

What is an EHCP?

An Education, Health and Care Plan (EHCP) is a legal document which sets out a description of a child or young person's needs and strengths, and what needs to be done to meet those needs and enhance those strengths.

The plan will focus on outcomes (what the child or young person wants to achieve) and what's needed to achieve those outcomes. Families and professionals work together to consider the outcomes they'd like to see and how best to meet them.

Who is eligible for an EHCP?

The majority of children and young people with special educational needs or disabilities (SEND) will have their needs met by local mainstream early year's settings, schools or colleges (Chapters 5, 6 and 7 in the SEND Code of Practice 2014, see the end of this information sheet).

In the rest of this information sheet when we say "school" we also mean early year's settings or colleges.

Support should be provided by your child's school to enable them to progress; this is called SEN support. Some children and young people may not make the progress expected of them even with this help. When this happens a parent/carer, young person (aged 16-25) or school can ask the local authority to make an EHC needs assessment.

The SEND Code of Practice says that an assessment should be considered if "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)

A small number of children have such significant needs that an EHC needs assessment can be made straight away.

Process and timetable

The application should be made to your Local Authority, who should reply within six weeks of receiving the application. If an EHCP is issued, it should be within 20 weeks of the SEND Team receiving the request for the assessment.

Each local authority must publish and keep under review information about services available for children and young people with SEND aged 0-25. This is called the Local Offer. In most areas this is in the form of a website. Search for your local authority and "local offer" using an internet search engine to find yours. Here you will find details of the EHCP process for your area.

Your local Independent Advice and Support Service (IASS) can advise you on the process and support you during it. See the end of this information

What does an EHCP plan include?

An EHCP includes 11 sections:

- A:** The views, interests and aspirations of your child.
- B:** Special educational needs (SEN).
- C:** Health needs related to SEN.
- D:** Social care needs related to SEN.
- E:** Outcomes - how the extra help will benefit your child
- F:** Special educational provision (support).
- G:** Health provision.
- H:** Social care provision.
- I:** Placement - type and name of school or other institution.
- J:** Personal budget arrangements.
- K:** Advice and information - a list of the information gathered during the EHC needs assessment.

Where a child or young person is in or above Year 9, the EHCP must also include provision to help them prepare for adulthood and independent living.

You can find a full list of what must be included in each section in the SEND Code of Practice sections 9.62 and 9.63 and a detailed checklist for each section on-line at IPSEA (see end of this information sheet).

What if I am not happy?

If you have been refused an EHCP

There are few things more difficult to cope with than a school or local authority that refuses to provide the support you're sure your child or young person needs. Sometimes schools and local authorities are helpful, but sometimes you will want to appeal a decision made by the local authority. That means going to the Special Educational Needs and Disability Tribunal.

Contact your local IASS first who can advise you if you have grounds for appeal or speak to the local authority on your behalf.

If you are unhappy about the content of an EHCP

Contact your school and local authority first to discuss your concerns. Contact also your local IASS who can support you with this.

Appealing a decision to the Special Educational Needs and Disability Tribunal.

The subjects you can appeal about are:

- Your local authority's decision not to carry out an EHCP assessment or re-assessment.
- Your local authority's decision, following an assessment, not to issue an EHCP.
- The content of an EHCP. This includes:
 - The description of your child or young person's special needs.
 - The special educational provision the plan specifies (for instance, if you feel your child needs a place in a special school but the local authority does not agree).
 - No placement has been named.
- Your local authority's decision not to amend an EHCP or Statement following a review or re-assessment.
- Your local authority's decision to end an EHCP or Statement.

If the local authority refuses an application, they have to include the following information:

Mediation

Your local authority should provide you with information about mediation, including contact details for an independent mediator. The mediator must be someone who is independent of both the local authority and any health commissioning groups.

It is compulsory to obtain a Mediation Certificate BEFORE proceeding to tribunal, to show that you have considered it. You do not have to attend a mediation session with representatives of the Local Authority to obtain the certificate.

Appeal deadlines

If you do decide to appeal, you have the following deadlines:

- If your appeal is going straight to tribunal: within two months of the date your local authority sent you the final plan.
- If you're trying mediation first: within one month of either the date that the mediation information was given or the date a certificate was issued following mediation.

For more information about appealing to a Tribunal or mediation visit the IPSEA website <https://www.ipsea.org.uk/>

Reviews of an EHCP

The local authority must review an EHCP at least every 12 months. This must be done in partnership with parent/carers and the child or young person. At the review the local authority must decide whether to keep the plan the same, make changes or stop the plan. This must be done within 4 weeks of the review meeting.

For some young people the plan will continue until they are 25 years old. However it will stop if the young person:

- goes to university
- gets a job
- tells the local authority they no longer want their EHCP
- no longer needs special help and the local authority decides the EHCP should cease

Further information and support

Independent Advice and Support Service (IASS)

There should be an IASS in every local authority area. They are free, impartial and confidential services which offer advice and support on issues relating to children with special educational needs and disabilities 0-25 years (SEND). Prior to 2014 they were called Parent Partnership Services; however since the change to IASS, in addition to information and support on special educational needs they also support on health and social care issues.

To find your local IASS you can use the following link:

<https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network>

IPSEA

IPSEA (the Independent Panel for Special Education Advice) provides free legal advice and support for parents of children with SEND. Their website has lots of information, legal guides and template letters you can download, and their helpline offers advice and support:

<https://www.ipsea.org.uk/>

SEND Code of Practice 2014

The Code of Practice explains the duties of local authorities, health bodies, schools and colleges to provide for those with special educational needs and disabilities. It is a legal document that contains details of legal requirements that must be followed without exception and statutory guidance that must be followed unless there's a good reason not to.

www.gov.uk/government/publications/send-code-of-practice-0-to-25