

Draft EHC Plan 1

If, after carrying out an Education, Health & Care Needs Assessment, Milton Keynes Council (the LA) agrees that an EHC plan is required, the LA will send you a draft EHC plan containing information that was gathered during the EHC needs assessment.

Remember: this may be the first of several drafts.

At this stage there should normally be information in Section A (the views, interests and aspirations for the parent/child/young person); Section B (Special Educational Needs) and, depending on the individual child, Section C (Health Needs) and Section D (Care Needs).

Remember: there may not be any information required to go in Sections C and D. Don't worry if you haven't completed Section A yet, this can be done now. These sections are explained in more detail below.

Attached to the draft EHC Plan will be copies of all the reports that you and the professionals wrote about your child, these are called the **Appendices**.

Remember: if the appendices are not attached, you should ask your SEN Case Officer for copies of these reports.

The Draft Planning Meeting

In Milton Keynes, Draft 1 is used as the basis for discussion at a meeting which takes place at your child/young person's education setting (nursery, school, college etc). This meeting will be attended by you, a SEN Case Officer from the LA, the school SENCo and/or Head and any other relevant professionals that have been invited. These professionals can be invited by you, the LA or the school and might include, for example, Speech & Language Therapists, Specialist Teachers and representatives from Health and/or Social Care. Your child/young person may also wish to attend part or all of the meeting.

During this meeting, short-term and long-term **outcomes** (Section E) are established based on the advice received from professionals during the needs assessment. In addition, at the meeting, the **provision** required to achieve these outcomes will be discussed and recorded (Sections F/G/H – Education/Health/Care).

Remember: short-term outcomes are for approximately 12 months ahead and long-term outcomes 5 years in the future or the next transition point (change of education phase or setting), whichever is sooner.

After the Meeting

Following the meeting, the SEN Case Officer will produce a **draft EHC plan 2** containing all of the elements discussed at the meeting; this will usually be sent to you within 2-3 weeks of the meeting with a letter explaining that you have 15 days in which to agree or disagree with the draft EHC plan. During this time, it is possible to discuss any changes / additions / omissions that you would like made to the contents, with the SEN Case Officer.

Remember: you have **15 calendar days** to respond to the LA with your thoughts and comments and if you feel another meeting is required, it is okay to ask for this. If you have a difficulty with this timescale, it may be possible to ask for an extension to the 15 days. You should direct this question to your SEN Case Officer and explain the problem you have.

How to Analyse the Draft

To ensure that all the important information contained in the reports is recorded in the EHC plan, you might want to 'analyse' the draft EHC plan.

It is very important to make sure the draft EHC plan is accurate, describes all your child/young person's needs, and offers appropriate provision for those needs. The EHC plan should be clear so that anyone who might work with your child/young person, such as a supply teacher, can clearly understand his/her needs as they may not have time to read all the attached reports.

In order to do this, you may want to photocopy the EHC plan and all the appendices so that you have a copy that you can write on and keep another set clean. You will need a range of different coloured highlighter pens.

Step 1: familiarise yourself with the layout.

Begin by reading through the draft EHC plan and then read all the reports (appendices). This will give you a general 'feel' of the EHC plan and if it reflects the information contained in the reports.

The EHC Plan is broken down into 11 parts (**Sections A – K**).

IPSEA have a useful [EHC Plan Checklist](#) that sets out what legally must be included as a minimum in any education, health and care plan (EHC plan) issued by a local authority (LA) under Part 3 of the Children and Families Act 2014 (section 37) and the statutory guidance contained in the Special

Educational Needs and Disability Code of Practice 2015. The checklist is also based on the Special Educational Needs and Disability Regulations 2014.

Section A: Parent and Child/Young Person's Views

This contains the aspirations and goals that you and your child/young person have for the future. It is not a legally binding section but it is important that it reflects how you and your child/young person feel because it should be taken into consideration throughout the EHC plan.

Remember: the LA may provide you with a template (sometimes called an '**All About Me**') or a list of questions BUT you do not have to stick to that. It is perfectly acceptable to use your own format to express your and your child's views.

Our [**Parental contribution to the EHC needs assessment request and Section A of the EHCP Factsheet**](#) gives examples of tools you can use and the type of information you should provide.

Section B: Special Educational Needs (SEN)

This section contains 4 parts, known as '**broad areas of need**' – Communication and Interaction; Cognition and Learning; Social, Emotional and Mental Health; and Sensory and/or Physical. Section B should specify in detail your child/young person's strengths, difficulties and needs in these categories.

Remember: It is important to ensure that all your child/young person's difficulties are described clearly and thoroughly.

Section C: Health Needs

The health needs of your child/young person which relate to their SEN are included in this section.

Section D: Social Care Needs

This section must include any social care needs identified during the EHC Plan needs assessment that:

- relate to your child or young person's SEN; or
- require provision for a child or young person under 18 under section 2 of the Chronically Sick and Disabled Persons Act 1970.

This section may contain Child in Need planning (with your permission) if your child or young person is subject to this.

Section E: Outcomes

Short and long-term outcomes for your child/young person are outlined in this section. There should be clear steps towards achieving the long-term outcomes. The outcomes should link to the aspirations in Section A and short-term outcomes are steps towards long-term outcomes.

Remember: the outcomes should also be about moving ahead in life, not just about your child/young person's years in education.

Section F: Special Educational Provision (SEP)

This section contains the same 4 'broad areas of need' as Section B. Section F relates to the special educational provision that a child/young person requires. There should be a 'provision' to match every 'need' in Section B.

Remember: the LA has a legal duty to make sure the SEP in Section F is carried out so it is most important this section contains all the support required – including health and social care provision that 'teaches or trains'.

Section G: Health Provision

This section contains the health provision for a child/young person. This may include specialist support therapies such as medical treatments or physiotherapy and occupational therapy that is not 'training or educating' a child/young person and therefore not classed as special educational provision in Section F.

Remember: provision linked to health that 'teaches or trains' should be in Section F (SEP), **not** Section G. For example, speech and language therapy.

Section H1: Social Care Provision

This section contains any statutory social care provisions that relate to your child/young person under 18, resulting from s.2 Chronically Sick & Disabled Persons Act 1970 (CSDPA).

Section H2: Other Social Care Provision

Any other social care provision **reasonably required** by the learning difficulties or disabilities which result in the child/young person having SEN, for example short breaks.

If your child is in or beyond Year 9 (broadly speaking, 14 years old or older) the social care provision required to assist in the **preparation for adulthood** (that does not 'teach or train') and independent living must be included here. For example, support in finding employment, housing or for participation in society.

More information about this can be found in our [**Preparing for Adulthood Factsheet.**](#)

Remember: provision linked to care that 'teaches or trains' should be in Section F (SEP), **not** Section H

Section I: Placement

The law says that when a parent is sent a draft EHC plan it will not name an educational setting. This is because you have the right to 'state your parental preference' (say which education setting you would like your child/young

person to attend). The LA has to consider your preference, but they don't have to agree with you.

When the EHC plan is finalised, this section will state the name and type (mainstream, special, etc.) of educational setting that your child/young person will attend. You can appeal this decision.

Remember: if you have decided to home educate your child/young person, this should be specified in this section.

Our [Choosing a School Factsheet](#) gives more information about this.

Section J: Personal Budget (including direct payments)

Detailed information about a personal budget and/or direct payments agreed to secure any provision in the EHC plan should be specified here.

Remember: You can request a personal budget but this does not mean the LA will necessarily agree to this request.

Our [Personal Budgets Factsheet](#) gives more information about this.

Section K: Appendices

The advice and information (reports) gathered during the EHC needs assessment are important documents and must be listed and attached in Section K. These are the '**evidence**' that the EHC plan is based on.

Remember: any reports should be **attached in full** to the EHC plan. The plan is not complete without the appendices.

When analysing the draft, you will be considering the sections of the draft in this order: **K** → **BCD** → **EFGH**

Step 2: cross-reference the **evidence** in Section K with Sections B, C and D of the draft to check that all **needs** are included.

The SEN Case Officer who writes the EHC plan often extracts important information from the professionals' reports and includes them in the EHC plan. Therefore, you will often see the same information in both a report and the draft EHC plan. This allows you to carry out a 'cancelling out' exercise.

Use a different coloured highlighter for each report. For example, pink for Educational Psychologist report, blue for the School report, etc.

We would recommend that you start with the Educational Psychologist's (EP) report. Read the draft EHC plan and report together to see which bits are the same. When you find two matching bits of information, highlight them both on the draft EHC plan and on the report – 'cancelling' them out. In this way, you know that the information in the report **is** included in the EHC plan.

Once you have done this with every report – using a different colour for each – sections B, C and D (needs) of the draft EHC plan and much of the reports should be ‘coloured-in’.

Step 3: using the same method, cross-reference the professionals’ **recommendations** in the **evidence** with Sections E, F, G and H of the draft to check that all **outcomes and provision** are included.

Sections E/F/G/H1/H2 (Outcomes and Provision) are represented in a combined format in the Milton Keynes EHC plan.

Step 4: check that the needs and provision sections of the draft match up.

Remember: there should always be a **provision** in Section F, G or H to match **every need** in Section B, C or D.

Remember: health or care provision that ‘trains or educates’ should be in section F (SEP). This is important because the contents of section F are the duty of the LA to provide and can be challenged at the SEND Tribunal. Currently, sections G and H cannot be challenged at the Tribunal although a national trial is underway to look at this.

You can find more information about formally challenging the contents of the final EHC plan in our [Appeals Factsheet](#).

But, at this EHC plan **draft-stage**, you have the opportunity to discuss any concerns with the LA before the plan is finalised.

Step 5: assess missing information.

Re-read the reports paying close attention to the information that has **not** been highlighted. If information has not been highlighted, it may have been worded slightly differently in another report, or it may have been missed out of the draft EHC plan.

Decide whether you consider this piece of information to be important and whether you would like to ask for it to be included in the EHC plan. If you think it is important to have this information in the EHC plan, **make a note** of it including which report it is in, and which page it is on. You can then use this information to write to the LA to ask for changes to be made.

Remember: the same information, from more than one report, does not need to be repeated in the draft **unless** it requires provision in more than one section.

Step 6: check specificity in the provision sections.

Sometimes a draft EHC Plan can be vague or hard to understand. Make a note and ask the LA to clarify words and phrases such as:

- Opportunities for...
- Regularly...
- Access to...
- Frequently...
- As required...
- On occasions...
- As appropriate...
-individual, small or whole class

It is very important that the EHC plan says how much help your child will get and how often. These vague words leave it open to interpretation and can make it harder later on to ensure your child is getting the right help.

Remember: the law says the wording used in the evidence and the EHC Plan should be **specific**. If you think that the wording in a report or the draft is not specific enough, you can ask for a meeting with the LA and the person who wrote the report and ask if the wording can be changed.

Step 7: communicate with the LA.

Put together the notes you have made, **in writing** and send them to your SEN Case Officer. You can do this by email but always keep copies of your correspondence. It can be helpful to discuss over the phone but make sure that any decisions are given in writing.

Once you have made your views known to the LA, they will consider the changes you have asked for and, if they agree with the changes, they will send you a **further draft** EHC Plan. If you are still not satisfied, continue to talk to the LA until you are happy for the final EHC Plan to be issued. The final EHCP **must** be issued by the LA **within 20 weeks** of the request for assessment but this may be impractical if there are multiple drafts so you may ask for or agree to a timely extension.

If you cannot get the LA to agree to the changes you want, or to the school you want named in Section I, it may be best to ask the LA to issue the final EHC plan so that you are able to appeal to the SEND Tribunal – you cannot do this without a final EHC plan.

Our [Appeals Factsheet](#) provides more information about this.

Where can I get more information, advice or support?

Milton Keynes Special Educational Needs & Disability Information, Advice & Support Service (MK SENDIAS) can give you:

- Information about SEND support, including information about SEND funding
- Advice about what to do if you are not happy with the support your school is providing
- Support to prepare for school meetings and Annual Reviews.
- Information and advice about your rights to request an EHC needs assessment and support with the process
- Help to navigate Appeals and Complaints procedures
- Information about other organisations, support groups and information services that could help

You can contact us:

- By completing a [referral form](#)
- Via our [website](#) for lots of useful information and factsheets
- To discuss your concerns by **phone** on 01908 254518
- By [email](#), briefly outlining your concerns
- On [Facebook](#)