



Education, Health & Care Needs Assessments and Plans

Firstly, in law, there is no such thing as applying for an Education Health & Care Plan (EHCP). Only an **EHC Needs Assessment** (EHCNA) can determine whether or not a child or Young Person requires an EHCP.

What is an EHC Needs Assessment?

An Education, Health and Care needs assessment (EHCNA) is an assessment of a child's education, health and care needs. It is the first step to getting an EHCP. An EHCP can result in extra support and funding for a child with Special Educational Needs (SEN).

The needs assessment brings together information about what your child can and cannot do and the special help they need.

The needs assessment is to see if your child or young person needs an Education, Health and Care Plan (EHCP).

It includes information from you, your child or the young person, the early years' setting, school or post 16 institution and other professionals who work with or support your child.

When is an EHC needs assessment necessary?

The school or early years setting can often give your child help through SEN support (see our guidance on this). This means that the school makes extra or different provision from that provided to most other pupils to meet their needs. Sometimes other professionals will give advice or support to help your child learn.

Some children need more help than the school can provide. If your child does not make progress or has a barrier to learning, despite everything the school has tried, an EHCNA might be the next step.

A child is considered to have a learning difficulty if they:

- have a significantly greater difficulty in learning than the majority of others of the same age or
- has a disability which prevents or hinders them from making use of facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post 16

“ 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 - SEND Code of Practice 2015)



When considering whether or not a child or YP requires EHC Needs Assessment the LA must apply a 2-part legal test.

The following test is set out in law – Section 36 (8) of the Children and Families Act 2014. This means, that when considering a request for assessment, these are the only two things that the LA are able to satisfy in order to make their decision –

- 1) **Does** the child/young person have, or **may** the child Special Educational Needs (SEN)
- 2) **May** the child/young person require Special Educational Provision, delivered via an EHC Plan?

Who can apply?

- A Parent
- Young Person themselves if over 16
- or a school or college.

- Section 36 of The Children and Families Act 2014

How do I apply?

- You can write to the Local Authority (LA) to state that you would like to request an assessment. You could use our template letter and checklist to do this. Your letter would be sent to senreferrals@wirral.gov.uk; or
- You can ask your child's School SENCO.

The Local Authority must come back to you, in writing, within 6 weeks of receiving the request - this is known as a 'Decision letter'.

The LA make their decision based upon your information and information from Education, Health and Social Care. The decision is made by a panel - or Decision Making Group.

Refusal to assess

You will have right of appeal - please do get in touch with ourselves or WIRED Mediation service if you would like to appeal.

Agreement to assess

You will receive some paperwork for you to complete and return to the LA which will be your contribution to the EHC Needs Assessment. This is known as Section A.

Please note - an agreement to assess is not an agreement to an EHC Plan - the LA are agreeing only to assess the child or Young Person's needs.

The assessment

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 SEN Regs.):

- child's parent or the young person;
- educational advice (usually from the head teacher or principal);
- medical advice and information from a health care professional;
- psychological advice and information from an educational psychologist;
- advice and information in relation to social care;
- advice and information from any other person the local authority thinks appropriate,
- where the child or young person is in or beyond year 9, advice and information in relation to provision to assist the child or young person in preparation for adulthood and independent living; and
- advice and information from any person the child's parent or young person reasonably requests that the local authority seek advice from.

The LA is legally required to seek all of this information as a minimum.

We have model letters which you can use to ask for information from the school and LA which may help evidence an EHC plan is necessary.

If a child or young person is hearing impaired and/or visually impaired the educational advice must come from a suitably qualified person (SEN Reg 6(2)).

The LA should consider whether a social care assessment or health assessment is also needed. There is some debate as to whether health and care assessments are automatically triggered when a request for an EHC needs assessment is made. In practice, it is best to request social care and health assessments independently to ensure the request is received.

What does seeking 'advice' from professionals mean?

When a professional is asked to provide advice for an EHC Needs Assessment or EHC Plan, they are asked for the following information

- To identify what the child's needs are (within their own area of expertise)
- To identify outcomes for the child to work towards, including 'by when'?
- To identify the provision that the child or YP will require in order to meet their needs.

This information is important, because if the LA agree to issue an EHC Plan, the advice from professionals **must** cover all sections of the EHC Plan.

Make sure what you want to be included in the Assessment is clear. Do not assume that advice will automatically be sought.

For example, if you have concerns about your child's Social Communication needs, it is reasonable for you to request advice is sought from a Speech & Language Therapist.

What happens next?

This is a 20-week process - Day 1 is the date that the LA received your request.

Weeks 6 to 16 - The LA will gather all of the information that informs the Assessment.

Week 16 - Decision to issue

- **Refusal to issue an EHC Plan** - you will have right of appeal, which Wirral SEND Partnership can support you with
- **Agreement to issue an EHC Plan** - you will receive a draft copy of the EHC Plan and all of the information (reports, etc.) that informed it. **You will have 15 calendar days to respond**

Please come back to us at this point as we can help you check that the plan is it needs to be. If you are able to, forward us a copy of the Plan and the reports that you received and make it clear that you have a draft plan, as you will be given priority