

Information for parents

The special educational needs and disability (SEND) reforms - England

contact a family
for families with disabled children



Education, Health and Care needs assessments

From 1 September 2014 Education, Health and Care (EHC) plans will replace statements of special educational needs. They will also replace Learning Difficulty Assessments, which are currently done for children in their last year of school who are moving on to further education. EHC plans can be issued for a child or young person between 0 and 25 years of age.

Guidance on EHC assessments is set out in the *Special educational needs and disability code of practice: 0-25 years Chapter 9*.

What is an EHC needs assessment?

This is the first step to getting an Education, Health and Care (EHC) plan. It is a full investigation of a child or young person's education, health and social care needs. It is carried out by the local authority (LA) where your child lives.

Who should have an EHC needs assessment?

The law says that a child or young person must have an EHC needs assessment if:

- they have, or **may have**, special educational needs (SEN), and
- it **may** be necessary for special educational provision to be made, in accordance with an EHC plan.

Key Principles:

- Children, young people and families should be asked for their views.
- 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.

- Local authorities should publish local information about how social care assessments will contribute to EHC needs assessments.
- Information, advice and support must be available to families.
- Young people over 16 must have access to separate information advice and support.

How does the process start?

If your child already has a statement the process will be different – see our factsheet *Changing from the old system to the new – how will it happen?* Or call our freephone helpline on 0808 808 3555.

From 1 September 2014 the following people can contact the local authority and ask them for an EHC needs assessment:

- you, the parent
- your child if they are between 16 and 25 years of age, or
- someone representing your child's school or college.

It is best to put your request in writing so there is a record of it.

Other people can also tell the LA if they think a child may need an EHC needs assessment.

Need advice?

Call our freephone helpline

0808 808 3555

helpline@cafamily.org.uk

Open Monday to Friday, 9.30am–5pm



What happens during the process?

Step 1 – Local authority considers the request

The local authority (LA) must write to you within six weeks to tell you if they are going to carry out an EHC needs assessment. If they decide not to assess your child you will have the right to appeal. The LA must give you information about this.

Step 2 – Assessment

The local authority gathers information from:

- you, the parent
- your child
- your child's nursery, school, further education college or other setting
- health and social care professionals
- specialist teachers if your child has a vision or hearing impairment
- any other person requested by you or the young person that the local authority considers reasonable
- for a child in Year 9 (age 14) or above, advice about preparing for adulthood and independent living.

Advice and information requested by the local authority should be provided within six weeks.

Step 3 – Decision

The local authority (LA) must write to tell you whether or not they are going to make an EHC Plan, with reasons for the decision. If the LA are not going to make a plan they must write to you within 16 weeks to tell you this. You will have the right to appeal and the LA must give you information about this.

Step 4 – Draft plan

If the local authority (LA) decide to make an EHC plan, the draft plan should be sent to you as soon as possible. You have 15 days to put forward your views to the LA about the contents of the plan, and to say which school or other educational place you would like your child to go to. You can ask to meet with the LA and other people who gave advice as part of the EHC assessment process. This is your chance to ask questions if anything is unclear or to say if you think anything in the plan should be changed, before the final plan is issued.

The LA must consult the school, college or other educational institution before naming it in the EHC plan.

Step 5 – Final plan

Must be issued **within a maximum of 20 weeks** of the initial request. See our factsheet *Education, Health and Care plans* for information about what should be in the EHC plan.

What if the local authority refuse to assess my child, or to issue a EHC plan?

If your child has special educational needs and you are unhappy with a local authority decision about their education, you can appeal to the Special Educational Needs and Disability Tribunal. The Tribunal is made up of a legally qualified tribunal judge and two specialists who have knowledge and experience of children with special educational needs and disabilities.

You have to appeal to the Tribunal within two months of getting the decision letter. Call our freephone helpline for more information about appealing a decision.





Sample letter to the local authority to ask for an assessment

Here is a sample letter you can adapt to help you write to your local authority to ask them to assess your child. You can call our freephone helpline for more advice first.

Your name and address

Date

Dear (name of Director of Children's Services)

(Put your child's name, date of birth, and the name of the school or college they go to here)

I am the parent of the child above, and am writing to ask you to carry out an assessment of his/her special educational needs under section 36 of the Children and Families Act 2014.

My child has a diagnosis of

This affects him/her in the following ways.....

.....

S/he has difficulty with (say how your child's difficulties affect their ability to learn. Think about reading, writing, numbers, talking, listening and understanding, friendships, physical skills, concentration, emotions, behaviour, mental health)

S/he has had the following extra support in school (say what help your child has been getting on School Action, School Action Plus or SEN support. For example, help in school from a teaching assistant, or support from specialists like an educational psychologist or dyslexia teacher)

Sh/e has also had support from (say if health or social care services have helped, for example Child and Adult Mental Health Services (CAMHSs))

However, my child is likely to need more help than the school is able to provide from its own resources because (say if you are worried about your child's progress and/or behaviour. Mention any evidence you have for this, for example recent exclusions, refusal to attend school, signs of anxiety at home, school reports, test results)

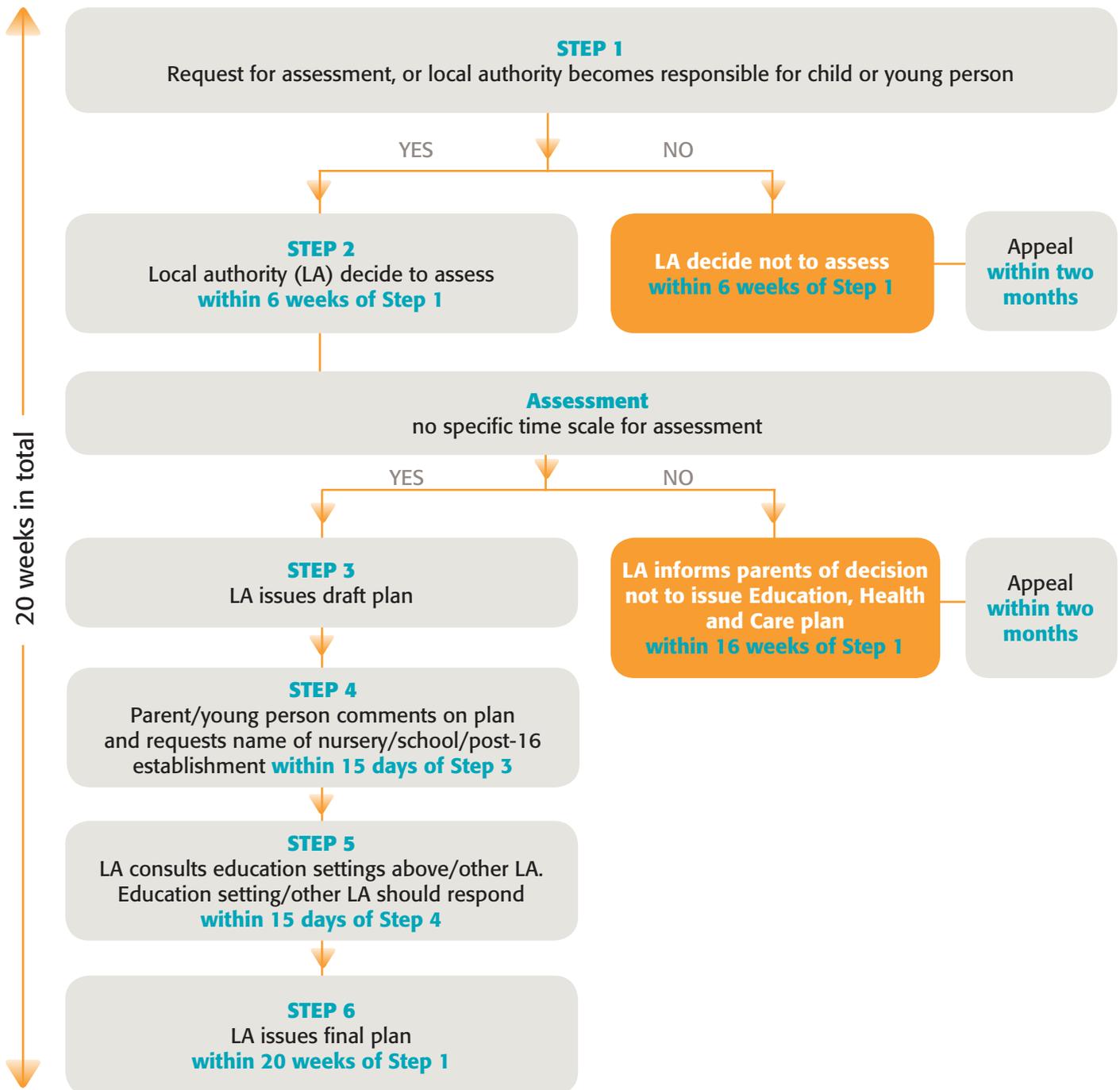
I understand that you are required by law to reply to this request within six weeks, and that if you decide not to assess my child I will be able to appeal to the SEND tribunal.

I look forward to hearing from you soon.

Yours sincerely



Assessment timetable



Find out how you can get involved in the changes in your area by joining your local parent carer forum. Contact the National Network of Parent Carer Forums:

www.nnpfc.org.uk 020 7608 8708 info@nnpfc.org.uk
www.facebook.com/NNPCF www.twitter.com/NNPCF

Got a question about the changes?
Call the Contact a Family freephone
helpline: 0808 808 3555
helpline@cafamily.org.uk
www.cafamily.org.uk

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 Registered Office: 209-211 City Road, London, EC1V 1JN
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 Registered in England and Wales Number: 1633333
 Charity registered in Scotland Number: SC039169
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