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The SEND Code of Practice 2014: A Guide

# How to Use this Guide

The Children and Families Act 2014 became law in March 2014 and the Code of Practice was written to explain how the law should be used. This guide summarises and explains the key parts of the Code to provide families with an explanation of what your rights are and what you can expect from all of the professionals and services that you may be involved with. The guide provides a very basic overview of each part of the Code, alongside the section and page of the Code where you can find more information on that topic. We hope that this will be helpful, to support you to understand your rights, and the rights of your child, more clearly. This is only a starting point and is not a legally binding document, but it will give you an idea of where to look if you have any questions about your child's education.

## Should vs. Must

Throughout the Code of Practice, the words 'should' and 'must' are used to explain what different services, groups and organisations are expected to do. Often these words are highlighted in bold to make it easier to see whether the item 'must' be done or 'should' be done.

'Must' means that the body being discussed has a 'statutory' duty to complete that action. This means that they are legally required to do it. 'Should' means that the action is not legally required but there has to be a good reason for not doing it.

If you feel that your Local Authority is failing to do something they 'must' do, you can complain and they can be made to do whatever it is. However, if they are not doing something that they 'should' do, and they can provide a good reason for that, then they cannot be made to do it.

## Working together

The Act talks about the importance of education, health and social care services working together and making efforts to include families and young people in all stages of decision-making. This means that it is in your interests to try to build good working relationships with professionals that are involved with your child.

It can be very helpful to have an open mind and try to communicate fully with the various professionals. In particular, working with schools and other educational institutions should involve high levels of back-and-forth communication. You should try to approach the school with ideas and suggestions that might help to resolve any issues. This will help them to see that you know what helps your child and that you are willing to work with them for the benefit of everyone. Equally, you should remember that people in educational professions have your child's interests at heart. You may not always agree but it will be much easier to discuss these issues if you have a strong relationship with those at the school.

## Know your rights

That said, sometimes there will be issues that cannot be resolved through friendly relations with professionals and you may believe that you have rights and needs that are not being met. In this case, it is important that you know your rights and what you can expect. We hope that this guide will introduce you to the main ideas that are introduced in the Act.

When contacting any organisation about a problem that you are having, you should be sure to follow any rules they have about how to do this. For example, schools have a communication policy and complaints procedure. If you want to complain to Ofsted about the school, their first question will be whether you have completed the school's complaints procedure.

You should also be sure to get everything you discuss in writing. Try to use email and dated letters to raise concerns and complaints so that your attempts to address the issue can be traced. If you talk to someone in person or over the phone, you should send an email or letter summing up what you think was said. This puts the information into writing. This then gives the person you spoke to the chance to reply or change something and keeps a record of what you spoke about. If you feel that you may have trouble with an organisation, then you should also send letters by recorded delivery so that you have a record of when the letter was sent and when the person receiving it signed for it. Always date any letters you send and keep a copy for your records.

## Glossary

Title	What it stands for	What it means
LAs	Local Authorities	The local government in a particular area, may also be called the council
CCGs	Clinical Commissioning Groups	The body that buys health services and makes decisions about how money is spent in healthcare in a particular area
Ofsted	The Office for Standards in Education, Children's Services and Skills	The body that goes into schools and assesses them, to check they are meeting the various needs of their students
EYFS	Early Years Foundation Stage	A stage in learning for ages 0-5
SEN(D)	Special Educational Needs (and Disabilities)	Whatever is needed to allow a person to access education specifically - beyond what is usually available
SENCO	Special Educational Needs Co-ordinator	The person who is in charge of managing SEN and tracking the progress of anyone with SEN
VSH	Virtual School Head	The person who tracks the progress of looked after children in a particular area
JSA	Joint Strategic Needs Assessment	A report on what needs exist in a particular area and what services exist to support them
	Educational Institutions	A service that provides education; usually a nursery, school, college or university
	Free schools/academies	Schools that are run independently but get money from the government
	Independent/Maintained Schools	Maintained schools are run and paid for by the state, Independent schools are run and paid for privately
	Compulsory School Age	When a child can leave education. This depends on when they were born. They can leave on the last Friday in June of the school year when they are 16 years of age
	Provision	The services, support and arrangements made for a person

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# Chapter 1: Principles

The new Special Educational Needs (SEN) Code of Practice is designed to improve the old system of statements and create a new attitude in SEN provision. The changes aim to encourage a more person-centred approach by putting the views, wishes and goals of the child or young person at the centre of their plan.

The hope is that this will allow young people and their families to be more involved at all stages. The Plans should have a long-term approach, providing support for young people to develop independence and that will allow them to transition to adulthood more successfully. The new Plans should also provide chances to be creative with services and give more choice to young people and their families, to tailor the services to the individual. This will give more rights to the child or young person and encourages them to think about their aims for the future so they can be supported to achieve them.

## Local Authorities (LAs) Must

Actions	Reference (from code)
Include child or young person at all points	p.20 1.4
Children's views are considered, depending on age and ability, and can be expressed through any media of the child's choice [UN Convention on the Rights of the Child Article 12 and 13]	
Talk to children and families during SEN reviews	
Talk to children and families during production of the Local Offer	
Give information and advice around SEN and disabilities	p.23 1.19
Work with Clinical Commissioning Groups (CCGs) and other partners in Health and Wellbeing Boards	
Write a Joint Strategic Needs Assessment to decide what needs to be done for Health and Wellbeing in the area	
Keep educational and training provision under review	p.24 1.19
Publish and keep under review the 'Local Offer' of services and support	
Push for more work between Education, Health and Care services	p.24 1.23
Work with other Local Authorities to assess local needs	
Have arrangements in place to plan and commission services jointly with health bodies	

## Clinical Commissioning Groups (CCGs) and NHS Must

Talk to parents and families before informing the LA of a child, under compulsory school age, they believe to have SEN	p.20 1.5
Tell the LA of children under compulsory school age who have or may have SEN	p.23 1.16
Have arrangements in place to plan and buy services jointly with LAs	p.24 1.23

## All Institutions Must

Co-operate with the LA	p.23 1.19
Use their 'best endeavours' (do everything they can) to provide SEN support	p.25 1.24

## Local Authorities Should

Enable parents to contribute and give them confidence their views are valued and acted upon	p.21 1.7
Plan for adulthood from year 9 onwards	p.21 1.9
Find ways to engage directly with young people – not merely accept parents’ views in place of the young person’s views	p.22 1.10
Work together positively	p.22 1.12
Use parent forums and networks or establish them	
Make sure the Local Offer reflects the services in their area and identify gaps	p.24 1.20

## Services Should

Talk directly to young people after 16 or after compulsory education - if they have appropriate mental capacity	p.21 1.9
Give good value for money	p.22 1.12

## Institutions Should

Use parents and children to inform decisions	p.25 1.25
Have high expectations for young people	
Track progress towards goals	
Keep provision under review	
Support progress in wider areas of personal and social development	
Use evidence-based approaches	

## Parents Can

Ask for a needs assessment for an EHC Plan	p.23 1.17
Ask for a specific institution to be put in their Plan – if it is in the Plan then they must be given a place	p.24 1.21
Ask for a Personal Budget	

## Admissions Teams Must

Presume that a young person with SEN will be educated in a mainstream setting	p.25 1.26
Place children without an EHC Plan in a mainstream setting unless there are special circumstances	p.25 1.27
NOT refuse a child with SEN a place because of SEN that the school doesn’t think they can provide for or because that they do not have an EHC Plan	

## Children and young people should not lose their support because of the changes:

“it is expected that all those who have a statement and who would have continued to have one under the current system, will be transferred to an EHC Plan – no one should lose their statement and not have it replaced with an EHC Plan simply because the system is changing” (p.12)

# Chapter 2: Impartial information, advice and support

The new Code of Practice is clear that Local Authorities have a duty to provide accessible information for children, young people and their families. It encourages families to take part in all stages of the EHC Plan process. This includes the Local Offer and Personal Budgets which are discussed in more depth in later chapters. This chapter also makes mention of 'key workers' who may be able to support families to be involved in decisions and impartial advice for people who need support throughout the EHC Plan process.

## Local Authorities Must

Actions	Reference (from code)
Give information on SEND and health and social care	p.30 2.1
Give information about Personal Budgets and how to apply	
Support families and young people to make decisions	
Tell families and young people about services	p.30 2.2
Give children access to information about their own SEND	p.32 2.10
Follow the wishes of the young person, depending on capacity, over the age of compulsory education – even if their parents disagree	p.32 2.13
Give young people confidence that the information, advice and support they receive and request is confidential	p.33 2.15
Provide independent advocacy for young people going through an assessment for a transition into a new stage of education or training	
Provide information about disagreements and complaints and the process involved	p.33 2.17

## Local Authorities Should

Build on existing services	p.30 2.4
Provide information that is easy to find and use	
Provide fair, confidential and accessible advice, face-to-face, on the phone and electronically	p.31 2.5
Talk to families and young people when designing services, making sure that they feel included in the process	p.31 2.6
Give information that suits the needs of young people with SEND that is consistent with the information given to parents and carers	p.32 2.14
Provide advocacy for young people throughout the EHC Plan process, where possible	p.33 2.15
Direct young people to specialist support around employment, community involvement and independent living, including careers advice where needed	p.33 2.16
Work with organisations providing Independent Supporters for families	p.34 2.20
Provide one point of contact for families - a 'key worker' (approaches to this will vary by area)	p.35 2.21

# Chapter 3: Working together across education, health and care for joint outcomes

This chapter explains the ways in which the Education, Health and Social Care services should work together. This includes getting all of the services to work with local partners (such as charities, patient groups and community associations) as well as families when making decisions.

The various roles and responsibilities for each service are explained. This includes a focus on 'preventative services' which are any services that may help to stop a person's needs from getting worse, for example, a social care service that may prevent someone from needing hospital care. This will be overseen by 'Health and Wellbeing Boards' which are committees made up of representatives from each of the various services.

Personal Budgets are also discussed in more detail and the process and aims are explained more fully.

## All Relevant Institutions Must

Actions	Reference (from code)
Aim to eliminate discrimination, prepare targets that can be measured and checked, to show how they will do this and publish information that shows how they are doing this	p.39 3.8

## Local Authorities Must

Make sure education, health and social care work together	p.38 3.1
Make sure children's and adult services work together	p.38 3.2
Provide good quality care to help stop young adults' needs getting worse	
Review its educational, training and social care provision, consulting families and young people to do this	p.41 3.16

## Clinical Commissioning Groups Must

Work with Local Authorities to make joined up arrangements for paying for services	p.38 3.3
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## Health and Wellbeing Boards Must

Write a Joint Strategic Needs Assessment to set priorities for Health and Wellbeing in the area	p.39 3.4
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## Personal Budgets

Young person or parent/carer can request a Personal Budget when an EHC Plan is written or reviewed	p.48 3.38
Partners must make arrangements for agreeing Personal Budgets	

Agency	What are they responsible for?	Who is accountable?
Local authority	Leading arrangements for joining together services for children and young people with SEN or disabilities	Lead Member for Children's Services and Director for Children's Services (DCS)
Children's and adult social care	Co-operating with the Local Authority to ensure the delivery of care and support works with the new SEN system	Lead Member for Children and Adult Social Care, Director for Children's Services (DCS), and Director for Adult Social Services (DASS).
Health and Wellbeing Board	Ensuring a joint strategic needs assessment (JSNA) is developed. The JSNA will explain what needs to be done across health, social care and public health	Must have at least one local elected councillor, a Healthwatch representative, the DCS, DASS, and a senior CCG representative and the Director of Public Health.
Clinical Commissioning Group	Co-operate with the Local Authority in jointly commissioning services, supporting diagnosis and assessment, and delivering interventions and review	CCGs will be held to account by NHS England as well as the Health and Wellbeing Board. There is also a governing body and Accountable Officer.
NHS England	Buying in health services including provision in secure units	Secretary of State for Health
Healthwatch	Enable people to share their views and concerns and give a clear picture of local communities' needs	They are independent, but funded by local authorities.
Maintained nurseries and schools (including academies)	Doing everything they can to make SEN provision and publish details of what SEN provision is available. Schools also have duties to make reasonable adjustments and to inform parents and young people if SEN provision is made for them.	Ofsted and the annual report that schools have to provide to parents on their children's progress.
Colleges	Doing everything they can to make the provision required to meet the SEN of children and young people. All colleges have duties to make reasonable adjustments for disabled children and young people	Ofsted and performance tables such as destination and progress measures.

# Chapter 4: The Local Offer

The Local Offer is a list of all the services available for children and young people with Special Educational Needs, either within or outside that Local Authority area. It must give clear and easy to understand information about what will be available and where. It must also be responsive to the needs of children, young people and their families, supporting them to reach their goals.

This chapter provides information on the Local Offer and the legal duties surrounding it. This includes what the Local Offer should include and what parents should be able to expect.

## Local Authorities Must

Actions	Reference (from code)
Publish a Local Offer	p.59 4.1
Involve children with SEN or disabilities and their parents and young people with SEN or disabilities in planning the content of the local offer, deciding how to publish the local offer and reviewing the local offer, including by letting them make comments about it.	p.61 4.8
Engage young people directly in developing and reviewing the Local Offer and should think about setting up a discussion group to do this	p.62 4.11
Make sure that all its officers co-operate with each other for the Local Offer. This must include those whose role relates to social services	p.64 4.17
Publish comments about their Local Offer received from or on behalf of children or young people with SEN or disabilities and their parents	p.65 4.21
Publish a summary of comments at least annually	p.66 4.24
Include actions they intend to take in regards to comments	p.66 4.26
Include information about all the areas specified in the 'SEN and Disability Regulations 2014'	p.66 4.29
Set out in its Local Offer a description of the special educational and training provision it expects to be available to people in its area	p.68 4.32
Promote equality for disabled children aged between 2-4	p.70 4.37
Provide plenty of childcare for working parents	
Publish in their Local Offer information about childcare options available to parents	p.70 4.38

## Schools Must

Publish more detailed information about their arrangements for recognising, assessing and making provision for pupils with SEN	p.70 4.34
Provide information and advice services on the adult care and support system	p.72 4.43
Provide a range of short breaks for disabled children, young people and their families	p.73 4.44
Make sure that suitable travel arrangements are made to take a child to school, where necessary. Such arrangements should be free	p.74 4.49
Write down the arrangements for transport each year	p.74 4.50
Set out in the Local Offer the support available to help young people with SEN or disabilities move into adulthood. This must include information about preparing for and finding employment, finding somewhere to live and taking part in their community	p.74 4.52

## Local Authorities Should

Include in their Local Offer the ways in which they will involve children and young people and parents in developing and reviewing it	p.62 4.10
Organise events to allow young people to be involved in the Local Offer and make these events fully accessible	p.62 4.12

## The Local Offer Must

Not simply be a directory of existing services	p.60 4.3
Include provision outside that LA, if it is available to people within the area	p.60 4.4
Include information about provision made by health professionals for children and young people with SEN or disabilities	p.71 4.40
Include information about social care services supporting children and young people with SEN and disabilities	p.72 4.42
Set out the support groups and others who can support parent carers of disabled children and how to contact them	p.73 4.45
Identify training opportunities, supported employment services, apprenticeships, traineeships, supported internships and support from supported employment services available to young people in the area. Provide a smooth transition from education and training into employment	p.73 4.46
Include information about arrangements for transport, including for those up to age 25 with an EHC Plan	p.74 4.48
Include information on how to request a needs assessment for an EHC Plan	p.76 4.57
Include information about Personal Budgets	p.76 4.58
Provide information for parents and young people about where to get information and advice	p.77 4.59
Make their Local Offer widely accessible. It should be on a website as well as in other accessible formats.	p.77 4.62

## The Local Offer Should

Be produced with families and young people	p.61 4.7
Be accessible	
Include all the relevant information and kept up to date	

# Chapter 5: Early Years

This chapter provides information on responsibilities relating to the pre-school years, before starting in the reception class at school, and the legal duties surrounding this age range. During this period the child might be attending a nursery, a playgroup or a childminder. The local authority funds part-time places for many children over the age of two and most children over the age of three. Funding is provided to all types of Early Years Settings on the condition that they meet certain criteria, as described below.

The Code of Practice uses the phrase 'Early Years Setting' or 'Early Years Provider' to cover any of these options. Alternatively, the child might be cared for by parents at home.

## Local Authorities Must

Actions	Reference (from code)
Make sure that all providers they fund are aware that they must follow the SEN Code of Practice	p. 80 5.8
Make sure that all providers delivering funded early education places meet the needs of disabled children and children with SEN	p. 90 5.59

## Local Authorities Should

Promote equality and inclusion for children with disabilities or SEN in all Early Years settings	p.80 5.8
Work with health and care agencies to make sure that children requiring support from specialist services receive this as early as possible	p.80 5.9
Support parents and Early Years settings to identify and access additional support. The 'Local Offer' (see Chapter 4) is key to providing this information	p.81 5.12
Help Early Years settings identify and plan to meet the needs of children with special educational needs (SEN). This may include advice from SENCOs	p.89 5.55

## The Early Years Settings Must

Follow safeguarding and welfare, and learning and development requirements of Early Years Foundation Stage. This is the statutory framework for children aged 0 to 5 years, including the 'Reception' year in school	p.79 5.3
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## Health Professionals Must

Tell parents about suspected SEN for their child	p.81 5.15
Allow parents to discuss their opinion of this with the health body	
Inform parents of services that may be available to them, or organisations that may be able to assist them	
Tell the Local Authority of any child below compulsory school age with suspected SEN	

## Maintained Nursery Schools Must

(Maintained nurseries are paid for and controlled by the Local Authority. Private/Independent nurseries and childminders should also meet the standards outlined above.)

Do everything they can to make sure that a child with SEN gets the support they need	p.79 5.6
Make sure that children with SEN engage in the activities of school with children who do not have SEN	
Have a teacher who is responsible for co-ordinating SEN provision (the SEN co-ordinator, or SENCO)	
Tell parents when they are making special provision for a child	
Write a report on their SEN policy, how the policy will work in practice, and how they will make sure disabled children are treated equally	
Co-operate with the local authority to review which services are available and help to keep 'The Local Offer' (see section 4) up to date and accurate	p.80 5.7
Not discriminate against, harass or victimise disabled children, and make reasonable adjustments to prevent disadvantage	p.80 5.10
Review progress of all children between the ages of 2 and 3, and provide parents with a short written summary of their child's development	p.83 5.23
Identify each child's strengths, any issues or concerns and what plans they have to address them, through regular progress checks	p.83 5.24
Work with parents to decide what support their child with SEN needs	p.86 5.37
Keep a record of children under their care, made available to the child's parents, including how the setting supports children with SEN and disabilities	p.88 5.5

## All Nurseries Should

Be aware of difficulties as they come up, and respond early. In particular, parents know their children best and professionals should listen to and address any concerns raised by parents and children themselves	p.79 5.5
Track the progress and development of all children throughout the early years	p.84 5.27
Consider all information, from within the setting and also formal assessments, practitioner observations and also parents' observations	p.84 5.28
Assess at an early stage to determine what delays in learning or development are caused by. These factors might include SEN or a disability but also housing, family or other issues at home.	p.84 5.29
Work out if any delay is related to learning English as an additional language. Difficulties that only come from learning English as an additional language are not SEN	p.84 5.30
Provide any SEN provision that is needed to help a child to use the facilities in the educational setting. Early support can reduce the need for more expensive support later on	p.85 5.31
Analyse the child's SEN. This should involve the educational setting, the SENCO and the parents. This should be reviewed regularly to keep it up to date and, if more support is needed, this should be arranged	p.86 5.39
Agree clear targets and the time allowed to complete these. Review dates should also be agreed at the start with parents involved throughout	p.86 5.40
Consider involving appropriate specialists - for example, health visitors, speech and language therapists, educational psychologists or specialist teachers - if a child continues to make little or no progress. The child's parents should be involved in this decision	p.88 5.48

Use the 'EYFS Profile' to identify additional needs for support (usually at the end of the school year when the child becomes 5)	p.84 5.26
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## Parents

Parents' early observations of their child are crucial.	p.81 5.14
Parents should be involved in identifying, discussing and agreeing plans to meet their child's SEN. There are 32 separate references to the importance of including parents views within Chapter 5 alone	p.79-89 5.5, 5.8, 5.12, 5.14, 5.15, 5.16, 5.28, 5.37, 5.39, 5.40, 5.41, 5.43, 5.44, 5.47, 5.48, 5.54 and 5.56

# Chapter 6: Schools

This chapter explains the things that must be done by schools, to support children and young people with SEND. There is an overview of SEN Support and how this is different from the old School Action and School Action Plus. Other topics include, the identification of SEN within schools, education provision, requesting an assessment of needs and the role of the SENCO.

## Maintained Schools, Academies, Free Schools, Maintained Nursery Schools, Alternative Provision Academies and Pupil Referral Units Must

Actions	Reference (from code)
Try to make sure a child with SEN gets the support they need and are included in all aspects of school life	p. 92 6.2
Tell parents if they have decided to provide the child with SEN support	
Promote equality for people with SEN and disabilities	p. 93 6.8
Make 'reasonable adjustments' for students with disabilities	p. 93 6.9
Make sure pupils from year 8 to 13 are provided with independent careers guidance (Maintained schools and PRU's only )	p. 94 6.13
Academies may also have to provide independent careers advice, if it is in their funding agreement with the LA	
Write down each pupil's SEND in school records	p. 100 6.43
Work with the local authority during EHC Plan reviews and assessments	p. 102 6.56
Provide an annual report for parents on their child's progress	p. 104 6.64
Put information on their websites about the policy for pupils with SEN (maintained schools, maintained nursery schools and the managers of academy schools only)	p. 106 6.79

## Maintained schools, Academies and Free Schools Must

Make sure that they have a SENCO who is a qualified teacher	p.108 6.84
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## Maintained Schools, Academies, Maintained Nursery Schools, 16 - 19 Academies, Alternative Provision Academies and Pupil Referral Units Should

Have a member of the governing body responsible for the school's arrangements for SEN and disability	p.92 6.3
Keep the quality of teaching for pupils with SEN high	p.93 6.4
Include their arrangements for identifying pupils with SEN in their local offer	p.93 6.6
Actively involve children, parents and young people in decision making in relation to chapter 1 of the Code of Practice	p.93 6.7
Support pupils with a wide range of SEN	p.93 6.8
Make sure that any child's healthcare plan is delivered in a way that fits in with their SEN provision	p.94 6.11
Give pupils access to a broad and balanced curriculum	p.94 6.12
Assess each pupils current skills and grade level on entry to the school	p.95 6.16
Decide whether each student has a disability and what reasonable adjustments should be made	p.95 6.16

Use high quality teaching aimed to improve the child's area of weakness. If progress is less than expected then the subject teacher and SENCO should assess if the child has SEN	p.95 6.19
Not assume that someone does not have a learning difficulty or disability, just because they are getting grades expected for students their age	p.95 6.23
Look at how well they provide support across the 4 broad areas of need; communication and interaction, cognition and learning, social, emotional and mental health difficulties and sensory and/or physical needs	p.97-98 6.27-6.35
Provide support based on a full understanding of the individuals strengths and needs	p.97 6.27
Have an early discussion with the pupil and their parents when deciding to make special educational provision for the child	p.99 6.38-6.39
Set targets for moving between phases of education successfully, and to prepare for adult life	p.99 6.42
Engage with secondary schools or Further Education providers to plan for this transition	p.100 6.42
A date should be agreed to review progress with the parent, pupil and teaching staff in regards to achieving outcomes	p.99 6.43
Keep reviewing SEN support to make sure it is still working well	p.100 6.44
Carry out a clear analysis of the pupils needs (Assess)	p.100 6.45
Take any concerns raised by a parent seriously	
Review the way that pupils' needs are assessed	p.100 6.46
Contact relevant professionals to get involved, with the parent's permission, if not already working with the child	p.101 6.47
Make parents aware of the planned support and interventions	p.101 6.51
Review progress on the agreed dates	p.102 6.53
Have clear information for the parents on the impact of support and interventions provided	p. 102 6.55
Help students to plan and prepare for adult life	p.102 6.57
Consider involving specialists when the child continues to make less than expected progress	p.102 6.58
Look at organising and paying for specialist services for themselves	p.103 6.61
Change SEN support that is not working or not achieving the child's goals	p.103 6.63
Talk to parents regularly to set clear targets and review progress towards them, this should be done three times a year	p.104 6.65
Make sure a teacher with good knowledge and understanding of the pupil leads discussions about them	p.104 6.67
Listen to the views of the pupil	p.104 6.70
Keep a record of the targets, actions and support agreed through the discussion	p.104 6.71
Record details of additional or different provision made under SEN support	p.104 6.73
Provide information from meetings to parents, in an accessible format if necessary	p.104 6.75
Have a policy for SEN that includes information on how the curriculum is made accessible for pupils with SEN	p.107 6.82
Make sure the SENCO is aware of what is in the Local Offer	p.108 6.89

## Professionals Should

Be aware of SEN and look out for possible SEN so they can act early	p.95 6.20
Be aware of other things that can lead to learning difficulties and mental health difficulties, such as bullying or bereavement	p.96 6.22
Work with the school to assess children's needs and what support they will need	p.101 6.47

# Chapter 7: Further Education

This chapter is about further education colleges, sixth forms, 16-19 academies and some Independent Specialist Colleges. It sets out the kind of support that should be offered to students with SEN and explains what should be in place to protect these students from being treated unfairly. There is also information on transitioning into further education, identifying SEN and what kinds support may be needed, as well as accessing careers advice.

## Local Authorities Should

Actions	Reference (from code)
Provide extra funding for colleges when the needs of a student with SEN are not met by the basic funding provided by the government	p. 118 7.32
Be open about how they make decisions on how this extra (high needs) funding is spent and how education placements are made available	

## Educational Institutions Must

Co-operate with the Local Authority	p. 112 7.3
Give a place to a young person if it is named as the education provider in that person's EHC Plan	
Follow the SEN Code of Practice	
Do everything they can to arrange the SEN provision that the young person needs	
Not discriminate against disabled students	p. 113 7.7
Provide independent careers advice	p. 114 7.9
Put appropriate support in place for students with SEN	p. 114 7.13
Help students to talk about their hopes, needs and what support they think will help them best	
Hold a meeting to review the student's progress and support available, at least once a year if the student has an EHC Plan	p. 116 7.20
Not charge tuition fees for students with EHC Plans	p. 118 7.33

## Educational Institutions Should

Offer an inclusive approach to learning and teaching, including providing work that is suitable for students with SEN	p. 113 7.4
Help students with higher education, training or work, independent living, good health and participating in the community	p. 113 7.6)
Provide a clear study programme	
Promote equal opportunities	p. 113 7.8
Support young people to move from school to further education, and give students the chance to declare whether they have SEN	p. 114 7.10
Discuss the student's SEN with them and fit any screenings or assessments to their likely level of SEN	
Work with support staff when students are struggling to identify whether difficulties are due to SEN or something else	p. 114 7.11
Identify the needs of students who fell behind at school or are studying below Level 2 and provide appropriate support. They should not assume this means the student has SEN, or that those at a higher level do not have SEN	p.114 7.12

Provide support aimed at helping students become independent and prepare for adult life	p. 114 7.13
Be aware of good practice used in other colleges	p. 115 7.14
Regularly check student needs, keeping the student and their parents involved	
Hold a meeting to talk about a student's SEN needs, providing copies of all the assessments done so far. This may lead to further, more specialised assessments.	p. 115 7.15
Discuss the levels of support needed with the student and the student's hopes for the future	p. 115 7.16
Provide a date to review the support in place	
Consider various types of SEN support (list provided in Code)	p. 115 7.17
Make sure that support is put in place by suitable qualified staff and assess how well it is working	p. 116 7.18
Keep reviewing the 'reasonable adjustments' they make to ensure barriers to learning are removed where possible	p. 116 7.21
Ensure students with SEN know who to go to for support	p. 116 7.22
Make sure staff are suitably qualified and know how to work with students with SEN. This may involve experts from outside the college	
Have a named person responsible for co-ordinating the SEN provision who will provide planning advice and support to staff	
Provide outside specialist services, such as mental health professionals, employment services and so on. Where the college is not able to provide these itself	p. 117 7.23
Keep student records up-to-date, showing what has worked effectively, and keep the Local Authority updated on student progress	p. 117 7.25

# Chapter 8: Preparing for adulthood from the earliest years

This chapter shows how professionals working in education, health and social care should support children and young people with SEN or disabilities to prepare for adult life. Discussions with the student should start early, ideally before Year 9 (age 13-14 at school). The aim of this is to achieve the good results for employment, independent living, health and community participation. The child or young person should also be supported to make decisions for themselves and be able to voice their hopes and goals for the future.

## Local Authorities Must

Actions	Reference (from code)
Place children, young people and their families at their centre of their planning and work with them to prepare for adult life	p.122 8.1
Listen to the wishes of the child or young person and their family	p.123 8.5
Offer advice and information to young people	
Work with health services to make sure that health provision is available for young people to support them into adulthood	
Review education and care (the LA is not in charge of health) provision and talk to young people, as well as their school or college	
Co-operate with Further Education providers	p.124 8.7
Show, in the Local Offer, what support for adulthood is available. Including higher education support, and show that they have listened to young people about the content	
Make sure the services they provide help children and young people prepare for adulthood (for example housing, social care)	p. 125 8.9
Make sure EHC Plans for children from Year 9 (aged 13-14) focus on preparing for adulthood and check whether the targets in the Plan have been met	p. 125 8.10
Make sure the EHC Plan review in Year 9, and every review after that, has a focus on preparing for adulthood. It must be based on the young person's hopes and abilities	p. 125 8.11
Include a plan for transition (from school to college and from children's to adult services) into the Plan, with clear targets	p. 126 8.15
Allow young people over compulsory school age (the end of the academic year when they turn 16) the right to make their own decisions and requests. Families can continue to support them or act on their behalf if the young person agrees	
Follow the terms of the Mental Capacity Act, which means the young person may not be able to make some decisions on their own and may need a representative	p. 128 8.21
Make young people aware, through the Local Offer, of the support available in higher education and how to claim, including Disabled Students Allowance (DSA)	p. 134 8.46
Pass any claim for DSA from a young person with an EHC Plan to the DSA assessor as soon as possible, when the young person has asked them to do so	p. 134 8.47

Set out in the Local Offer the support and provision that 19 to 25-year-olds can have, even if they don't have an EHC Plan	p. 135 8.52
Work in partnership with Health Services and the young person to make sure the EHC Plan and the Care Plan, for the treatment and management of the young person's health, are in place	p. 136 8.57
Carry out an adult care transition assessment when it will be good for the young person or their carer to do so and they are likely to have care or support needs after turning 18	p. 137 8.59
Carry out the transition arrangements at a time which best suits the individual	
Make sure assessments done when moving to adult care include the views of the young person and anyone else they want to be involved. Including their views, wishes and goals	p.137 8.62
Consider the young person's current needs and support, and what those are likely to be when they turn 18, when assessing for adult services	p. 137 8.63
Confirm which of the young person's needs are likely to be eligible for adult services when a transition assessment has been carried out so the young person knows what to expect	p. 138 8.65
Provide information and advice on their Local Offer for young people who are not eligible for adult services, to show what support is available in their area	
Not allow young people to turn 18 and suddenly be without support as they move to adult services	p. 138 8.67
Allow young people aged 18 and over to continue with children's services until it has made a decision on how or whether the care will continue through adult services	p. 138 8.68
Put in place a legally-binding Care and Support Plan for young people who are eligible for adult care and support	p. 139 8.70
Meet the needs of the young person that are set out in their care and support plan	
Make sure the care part of the EHC Plan meets the requirements of the Care Act 2014	p. 139 8.71
Set out in the EHC Plan any adult care and support that is needed, including those that are related to their learning difficulties or disabilities	p. 139 8.72
Recognise a young person's care and support plan as their legally protected plan for care and support if they don't have an EHC Plan	p. 139 8.74
Include a Personal Budget for adults with eligible needs	p. 140 8.76
Follow the guidance on Personal Budgets	
Maintain the EHC Plan for as long as the young person needs it and they remain in education or training	p. 140 8.80

## Local Authorities Should

Develop a plan with CCGs using the ideas and opinions of young people, to make sure there is support for employment, independent living, socialising and good health	p.122 8.3
Make sure children and young people are able to give their views as part of the EHC Plan process	p. 125 8.11
Give information on preparing for adulthood in the EHC Plan after the Year 9 review. Including (where appropriate): education, finding a job, independent living, staying healthy and community life	p. 125 8.12
Use the review to identify the support needed to achieve the young person's goals, including what they may need as they start to make more of their own decisions, and what should be put into their study programme to best prepare them for adult life	p. 126 8.13
Be flexible by allowing young people to let family members or friends support them in any way they wish	p. 127 8.18
Ensure young people have access to an Independent Supporter, who can help them express their views and give advice on EHC Plans and preparing for adulthood	p. 128 8.20
Work with education providers to support young people to take part in education and training	p. 130 8.31
Be aware of different employment options for disabled adults, including tailoring a job to suit an individual	p. 132 8.37
Include supported employment services in their Local Offer	p. 132 8.38
Consider carrying out a transition assessment when a young person may need support from adult services to access employment	p. 132 8.40
Consider arranging provision for education, health and care for young people with EHC Plans. This may involve several providers and settings	p. 133 8.41
Work with institutions to try to provide flexible courses to suit different students. For example, offering a course spread over four days when it would usually be done in three	p. 133 8.42
Help young people to put in an early claim for the Disabled Students Allowance, to make sure support on their course is available on time	p. 134 8.47
Plan how social care will be provided if the young person studies in another area	p. 134 8.49
Use transition assessments for adult services to help plan support for students in higher education	p. 135 8.50
Promote high expectations in young people about what they can achieve in education and beyond	p. 135 8.51
Ensure young people have the right support and opportunities to prepare them for adulthood and meet the terms of their EHC Plan	
Give details of apprenticeships in their Local Offer	p. 135 8.52
Support the move from children's to adult services. And refer to 'The Mental Health Action Plan, Closing the Gap: Priorities for essential change in mental health', which has advice on moving from Child and Adolescent Mental Health Services (CAMHS) to adult Mental Health services	p. 136 8.58
Make sure the transition to adult healthcare is well-planned, included in EHC Plan reviews and reflects the SEN and healthcare provision in place	p. 137 8.61
Start planning for the move to adult services in EHC Plans. This should be done at an annual review and take place over several months or years	p. 138 8.67

Make sure the systems and processes for EHC Plans and Care and Support Plans work together, for young people who have both	p. 139 8.73
Support young people whose EHC Plans are coming to an end	p.139 8.74
Review a young person's adult care and support needs when their EHC Plan is ending, in case their needs have changed	
Consider providing a draft Personal Budget for young people who will probably get one, so they can see what their care and support is likely to cost in the adult system	p. 140 8.76
Plan the end of an EHC Plan and give deadlines for the professionals involved, so young people know what to expect when the Plan ends	p. 140 8.78

## Clinical Commissioning Groups Must

Co-operate with the Local Authority to support young people when moving from children's to adult services	p.136 8.57
Jointly organise services to help meet the outcomes of the EHC Plan	

## Clinical Commissioning Groups Should

Place children, young people and their families at their centre of their planning, and work with them to secure better outcomes	p.122 8.1
Develop a plan with LAs using the ideas and opinions of young people, to make sure there is support for employment, independent living, socialising and good health	p.122 8.3
Write in the plan anything that needs to be improved and how this will be done	

## Maintained Schools and Colleges Must

Make sure that pupils with SEN are able to take part in the same activities as children without SEN (subject to some conditions)	p.124 8.8
Work with the LA when making plans for adulthood is discussed during an EHC Plan review	p.129 8.26
Provide independent careers advice and a range of activities to help young people with SEN to learn about work	p. 130 8.29
Design study programmes that allow students to get to a higher level of study, take qualifications, study English and maths, and take part in useful work experience	p. 130 8.32
Prepare students for adulthood by providing high quality work experience for those that are not studying a course that will not lead to qualifications	

## Further Education Institutions Must

Prepare students for work, when their course is designed to lead to employment. This may include work-based learning or 'learning on the job'	p. 131 8.34
Do everything they can to arrange the SEN provision needed by their students with SEN aged 19 to 25, including those without EHC Plans	p. 135 8.52

## Maintained Schools and Colleges Should

Work with employment services, businesses, housing agencies, disability organisations and arts and sports groups, to help children understand what is available and what they can do	p.125 8.9
Normally involve the young person's parents or family in most decisions, or where they have concerns, when the young person is aged under 18	p.127 8.17
Provide detailed planning for adulthood, at key transition points in Years 9, 10 and 11	p. 128 8.23
Provide new schools or colleges with the pupil's records early enough for the new institution to put support in place	p. 129 8.24
Only share details of the young person's SEN with their new institution if the young person agrees	
Work with other education providers to provide opportunities like taster days and mentoring	p. 129 8.25
Use a 'tell us once' approach so families don't have to repeat information without needing to	
Use information and advice from previous schools or colleges, and outside agencies where relevant, to help provide SEN support	p. 129 8.27
Make sure SEN Co-ordinators (SENCOs) tell young people with autism about their right to a community care assessment and their parents of their right to a carer's assessment	p. 130 8.28
Match students carefully with work placements, based on their potential, abilities and interests	p. 132 8.35
Consider funding from Access to Work, from the Department for Work and Pensions, to support people with disabilities or health conditions access support at work, apprenticeships or work placements	p. 132 8.36
Be aware of different employment options for disabled adults, including tailoring a job to suit an individual	p. 132 8.37
Help students who need it to develop communication and social skills through assistive technology	p. 132 8.39
Make sure young people with SEN have the information they need when they leave education	p. 140 8.77

## Early Years Providers Should

Try to understand the interests and strengths of children and use these to plan support for them	p.124 8.8
Help children and young people to socialise and make friends	

## Maintained Nurseries and Schools Must

Make sure that children with SEN are able to take part in the same activities as children without SEN (subject to some conditions)	p.124 8.8
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## Health Services and Health Professionals Must

Work with the LA and the young person to make sure the EHC Plan, care plan for treatment and management of the young person's health are in place	p.136 8.57
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## Health Services and Health Professionals Should

Work with the young person, and where appropriate their family, to gain a good understanding of the young person's needs and organise their healthcare	p.136 8.56
Develop a transition plan	
Give the young person a main professional who will organise their care and referrals to other services	

# Chapter 9: Education, Health and Care needs assessments and Plans

This chapter tells parents, carers and professionals how Education Health and Care Plans work in practice. The EHC Plan processes should consider all of the child's needs, across the 3 areas of education, health and care.

This chapter covers a number of key topics such as how to ask for an EHC needs assessment, how long the EHC Plan process should take and the information and advice that families should be given. The contents of the Plan are also explained.

## The Local Authority Must

Actions	Reference (from code)
Assess a child's education, health and care needs, if it thinks the child may need extra support in education	p.142 9.3
Stick to the timescales and deadlines explained in this chapter	p.143 9.7
Arrange for the child and his or her parent to be given advice and information about the child's SEN	p.145 9.12
Tell relevant professionals if they think special educational support may be needed	p.142 9.13
Not apply a 'blanket' policy to particular groups of children or certain types of need	p.146 9.16
Talk to the child or young person and their parent throughout the process of assessment and writing of an EHC Plan	p.147 9.21
Listen to the views, wishes and goals of the child or young person and their parent, and arrange support to help them	p.147 9.21
Work with the parents and children and young people to make sure things happen in a way that fits in with their lives	p.149 9.28
Provide all parents, children and young people with fair information, advice and support about SEN	p.149 9.29
Ask the child or young person and their parents what information they want the LA to share with other agencies	p.150 9.34
Specify mainstream provision in the EHC Plan unless it would go against the wishes of the parent or young person, have a bad effect on other children, or if something different is written in the EHC Plan	p.174 9.88
Explain why they think a mainstream place would have a bad effect on other children and if they or the school could do anything about this	p.175 9.90
Give information on Personal Budgets as part of the local offer	p.178 9.96
Give information about organisations that can give advice to help parents and young people to understand their options for Personal Budgets	p.178 9.97
Consider each request for a Personal Budget for its good and bad points, not by comparing it to other Personal Budgets	p.180 9.105
Think about any appeal made or change asked for by the child's parent or the young person and give them a written answer, including their reasons for what they decide	p.180 9.107

Work with other agencies, including health and social care, to join up funding for use in EHC Plans	p.181 9.111
Tell the child's parent or young person that they have a right to appeal to the Tribunal if they do not agree with the EHC Plan	p.185 9.126
Arrange the SEN provision written in the Plan	p.185 9.131
Pay for fees if an independent school or college is named in the Plan	
Check and agree any alternative arrangements before giving the duty to provide support to the alternative provider (for example, home education)	p.186 9.133
Continue children's services until adult services has decided if the young person can move to adult services	p.187 9.140
Name the maintained nursery school the parents have asked for, in the Plan, unless it would not be suitable for the age, ability or SEN of the child or this would have a bad effect on other children	p.189 9.149
Pay for Independent education for aged 2-5, if it is appropriate for that child	
Not end an EHC Plan just because a young person is aged 19 or over	p.190 9.151
Decide if the goals written in the Plan have been reached, before ending a Plan	p.190 9.151
Move the EHC Plan to a new LA if the child or young person moves. If the LA has 15 days notice, they must do this on the day of the move	p.191 9.157
Move the EHC Plan to a new LA within 15 working days, if the child or young person moves and the LA did not have 15 days notice of this	
Put the child in a temporary school place, if they aren't able to go to the school that is written in their EHC Plan, or it will be difficult for them	p.192 9.159
Review the Plan, if it is the new LA after a child has moved. This must be within 12 months of the Plan being written OR within 3 months of the Plan being moved, whichever is later	p.192 9.161
Decide whether they will assess the child themselves if they are the new LA and the child moved while being assessed	p.192 9.162
Not end an EHC Plan if the child or young person is excluded or leaves voluntarily. The LA must review the EHC Plan and change it if appropriate, to make sure the young person carries on in education or training	p.201 9.202
Not end an EHC Plan when the young person, over 18, leaves education or training before the end of their course. Unless the young person doesn't want to go back to education or training. Then the Plan should be reviewed	p.203 9.203
Tell the child's parent or the young person if it is thinking of ending a Plan. Talk to the child's parent or the young person and the school or other institution that is named in the EHC Plan	p.204 9.205
Continue the EHC Plan until the time to make an appeal has passed, or the appeal has concluded that the Plan should stop	p.204 9.209
Have a clear policy on transport for children and young people with SEND that is available to families and included in the Local Offer	p.206 9.215
Provide reasonable transport or travel where a residential provision is named in the EHC Plan and is a long way away from the family's home	p.209 9.216
<b>If the child or young person is not in school:</b>	
Invite the child's parents or young person, a representative of the school or other institution, an LA SEN officer, a health service representative and a social care representative to each review meeting, giving everyone 2 weeks notice	p.196 9.176
Get advice and information before the review meeting from everyone who was invited, at least two weeks before the meeting	p.197 9.177

Send out a report of the meeting to everyone invited within two weeks of the meeting	p.177 9.177
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## Local Authorities Should

Decide how services will be delivered	p.143 9.5
Listen to the views, wishes and feelings of the child and his or her parent, or the young person	p.145 9.12
Consider a wide range of evidence when making a decision about an EHC Plan	p. 145 9.14
Talk to parents and young people early, about the EHC needs assessment process and writing the Plan	p.149 9.27
Make sure the EHC Plan process meets the needs of the children, parents and young people and meetings are arranged to suit the family	p.149 9.30
Give families one person to contact if possible and give plenty of notice for relevant professionals to give evidence	p.149 9.30
Share information locally and across services	p.150 9.32
Involve the child as much as possible in the process	p.147 9.21
Support and encourage children, young people and parents to be involved, by giving them information, giving them time to prepare for discussions and listening to their views	p.148 9.24
Make sure young people have access to an advocate if they want one	p.148 9.25
Provide social care support as soon as it is needed, and not wait until the EHC needs assessment is finished	p.150 9.35
Avoid delays for looked after children and do the EHC needs assessment as quickly as possible	p.151 9.38
Consider the range of advice required to enable a full EHC needs assessment to take place	p.155 9.47
Help the child's parent or young person to understand the process so they can decide if more information is needed for the assessment	p.155 9.47
Work with professionals to make sure the evidence for the assessment covers all of the relevant education, health and care needs of the child or young person	p.155 9.49
Consider whether the SEN provision the child or young person needs can be provided within the school's normal money and resources. If not, the LA must consider providing the SEN support included in the child or young person's EHC Plan	p.158 9.55
Make sure that the child's parent or young person know what is available to provide for SEN in mainstream settings, if an EHC Plan is not given	p.159 9.58
Send the evidence, collected during the EHC needs assessment process, to the child's parent or the young person, if it is useful to them	p.159 9.59
Work with the young person and post 16 provider to arrange for the young person to attend two settings if it will help them achieve their goals	p.174 9.86
Consider it if a parent or young person asks for a religious school to be named in the Plan	p.174 9.87
Think about things that mainstream schools and mainstream post-16 institutions can do to support children and young people with SEND	p.177 9.94
Help the parent or young person decide whether they want to have a Personal Budget	p.179 9.102

Tell the parent or young person if they are not going to get a Personal Budget they applied for, and why	p.180 9.106
Explain how the adult care and support system works, and support young people to move to adult services	p.187 9.138
Consider paying for home-based programmes for children under the age of 2	p.188 9.144
Collect as much information as possible when deciding whether to give an EHC needs assessment, if the child (2-5) is not in an early years setting	p.189 9.147
Make sure that young people are given clear information about what support they can receive	p.191 9.154

## Educational Institutions Must

Seek advice and information about the child or young person before an EHC Plan meeting, from all parties invited. Then make sure the meeting focuses on the child or young person's progress towards the goals in their EHC Plan.	p.196 9.176
Prepare and send a report of any EHC Plan meeting to everyone invited, within two weeks of the meeting, which sets out any changes to be made	

## Clinical Commissioning Groups Must

Ensure that health services understand EHC Plans and their role in the process	p.170 9.70
Explain their reasons and explain the review process, in writing, if they choose not to give a Personal Budget	p.181 9.109
Make sure any health provision written in the EHC Plan is given to the child or young person	p.187 9.141
Tell the new CCG when the child or young person moves into another LA	p.193 9.163

## Personal Budgets Must

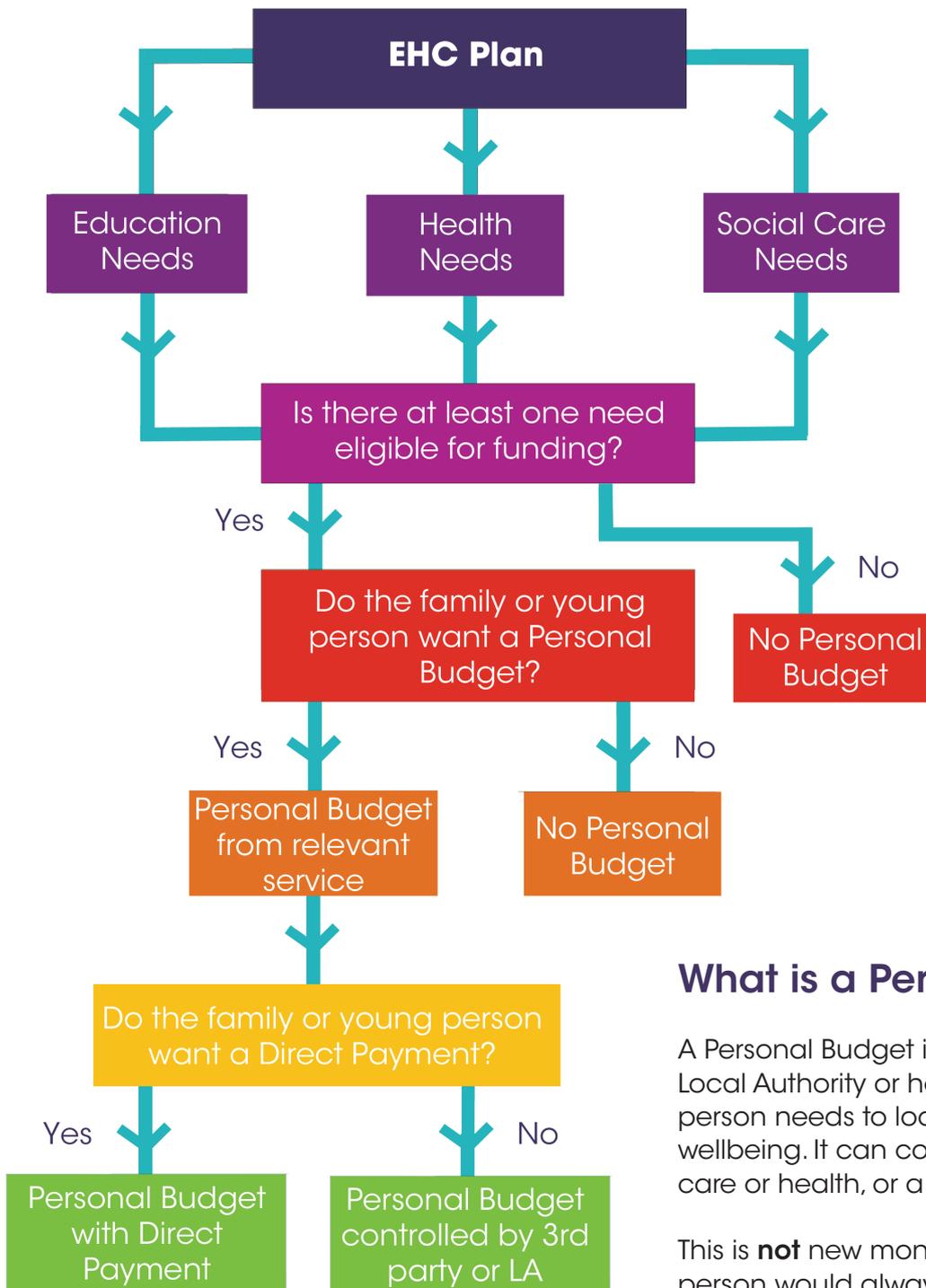
Be written into the EHC Plan	p.179 9.102
Be enough to pay for what is written in the EHC Plan	

## Personal Budgets Should

Consider all needs, across special educational, health and social care provision	p.178 9.99
Give an idea of the amount of money that is likely to be needed to meet the needs and goals that are written in the EHC Plan	p.179 9.102
Be included and explained in section J of the EHC Plan	p.179 9.103

## Direct Payments Must

Be enough to meet the relevant needs written in the EHC Plan.	p.183 9.119
Not be used only to fund a school place or post-16 institution	



## What is a Personal Budget?

A Personal Budget is the money that the Local Authority or health service think a person needs to look after their health and wellbeing. It can come from education, social care or health, or a mix of these.

This is **not** new money, it is the money the person would always have had the right to have. The only difference in this system is that the money is separated out so each person knows exactly what they can get.

The Personal Budget can stay with the LA and they can pay for the services a person wants. Unlike before the changes, the person that the budget belongs to should be at the centre of decisions, rather than block services being bought for large groups of people.

People can also choose to have the money paid straight to them or a trusted person, or to a 3rd party who can organise the budget for them.

## The EHC Plan Must

Be shown to the governing body or principal of any school, college or other institution named in the EHC Plan	p.185 9.129
Be reviewed annually	p.185 9.130
Focus on the child or young person's progress towards the goals written in the EHC Plan	p.193 9.166
Be reviewed and changed in good time, before a child or young person moves between key education 'phases'	p.198 9.179
Be reviewed and changed by 15 February at the latest, if a <b>child or young person transfers into or between schools in September</b>	p.198 9.179
Be reviewed and amended by 31 March in the calendar year of the transfer, for <b>young people moving from secondary school to a post 16 institution or apprenticeship</b>	p.198 9.180
Be reviewed and amended by March 2015 for those <b>moving from secondary school to a post 16 institution starting in September 2015</b>	p.199 9.183
Plan for transition from one key point in education, or service, to another. All reviews taking place from year 9 onwards must look at preparing for adulthood	p.199 9.184

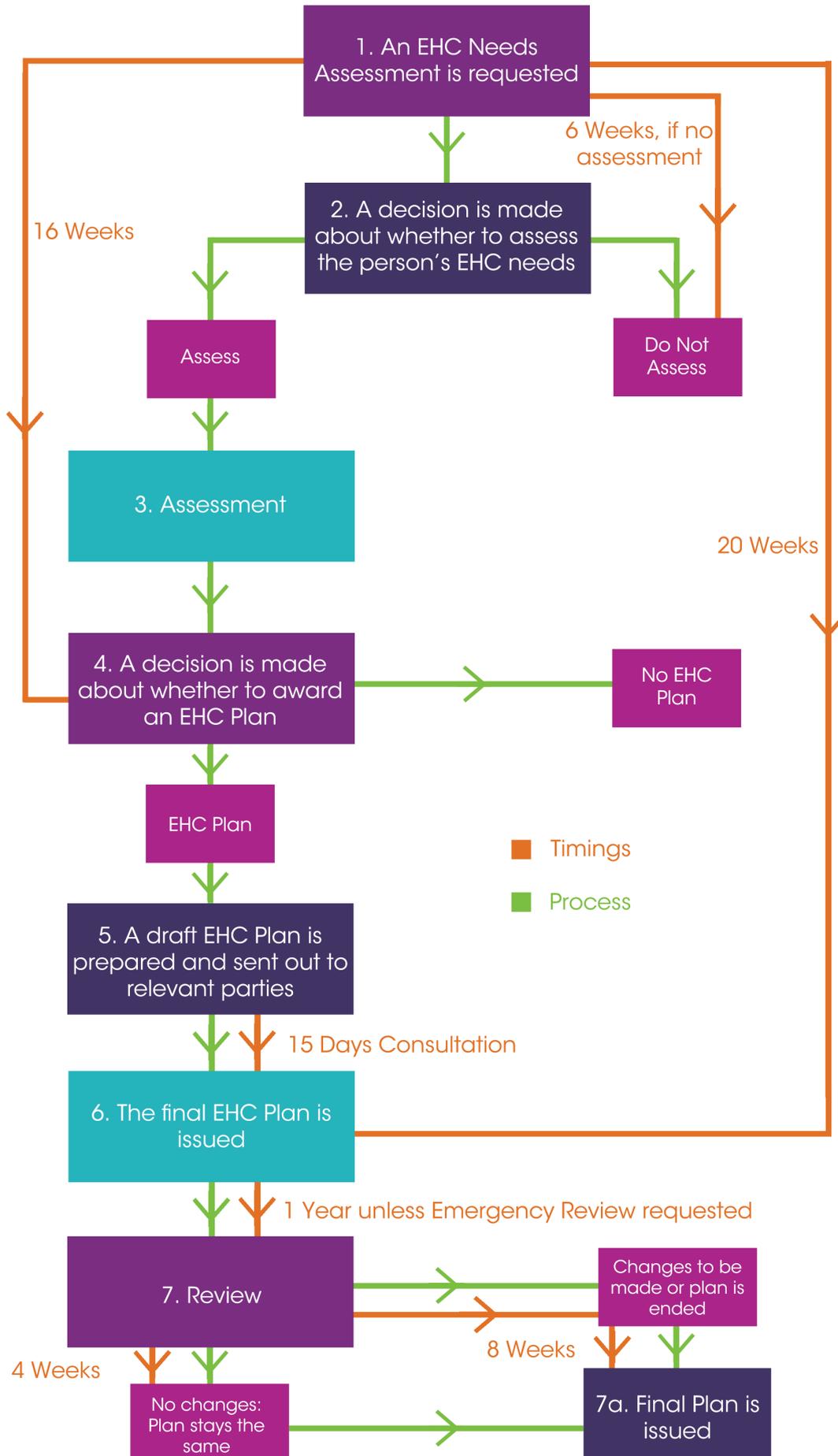
## The EHC Plan Should

Outline what is needed to meet the needs of the child or young person and help them achieve their goals	p.143 9.5
Describe positively what the child or young person can do and has achieved	p.160 9.61
Be clear, understandable and accessible	p.160 9.61
Show how education, health and care provision will work together to support the child or young person to reach their goals	
Have a set review date that is kept to	
Continue as long as the young person (0-25) wants to stay in education	p.163 9.65
Explain arrangements for setting targets within the school or institution where the child is based	p.164 9.69
State if it is an amended version of the EHC Plan and the date it was amended	p.202 9.197

## EHC Plan Contents

Section of EHC Plan - each of these should be mentioned in every Plan that is written	Additional Comments	Reference in code
Section A: Child or young person's goals, aims and interests	These must be SMART: Specific, measurable, achievable, realistic and time bound	p. 160 9.61
	The LA cannot be held accountable for aspirations i.e. an LA cannot be required to continue an EHC Plan until a young person secures employment	p.163 9.65
Section B: The child or young person's special educational needs (SEN)		
Section C: Any health needs which are related to their SEN		
Section D: Any social care needs which are related to their SEN or a disability		
Section E: The 'outcomes' for the child or the young person. Long term goals for adulthood as well as shorter term targets to be met	From year 9, this must include plans for adulthood and independent living	p.162 9.63
Section F: The provision or services the person needs for their SEN	Provision must be specified for each need specified in section B	p.166 9.69
Section G: Any health services needed because of the person's learning difficulties/ disabilities. If they have a separate health plan, that should be included	Must be agreed by the Clinical Commissioning Group	p.170 9.71
Section H1: Any social care provision which must be made under section 2 of the Chronically Sick and Disabled Persons Act 1970	These are specific needs that LAs must provide for, including access to leisure activities and home adaptations - more information can be found online	
Section H2: Any other social care provision reasonably required by the learning difficulties/ disabilities which result in the child or young person having SEN (not covered above)		
Section I: The type and/or name of educational institution to be attended by the child or young person		
Section J: If there will be a Personal Budget, how much it will be and what goals it will be used to achieve	SEN and outcomes that are to be met by any direct payment must be specified	p.169 9.69
Section K: A list of the advice and information used to write the Plan (any documents should also be attached to the Plan)		

# The EHC Plan Process



## 1. An EHC Needs Assessment is requested

An assessment can be requested by a parent, a young person aged 16-25 or a person acting on behalf of a school or educational institution	p.143 9.8
Anyone can tell the LA about a child or young person, who they think may have SEN and this should be done with the knowledge of that person or their parent	p.144 9.9
Young people under 19 and in youth custody may also request a needs assessment, as can their parent or professionals working with them	p.144 9.10

## 2. A decision is made about whether to assess the child or young person's EHC needs

If the child is between 2 and 5, the assessment must be done in consultation with the child's parents	p.189 9.147
Parent or young person must be told once the Local Authority (LA) is deciding whether to assess the child or young person's needs	p.144 9.11
If the LA decides not to assess, they must tell the parent or young person why this was	p.146 9.17
The LA must also tell the health service (CCG), LA SEN officers, the leader or head of the child or young person's educational setting (where relevant)	p.147 9.17
Tell the parent or young person that they have the right to appeal this decision at Tribunal	p.147 9.19
After a request for a re-assessment, the LA must tell the parent or young person whether they will re-assess, within 15 days	p.200 9.190

## 3. Assessment

The LA must seek advice from relevant parties to work out the needs of the child or young person as well as their goals and aims - covering all sections of the EHC Plan outline	p.155 9.46
The LA must not ask for the same information twice, as long as all parties agree that it is sufficient	p.155 9.47
The LA must gather information on:	p.155 9.49
<ul style="list-style-type: none"> <li>views, wishes and feelings of the child or young person and their family</li> </ul>	
<ul style="list-style-type: none"> <li>advice on education for the child or young person from an education professional known to the child or with experience with SEN, if the child is not in an educational institution</li> </ul>	
<ul style="list-style-type: none"> <li>medical and healthcare advice from a healthcare professional known to the child</li> </ul>	
<ul style="list-style-type: none"> <li>psychological advice from and educational psychologist (should be employed by the LA)</li> </ul>	
<ul style="list-style-type: none"> <li>social care advice from someone from the LA</li> </ul>	
<ul style="list-style-type: none"> <li>from year 9, what is needed to support the young person with preparing for adulthood and independent living</li> </ul>	
The LA must also consider information from anyone else the child's parent or young person wants, where reasonable	p.156 9.49
The LA must also gather any other information as appropriate	p.155 9.49
The LA must give copies of the information given by the child's parent or young person, to anyone who is giving information	p.157 9.50
Advice <b>must</b> be provided within 6 weeks of being requested	p.157 9.52

<ul style="list-style-type: none"> <li>If there are exemptions to this, the child's parent or young person must be told</li> </ul>	p.153 9.43
Advice must only be included with the consent of the child's parent or young person, except in rare cases	p.205 9.211

#### 4. A decision is made about whether to award an EHC Plan

If the LA decides not to award a Plan, they must tell the child's parent or young person that they can appeal the decision	p.159 9.57
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#### 5. A draft EHC Plan is prepared and sent out to relevant parties

The EHC Plan must consider the evidence given and how to achieve the goals and aims of the child or young person	p.160 9.61
The child's parent or young person must have 15 days to check the Plan	p.171 9.77
The LA must make sure the child's parent or young person can speak to officers about the Plan during those 15 days	p.171 9.77
During this time, the child's parent or young person can ask for a specific educational institution	p.171 9.77

#### 6. Review

At reviews, there should be someone from the educational institution, an LA SEN officer, a health service representative and an LA social care representative must be invited and given at least 2 weeks notice	p.196 9.176
Must consider whether the young person's (over 19) training and education goals have been met	p.200 9.189
The Plan must not end just because a person turns 19	p.202 9.200
The Plan must not end just because the child or young person is excluded or leaves education by choice - the Plan should just be amended to suit the change	p.201 9.202
If the LA is thinking about ending the Plan, they must tell the child's parent or young person and the educational institution, that they are thinking about this	p.204 9.205
If relevant, the LA must inform adult services that they are going to end the Plan	p.204 9.208

#### 6a. Final reviewed Plan is issued

The child's parent or young person must be told that they can appeal, if the Plan is not amended in the way they want, or is stopped	p.197 9.177
If amendments are suggested, the LA must send a copy of the original Plan to the child's parent or young person	p.201 9.194
If the LA continues with amendments, they must issue the new Plan as quickly as possible	p.201 9.196
If the child's parent or young person disagrees with the decision they can appeal at Tribunal and the Plan must stay in place until a decision is reached at Tribunal	p.204 9.209

# Chapter 10: Children and young people in specific circumstances

This chapter covers any non-traditional setting that children may be in and what rights and responsibilities apply to them. These settings are:

Looked after children	p.209 10.1
Care leavers	p.211 10.12
Children and young people with SEN and social care needs, including children in need	p.211 10.13
Children and young people educated out of area	p.214 10.26
Children and young people who are educated at home	p.214 10.30
Children and young people in alternative provision (AP)	p.216 10.39
Children and young people in AP because of health needs	p.217 10.47
Children and young people in youth custody	p.219 10.53
Children of service personnel	p.228 10.100

## Looked after children

Actions	Reference (from code)
LA acts as the 'parent' and has responsibility for the child's SEN 209 10.2	p.209 10.2
Maintained schools, academies and free schools must have a designated teacher for looked after children 209 10.3	p.209 10.3
The LA must have a 'Virtual School Head' who tracks the progress of all looked after children in the area 209 10.4	p.209 10.4
An EHC Plan will add to but not repeat the information in the child's Care Plan 210 10.7	p.210 10.7
Assessments are carried out in the LA where the child lives - not necessarily the LA that looks after the child 210 10.8	p.210 10.8
If there is a disagreement about the EHC process, the child's carer will advocate for them but their social worker will make the final decisions about their education 210 10.9	p.210 10.9
It is possible for children in foster care to get a Personal Budget but this will be up to the LA, depending on the stability of the child's foster placement 211 10.10	p.211 10.10

## Care leavers

LA must provide a Personal Adviser to offer personal advice and support after care	p.211 10.12
LA must provide a Pathway Plan to plan the transition to adulthood if they continue in education and/or training	p.211 10.12

## Children and young people with SEN and social care needs, including children in need

The LA must meet any support needs that are covered in Section 2 of the Chronically Sick and Disabled Persons Act (CSDPA) 1970	p.211 10.13
These services must be listed in the H1 section of the EHC Plan	
LAs should work with parents to work out how disabled children's needs can be met during assessment	p.212 10.17
EHC Plan reviews should be synchronised with social care plan reviews, and must always meet the needs of the individual child	p.213 10.20
As long as an EHC Plan stays in place, the LA can choose to continue children's services after 18, if the Plan ends they can no longer do this	p.213 10.22

## Children and young people educated out of area

An EHC Plan assessment and award is done by the LA where the child normally lives	p.214 10.26
LAs can arrange to take on responsibilities of another LA in special cases	p.214 10.27
If the child is placed in a non-maintained school, the LA must cover the costs for this	p.214 10.28
If it is a residential placement then it must be as near to the child's home as possible, or the LA has to provide reasonable transport support	p.214 10.29

## Children and young people who are educated at home

LAs are responsible for ensuring that home educated children are properly educated and their needs are met, they can fund this is appropriate	p.214 10.30
If the LA and parents agree that home education is best for the child, it should be included in the EHC Plan and the LA must provide the SEN support included in the Plan	p.214 10.31
If home education is not set out in the Plan then the LA does not have to provide the SEN support from the Plan, if it thinks what the parents provide is suitable	p.215 10.32
If a child is removed from a special school, the LA must consent before the name is removed from the admissions register	p.215 10.33
The LA can only inspect the home where a child is educated if invited by the parents but parents should feel that inspections are just a part of the LAs duty of care and not an attempt to undermine the home education	p.215 10.34
LAs should not assume that just because home education is different to what would be done in school, it is not suitable and should support parents to make suitable provision	p.215 10.35
The LA can make a School Attendance Order if they do not think the child's needs are being properly met	p.215 10.36
Young people over compulsory school age (16), may be educated at home to meet the requirement to participate in education and training until the age of 18	p.216 10.37

## Children and young people in alternative provision (AP)

If a child cannot have their educational needs met, the LA must provide alternative provision	p.216 10.39
This may be supplementary to mainstream or special education	p.216 10.41

If alternative provision is written into the child or young person's EHC Plan, it must be provided	p.217 10.42
If it is a residential placement then it must be as near to the child's home as possible, or the LA has to provide reasonable transport support	p.214 10.29

## Children and young people in AP because of health needs

Young people should be encouraged to continue in education or training beyond compulsory school age	p.218 10.48
If a child or young person goes into hospital then their Plan should still be enforced or may be reviewed if necessary	p.218 10.49
LAs and medical commissioners must work together to make sure the child or young person's education is not disrupted	p.218 10.51

## Children and young people in youth custody

An EHC Plan must be placed on hold until the young person is released, then it must be reviewed	p.219 10.55
SEN provision laid out in an EHC Plan must be provided by the young person's home local authority, while the young person is in custody	
If it is not possible to make the SEN provision from the EHC Plan, provision must be made that is as close as possible to the Plan	p.220 10.56
The child's parent or young person can request an EHC needs assessment while the child or young person is in custody	p.220 10.57
Anyone else, including the youth offending team, can bring a child or young person to the attention of the LA for a needs assessment	p.220 10.58

## Children of service personnel

Maintained schools must cooperate in moving student files as quickly as possible	p.229 10.103
Reviews for children of service personnel must consider the additional needs caused by their circumstances (such as moving more often)	
When assessing a Service child's needs or making an EHC Plan, LAs must seek advice from the Children's Education Advisory Service	p.230 10.104
LAs must transfer the EHC Plan from the 'old' LA to the 'new' LA within 15 days from when they first become aware of the move	
The 'new' LA must arrange the SEN provision in the plan, except if a school is named and distances makes it impractical to send the child there	
Anticipated moves should not be used to delay the provision of appropriate support for children or the carrying out of needs assessments	

# Chapter 11: Resolving disagreements

Resolving disagreements is covered in detail to explain the ways in which people can appeal, what they might appeal for and whom they can appeal to. There is a focus on mediation and ensuring that all efforts have been made to deal with the problem through talking and negotiating, rather than taking the issue straight to appeal.

## Local Authorities Must

Actions	Reference (from code)
Give information, and sometimes support, for claims	p.233 11.1
Ensure that the child or young person and their family's views are considered when making decisions	p.233 11.1
Ensure that the child or young person understands why the decision was made, where appropriate	p.233 11.1
Make available independent disagreement resolution arrangements	p.236 11.6
When sending notice of a decision that can be appealed at Tribunal, send full details of a mediation adviser including timescales and contact	p.240 11.19

## Local Authorities Should

Work together with education, health and social care providers to make decisions as soon as possible	p.236 11.3
'Disagreement resolution' and 'mediation' are different in this context - mediation relates to decisions regarding EHC Plans, disagreement resolution is about other duties and how they are carried out	p.236 11.5

## Local Authorities Can

Contract out disagreement resolution to other organisations	p.238 11.11
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## Families Must

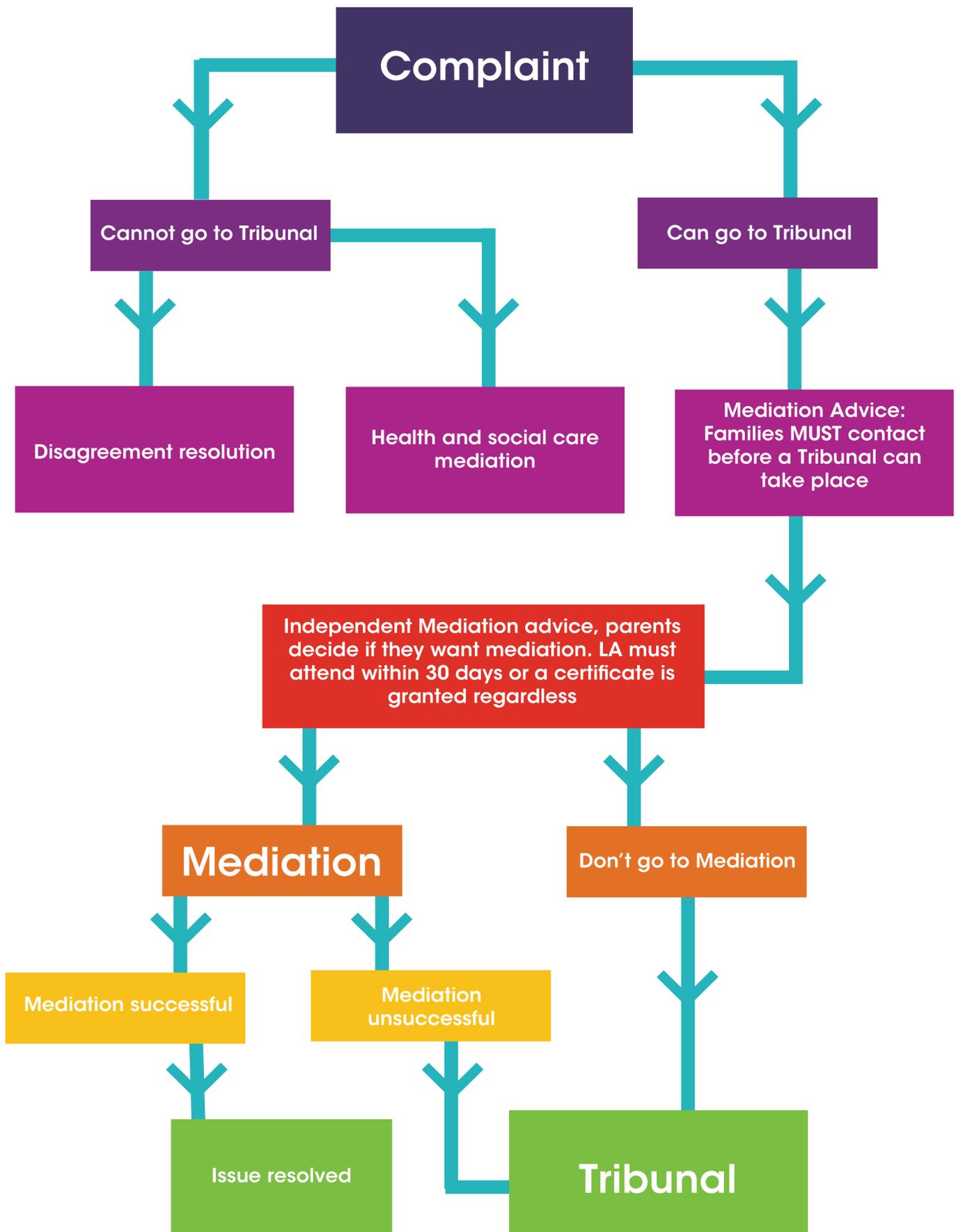
Contact a mediation adviser before registering an appeal but do not need to engage, themselves, at any time	p.236 11.5
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## Families Can

Access disagreement resolution, if they choose - regardless of whether they have or are being assessed for an EHC Plan	p.236 11.7
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## Families Cannot

Go to Tribunal without having contacted mediation	p.240 11.18
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## Who can I appeal to?

Who handles the appeal?	What is the appeal about?	Early years/ school/ college provision	Provision for individual CYP inc. those with SEN but no plan	Decision not to assess	Undergoing EHC assessment	Decision not to issue EHC Plan	EHC Plan	Disability discrimination	Health complaints	Social care complaints
Local Government Ombudsman				causing injustice, delay etc.	causing injustice	causing injustice	education, health & social care not provided			
Disagreement resolution services	how providers carry out duties						about sections E, H and C in the plan			
Mediation							about sections E, H and C in the plan			
First-tier Tribunal (SEND)							about education in the plan	in schools		
County Court								in early years, post-16, LAs		
NHS complaints							about health provision in plan			
Parliamentary and Health Service Ombudsman							with the LGO			