. They gather the necessary information and produce the EHC plan. In Brighton & Hove, they are called a Casework Officer (CWO) and in East Sussex, an Assessment and Planning Officer (APO)
- **EHC plan** - an Education Health and Care Plan
- **EHC needs assessment** stands for Education Health and Care needs assessment
- **Co-produce** – when professionals and families work together as equals to achieve a joint aim
- **Co-production meeting** – this is a meeting you may be offered as part of the needs assessment. Parent carers, young people, the APO/CWO, school staff and other relevant professionals may meet to co-produce the outcomes and other parts of a draft EHC plan
- **SEND Tribunal** is the First-tier Tribunal (Special Educational Needs and Disability)
- **SEN Support** – the actions that mainstream schools (including mainstream academies) should take to meet their duties in relation to identifying and supporting children with SEN

- **The Local Offer** – all LAs are required to set out information for children and young people with special educational needs and disabilities and their parent carers in a single place. It shows families what they can expect from a range of local agencies including education, health and social care. Google ‘Local Offer’ and the name of the LA to find information on their website.
- **SEND Code or Practice (COP)** – guidance produced by the Department for Education that outlines LA responsibilities towards children and young people with SEND.

## Requesting a needs assessment (week 0)

A request for a needs assessment can be made by a person working in an educational setting (nursery, school or college), a child’s parent carer or a young person aged 16-25 (COP section 9.8). The request needs to be in writing; you can write a letter or you can email a request. Ideally, you would make the request with the school so that together you can supply all the information needed by the LA. You should send the request to the local authority’s Special Educational Needs team.

Amaze have template letters that show the information you need to provide. You can ask us for copies or download them from the [Resources](#) section of our website.

Make sure that you mention all the professionals working with your child and the level of support they are providing. If you have reports from any of these professionals, it is helpful to attach copies with your request. If the reports are more than 1-2 years old or contain information that is no longer correct you might consider asking for new assessments to take place.

If you are making the request, it is helpful to include copies of your child’s school SEN support plan so that LA can see what support the child or young person has been receiving. Once the Special Educational Needs assessment team has received your request, they have up to **six weeks** to respond in writing with their decision.

The LA has a panel that meets to discuss requests for assessments. The panel will read all the information that is submitted and make a decision whether to agree to an assessment or not. The panel is usually made of up representatives from the local authority SEN team, the educational psychologist service, school SENCOs, and health

and social care professionals. In Brighton & Hove there is also a parent carer on the panel.

## The decision to conduct a needs assessment (Week 6)

When a local authority considers a request, they will usually look at what support the school or college has provided and what progress a child or young person has made as a result of this support. For young people over 18, they should also consider a young person's needs and determine if they will need extra time in education or training in order to achieve their **outcomes**. LAs will consider each request on an individual basis. See the Outcomes guide in our [Resources](#) section.

### **TIP**

The legal test here is whether 'it may be necessary for special educational provision to be made for a child in accordance with an EHC plan'. Therefore, when submitting a request, it is important to demonstrate that a child needs more support than is possible for the school to provide from within their resources (usually up to £6000), and to provide evidence of this.

In many cases where an assessment request is refused, it is because the LA feel that a child or young person's needs can be met by the school through SEN Support. These children should have been assessed by the school and have a support plan in place. The impact of the support should be monitored and recorded with a termly review. At all stages of this process the school should actively involve you.

If your child does not make the progress the school would have expected them to, despite these high levels of support, then it might be time to consider making a request for an Education, Health and Care needs assessment.

If the local authority refuses to carry out a needs assessment, they need to explain their reasons and that you have the right to appeal to the SEND Tribunal if you disagree with the decision. However, there may be room for negotiation and you may be able to resubmit the request with additional information. The school may need to provide further details of the support they are giving. There is also an opportunity to attend mediation before you would need to launch a formal appeal.

## The needs assessment (weeks 6- 16)

If the LA agrees to conduct a needs assessment, they have up to ten weeks to carry out the assessment. During this time, the caseworker at the local authority will gather reports from school and other professionals working with your child. You and your child are the most important people in this process so you will need to submit information as well. Our 'Parental contribution for the Education Health and Care needs assessment' guide gives further details of how to express your views. You can find it in the [Resources](#) section of our website.

During the needs assessment, the LA must ask for reports from the parent carer, the young person or child, the education provider, an educational psychologist, and a medical practitioner and social care (COP section 9.49).

You have the right to ask for any medical professional working with your child to contribute to the process. Many different professionals may have seen your child. Additionally, the LA has a statutory duty to inform social care that an assessment is taking place. Not all children are known to social care so there may be nothing meaningful to add to the assessment information. The fact that an assessment is taking place may give you an opportunity to highlight social care issues that your family are facing and be a good time to request a social care assessment.

Once a young person reaches Year 9, their outcomes should also focus on their preparation for adulthood. These include options for further education or training and employment, support to prepare for independent living and housing options, how to stay well and lead a healthy life, how to be included in their local community and build relationships with others.

When any professional is asked to contribute to the assessment, they **must** be sent copies of your contribution so that they can contribute meaningfully to the process and know what your hopes and aspirations are for your child or young person (COP section 9.50). It is therefore helpful if you are able to send your contribution back to the APO/CWO as soon as possible so that they can pass it on. Remember that you are the expert on your child and other professionals working with them may not know some of the detailed information that you include in your contribution.

Your APO/CWO will need copies of all the most recent relevant reports you have. There is no time limit in law to say that reports will not be considered but remember that historic reports written when your child was much younger may not be relevant to their current needs so may not be considered in the assessment process. In order for an out of date report to be used, everyone involved must agree that its content is

still relevant. EHC plans should only include information relevant to current needs and future outcomes.

**TIP**

Whenever your child has an education, health or social care assessment you should discuss the hopes, aspirations and outcomes you want for your child over the next two to three years.

Professionals should write these agreed outcomes in their report so they can be included in the EHC plan if the LA agree to issue one.

The reports should be clear and specific. They should not include jargon, so that when you read them you should be able to understand what has been written. They should also include advice about outcomes, which are specific to your child or young person and information about the provision and support your child or young person will need.

You may have independent reports following private assessments you have paid for. They must form part of the assessment process and be considered when the LA makes their decision about what to include in the plan. It is important to know, however, that the LA is not obliged to include the wording or recommendations of private reports into the EHC plan. They may choose to include them in section A rather than section F so when writing your contribution, it is helpful to include them. These reports should be included as an appendix to the EHC plan.

**TIP**

If you feel that some information is missing or not clear in the report, it is a good idea to go back to the author when you receive it. Information from the reports is used in the EHC plan and it is easier to change it at this stage rather than when it has been added into the draft EHC plan at a later stage.

## The co-production meeting (weeks 12-14)

Once all the assessments have been completed, the local authority may invite you to a meeting to discuss the plan in more detail. The meeting may be held at your child's school or online so that the SENCO and class teacher can attend and it will be an opportunity for you to meet the APO/CWO. Other professionals working with your

child should be invited along to this meeting. They may not be able to attend but must provide reports to discuss during the meeting.

In East Sussex a co-production meeting may be called only if the LA has decided to issue an EHC plan. In Brighton & Hove a co-production meeting would feed into the decision-making about whether to issue an EHC plan.

**TIP**

You will need copies of all the reports to help you to prepare for the meeting. Ask your APO/CWO to send copies of any report you do not have so that you have at least two weeks to read them and make notes of things you want to discuss at the meeting. In East Sussex, the 'needs' sections of the plan (B, C and D) should be completed prior to the meeting and copies of the reports should also be made available. In Brighton & Hove, the collation document includes a copy of the whole draft plan.

Prepare for the meeting by highlighting content of the reports that you feel need to be included in the plan.

The meeting will be an opportunity for everyone to agree outcomes for your child. It helps to think about what you want them to be able to achieve by the end of the next key stage, or two to three years ahead. You may want to consider the shorter-term outcomes, which will be steps towards achieving each longer-term outcome.

Everyone has an equal voice in a co-production meeting. You should feel that you are an important part of the discussion and that your voice is heard and you are listened to. The Amaze 'Guide to the Co-production meeting' can also help you to prepare for the meeting. Download it from the [Resources](#) section of our website.


**TIP**

This meeting is not a forum to discuss where your child will go to school but should focus on their needs, outcomes and provision. If the discussion focuses on the school place, then it can sometimes lead away from the person-centred approach that is intended and becomes more about what the school can provide rather than your child's individual needs and the provision, which is required to meet these.


## Decision whether to issue an EHC plan

The Education Health and Care needs assessment provides the evidence for the local authority to make a decision about whether the child or young person requires an EHC plan. If the LA decides an EHC plan is not needed, they must write to you by the end of week 16 after the request, explaining the reasons for their decision and your right of appeal. They should also provide written feedback about the information gathered during the assessment, including all the reports, as this can be useful for you and the school.

## Draft plan (week 16)

If the LA agree to issue an EHC plan, they will send you a copy of the draft through the post, along with all the reports gathered during the assessment process. Each LA has chosen its own format for their EHC plans but the law states what should be included in each section. The Amaze  'Guide to checking your draft' gives more detail. Download it from the [Resources](#) section of our website.

Whilst the plan is in draft form, you have an opportunity to ask for changes to be made. Parent carers or a young person aged 16+ are the only people who can request changes at this stage of the process. Once you have identified all the changes you would like to be made to the draft, you will need to send these back to your caseworker. We advise that you ask them to email you a Word version of the plan so that you can identify these changes in the document and email it back to them. (Use a different colour to highlight changes so that your caseworker can easily identify the text you want to be amended).

If you request parts of reports to be added to the draft, it helps your APO/CWO if you can reference the specific sections of the reports that you would like to be included. You will normally have only 15 calendar days in which to respond to the draft. 



## **TIPS**

Read the plan carefully and check that it is a true representation of your child or young person.

- Have their needs been correctly identified?
- Are the outcomes SMART (Specific, Measureable, Achievable, Realistic and Time bound) and are they the ones discussed with your APO/CWO?
- Has all the provision stated in the reports been included in the plan?
- Does it say how many hours of support will be given each day/week; whether this is one to one/in a pair/small group etc; what time of day or how many times per day?
- Does it state who should be providing the support for your child and the qualifications they require?
- If you have agreed a Personal Budget, is the information concerning this detailed and accurate? There is more information on Personal Budgets in the Local Offer in each LA.

At this point, you have the right to request a meeting to discuss the draft plan with a LA officer. Usually, parents only ask for a meeting if they have serious concerns with the plan. If you want to make minor changes, you should be able to sort these out over the phone or by email.

If you have requested significant changes, the LA may issue a second version of the draft plan. You should be given another 15 days to review this amended draft. If they have not agreed to all the requested changes, they may call you to discuss these in more detail.

If your APO/CWO does not hear from you, they will assume you are happy with the agreed changes and will finalise the plan. Once this is done, it is a legal document, which can only be changed at mediation, an appeal or following an annual review.

## **Choosing a school**

At the draft stage of the process, you will notice that section I (the name of the school or other institution) of the plan is not completed. This is left blank intentionally. If you are happy with your child's current school and they are not due to transition to another school, then they can stay where they are. However, your



child may be due to move school or you may wish to request a different school if you feel their current school is not able to meet their needs. The assessment process provides an opportunity for you to request a new school.

Before you make a firm decision about where you would like your child to go to school there are a few steps we advise you to take.

Bear in mind that most children will attend their local school and remain in their local community.

- Look on the Local Offer to see which schools in your area might be able to meet your child's needs. Read the information on the school's website and, if possible, visit the school to see if it is a good fit for your child. It is always a good idea to visit a school during the normal school day, as this will give a more realistic feel of the environment.
- Some schools will have expertise in certain areas and be more equipped and trained to support children and young people with certain conditions.
- Some schools have units attached to mainstream facilities and some are special schools that take children who need more specialized support than a mainstream setting can offer. Your child will usually need an Education, Health and Care plan to get into a specialist setting.
- You may want your child to go to an independent school. Whilst the LA funds some children with EHC plans to go to an independent school, this is not before all state schools (those receiving funded through their local authority or directly from the government) have been thoroughly explored and considered. The local authority will consult with state schools to see if they can meet your child's needs and if they feel they can, then the LA will name a state school in section I of your child's plan.

Amaze's *'Choosing a school'* fact sheet provides more detailed information about this. Download it from the [Resources](#) section of our website.

The LA has to take into consideration a parent's views, wishes and feelings throughout the assessment process, which includes the school you want your child to go to. However, sometimes in spite of your views, they may name a school in the plan that you are not happy with and this might necessitate you going to appeal.

Once you have decided which school you would like your child to go to, let your APO/CWO know. It is also helpful to think of reasons why a particular school would be the best school for your child. If there is a particular school which you feel will not be suitable, it would be helpful to state reasons why you feel this way.



By week 18 of the needs assessment, once the proposed plan has been agreed, the LA will send a copy to the school you have named for consultation. The school will need to comment on the plan.

Sometimes it is not possible to agree or be able to name a particular school in the final plan so you may notice that a type of school ('special' or 'mainstream') is specified rather than the name of a school.

## Final Education, Health and Care plan (week 20)

Once all the requested changes have been agreed and you are happy with the amended EHC plan the caseworker will finalise it and send you a copy. The plan will remain in place until it is reviewed at an annual review. Although the annual review happens at least every twelve months, you or the school can request an early annual review if there are significant changes or concerns during the year. See our in-depth guide to Annual Reviews on the [Resources](#) section of our website.

If you disagree with the final EHC plan, you have a right to mediation and to appeal about section B, the special educational needs; section F, special educational provision and section I, the school placement. You have an opportunity to appeal the health and social care aspects of the EHC plan when an education appeal is also being made. The SENDIST tribunal can make non-binding recommendations concerning health and social care aspects of the plan. The local authority will send you information about how to appeal when you are sent the final EHC plan. There are guides to mediation and appeals to the SEND tribunal in the [Resources](#) section of the Amaze website.

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Amaze SENDIASS is the Special Educational Needs and Disability Information, Advice and Support service for East Sussex and Brighton & Hove. We offer impartial and confidential support with anything to do with special educational needs and disabilities for 0-25 year olds.

Please contact us on 01273 772289 or by email on [sendiass@amazesussex.org.uk](mailto:sendiass@amazesussex.org.uk) if you would like further advice and support