

Requesting an Education, Health and Care needs assessment (EHCNA)



Ask Us Nottinghamshire 2018-08-23

Legislation (see also slides A1, A2)

The principal legislation which underpins the EHCNA and EHCP processes is:

Children and Families Act 2014



This sets out the framework telling a local authority how to properly carry out an EHC needs assessment, when an EHCP should be issued and what that EHCP must cover.

The Department for Education issued guidance to help people understand their duties under this law.

When should an EHC needs assessment be requested?

Schools use Graduated Approach/Response, allowing for changing levels of support for children with SEND over time - funding, resources, input from advisory specialists etc (see additional slides B1 - B3). If the child's needs cannot be met by these levels of support, it is time for an EHCNA to be requested. For children with very complex and significant needs this may be at an early age.

The C&F Act says :

The local authority must secure an EHC needs assessment for the child or young person if, after having regard to any views expressed and evidence submitted, the authority is of the opinion that—

- (a) the child or young person *has or may have* special educational needs, and
- (b) *it may be necessary* for special educational provision to be made for the child or young person in accordance with an EHC plan.

Who can request an EHCNA?

These people have a specific right to request an Education, Health and Care needs assessment(EHCNA):

- child's parent/person with parental responsibility
- young person over the age of 16 but under the age of 25
- children and young people aged 10-18 in youth custodial institutions
- A person acting on behalf of a school or post-16 institution.



Who can bring a child/YP to the attention of the LA?

Various professionals can bring a child or young person who has (or may have) SEND to the attention of the local authority. This could include:

- Foster carers
- Health and social care professionals
- Early years practitioners
- Educational psychologists
- Youth offending teams, probation services and those responsible for education in custody

Where possible, this should be done with parents'/child's/YP's knowledge and agreement.



Remember.....



- The Children and Families Act sets out what **must** be done for the process to be carried out in compliance with the law.
- Local Authorities will also have their own interpretations of the law - their policy and practice
- There are points in the process where an appeal can be made if the LA does not agree to do what the parent/YP wants. These appeals are made to SENDIST (the Special Educational Needs and Disability Tribunal).
- The whole process from requesting an EHC needs assessment to being given the final EHCP should take no longer than 20 weeks. Parents/YP can ask for extra time with good reason but the LA should not take longer than 20 weeks.

Requesting an EHCNA - what evidence is helpful ?

Parents should aim to provide information that is no more than a year old and is directly relevant in terms of an EHC needs assessment. This will be :


- information about their child at home, with their family and in their community
- their views of how their child copes in school, what support is in place, parents' relationship with school. School will provide detailed progress records, but parents will want to say something about how their child is doing over time.
- letters/reports etc from health professionals
- comments from close relatives, friends, community members eg grandparents, child-minder, Brownie leader etc - as short letters or quoted statements

To request an Education, Health and Care needs assessment you will need to contact the relevant City or County team depending on where you live.

Nottingham City parents and young people should contact the **SEN team** 0115 8764300, or email ehc.assessments@nottinghamcity.gcsx.gov.uk
Postal address : SEN Team, Glenbrook Management centre, Wigman Road, Nottingham NG8 4PD.

Nottinghamshire parents and young people should contact the **Integrated Children's Disability Service** duty number 0115 8041275 or email icds.duty@nottsc.gov.uk
Postal address : ICDS Assessment Team (Duty), Meadow House, Littleworth, Mansfield, Notts NG18 2TB

You can also contact Ask Us Nottinghamshire for impartial and confidential information, advice and support with the EHC needs assessment process.

 0800 1217772

 askus@futuresforyou.com



Deciding whether the assessment is to go ahead

- The LA must decide whether to agree to the request for assessment or not. This can be done by a panel of experts (Nottinghamshire), or by a designated officer from the SEN team together with an educational psychologist (Nottingham City)
- This decision must be given to parents in writing within 6 weeks of the request being made
- Paper evidence only is used to make the decision, so it is important that information presented is full, relevant and up to date.
- If the LA decides not to go ahead with the EHC needs assessment, the parent or YP can appeal against this. Nobody else can make an appeal.

Now what??

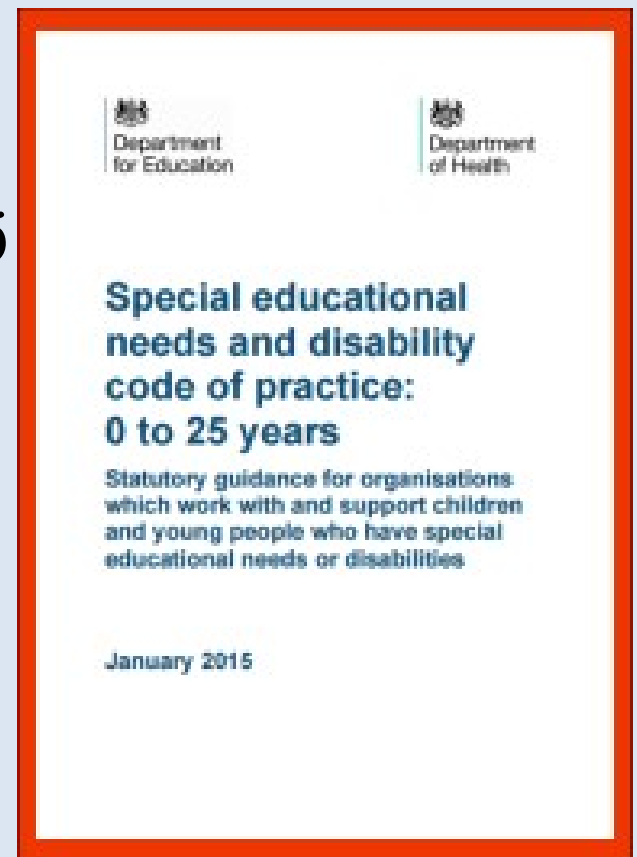
The Local Authority has made the decision about the EHC needs assessment, and written to the parent to tell them.

1. **Either** the LA will now carry out the EHC needs assessment, and will need to gather detailed information from a range of people (parent, child/young person, educational psychologist, school, specialist advisory teachers, health professionals eg paediatrician, therapists, social care services).
2. **Or** the LA has refused to carry out the assessment. The parent/young person can ultimately appeal against this (within 2 months) but can first discuss their dissatisfaction with the LA, including as part of an independently facilitated mediation meeting. Sometimes, improved offers of support are made alongside a refusal to assess, recognising that there is a gap between what could be offered and what is being offered. Parents in that case may wish to wait and see if the enhanced support improves the situation and have the option to request a further EHC needs assessment after a period of time so that new evidence can be put to the panel.

A1

DfE guidance : Special educational needs and disability code of practice : 0 to 25 years

Published July 2014, then with
revisions January 2015



DfE : Special educational needs and disability A guide for parents and carers

Published Aug 2014

A2

Who does the guide apply to?

- ❖ Anyone involved in making provision for children/young people with SEND
- ❖ Anyone involved in the EHCNA and EHCP processes

For example :

- Schools and other educational institutions or settings (nurseries, colleges)
- Local Authorities (Educational Psychology and advisory teams; social care professionals)
- Health professionals involved with children and young people being assessed or with an EHCP
- Tribunals
- Mediators
- Ask Us Nottinghamshire

B1

Graduated Approach - funding

The Graduated Approach/Response is a repeated cycle of 'assess - plan - do - review', which enables increasing levels of support for children with SEND as required over time. A child identified as having SEND and receiving additional support in the classroom over and above that which is generally available to all pupils, is part of the school's SEN Support group and their progress is closely monitored as part of the Graduated Response.

All early years settings, schools and Post-16 colleges can access additional funding to provide extra support for learners with SEND and without an EHCP. The funding comes via different routes and is not linked to the EHCNA process; some is allocated as a block to the setting/school/college according to a formula with the higher levels allocated to individual learners following a bid for funding made by the setting/school/college.

B2

Graduated Approach - intervention from specialist teams

Both Nottingham City and Nottinghamshire have a specialist advisory service - Nottingham City has the Inclusive Education Service (IES) and Nottinghamshire has its Schools and Families Support Service (SFSS). Each service has teams of specialist teachers and teaching assistants who provide advice to early years settings and schools to help them support learners with SEND - the aim is to interact directly with school staff to enable them to provide better support rather than working directly with the child, although there may be an element of direct work with the child too.

Request for input from IES or SFSS is made via a panel, which compares requests across schools and will also regularly review any agreed input. Parents should expect some initial telephone contact with their specialist teacher/TA and are likely to meet them at a review meeting in school.

School may also ask an Educational Psychologist to carry out an observation or longer specific piece of work with a child.

B3

Graduated Approach - identifying when to request an EHCNA

When several cycles of 'assess - plan - do - review' have been worked through, and monitoring shows that the child is not making adequate progress or it is clear that the situation in school is not improving, a multi-agency meeting should discuss options, one of which is to request an EHCNA. Generally the school will be supportive of a request in these circumstances.

By this point there will be a great deal of evidence about the different strategies tried and outcomes of those, together with involvement of specialists and training undertaken by school staff. A comprehensive picture of the child's needs and the interventions made so far is therefore available for the LA panel and provides a good basis for making a decision about an EHCNA. In this situation the school may offer to make the EHCNA request but parents still have the option to do that themselves, and particularly if there is any reluctance from school to support the request.

c1 Requesting an EHCNA - what evidence is helpful ?

Information about their child at home, with their family and in their community - how do the child's needs affect them in daily family life. This is information that only the parent can provide and can include short examples or direct quotes to illustrate a point.

- Examples of the child's strengths - good character traits eg kindness, tenacity, ability to be happy, being organised or helpful, being loving or friendly are as important as being able to do things like completing jigsaws or behaving sensibly when out and about.
- Examples of how the child relates to others - familiar people, family members and strangers, adults and children.
- How does the child fit into family life - is it a constant adjustment process to accommodate their needs, do considerations of their needs dominate all aspects of family life, can they function at all outside of their immediate family?
- Comments from close relatives, friends, community members eg grandparents, child-minder, Brownie leader etc - as short letters or quoted statements

c2 Requesting an EHCNA - what evidence is helpful ?

- Parents' views of how their child copes in school, what support is in place, parents' relationship with school. School will provide detailed progress records, but parents will want to say something about how their child is doing over time, and usually also how they are doing compared with other children of the same age.
- Letters/reports etc from health professionals - most recent only (6 months to a year maximum). Diagnoses and date(s), and given by whom. Any ongoing health assessments. Medication, therapy, other medical interventions.
- Care needs - vulnerability/personal safety, hygiene and self-care, understanding of appropriate behaviours, level of independence. Do the child's needs impact hugely on family life?

c3 Requesting an EHCNA - what evidence is helpful ?

Why is an EHCNA being requested? An assessment would be a way to identify or better understand the needs of a child who is not making appropriate progress at school.

What additional information might it provide and how might that improve the situation?

What benefit might the EHCP bring - does the parent feel that a special school place is needed? Is the child due to transfer to secondary education or from infant to primary education? Would the EHCP provide a better planning framework for a child where several different professional teams are involved.

For older children - is a place at a specialist college proposed? Is there anxiety about what support would be available in colleges as opposed to school?