

## **What is an EHC needs assessment?**

An Education, Health and Care (EHC) needs assessment is an assessment of the education, health care and social care needs of the child or young person.

The needs assessment brings together information about:

- What your child can and cannot do
- The special help they need

## **Who will carry out the assessment?**

The Local Authority (LA) has the legal duty to carry out the EHC needs assessment process under the [Children and Families Act 2014](#).

The local authority will ask a number of other people for information about your child. This is called 'advice' and it should include information about:

- your child's education, health and care needs
- the desired **outcomes** for your child
- the special educational, health and care provision that might be required to meet their needs and achieve the desired outcomes.

The LA cannot ask a school or college to carry out the assessment for them, and they cannot require the school or college to pay for any part of the assessment (such as the educational psychologist's report).

## **Who should be asked for advice?**

The LA must seek advice from a range of people. The list is set out in Regulation 6(1) of the Special Educational Needs and Disability Regulations 2014 (the [SEN Regs](#)):

- a. the child's parent or the young person;
- b. educational advice (usually from the head teacher, SENCo or principal);
- c. medical advice and information from a health care professional;
- d. psychological advice and information from an educational psychologist;
- e. advice and information in relation to social care;

- f. advice and information from any other person the local authority thinks appropriate;
- g. where the child or young person is in or beyond year 9, advice and information in relation to provision to assist the child or young person in preparation for adulthood and independent living; and
- h. advice and information from any person the child's parent or young person reasonably requests that the local authority seek advice from.

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

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

The [SEND Code of Practice](#) (9.21) says:

Local authorities **must consult the child and the child's parent or the young person** throughout the process of assessment and production of an EHC plan. They should also involve the child as far as possible in this process. The needs of the individual child and young person should sit at the heart of the assessment and planning process.

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

### **Can parents or young people ask for advice from a particular person?**

Under SEN Reg 6(1)(h), a parent or young person can ask the LA to seek advice from anyone within education, health or social care, as long as it is a **reasonable request**. This can include a speech and language therapist, occupational therapist, physiotherapist or someone from CAMHS (Child and Adolescent Mental Health Services).

A request would be considered reasonable where, for example, a child or young person has been identified as needing an assessment already and they are on a waiting list, or where the school, college or other professionals have said this advice may be needed.

It is best to request that a particular professional is approached in writing (either in a letter or an email), so that you have a record of your request.

### **What if there are existing reports or advice about the child or young person?**

The LA **does not** have to seek new advice where that type of advice has previously been provided for any purpose – for example, if there already was a recent educational psychologist's report. This exception will only apply if the person providing that advice, the LA and the child's parent or the young person

are all satisfied that the **existing advice is sufficient**. Previous advice can only be sufficient for an EHC needs assessment if it is relatively up to date and accurately reflects the child or young person's current needs.

If a parent or young person already has their own advice and reports, these can be submitted as part of their own advice (under SEN Reg 6(1)(a)). Copies of evidence submitted by the parent or the young person must be supplied to the other people from whom information is being sought (SEN Reg 6(3)).

### **What should the advice contain?**

Advice must be **clear, accessible and specific** (see paragraph 9.51 of the [SEND Code of Practice](#)). In particular, it should:

- address the child or young person's **needs**,
- the special educational **provision** required to meet those needs, and
- the **outcomes** which this provision will aim to achieve.

[IPSEA](#) says:

"In relation to point (e) (advice and information in relation to social care), it is not uncommon for LAs to receive a response from social care stating "*not known to this service*". The advice sought from the list of professionals contained in SEN Reg 6(1) must be in relation to the child's needs, provision and outcomes. A response stating "*not known to this service*" is not going to fulfil the local authority's duty to obtain the advice necessary for a full and accurate EHC needs assessment.

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

### **How long will this take?**

Anyone who is asked for information and advice **must respond within 6 weeks** (SEN Reg 8(1)). The only exceptions to this are:

- if exceptional circumstances affect the child, the child's parent or the young person during that 6 week period;
- the child, the child's parent or the young person are absent from the area of the authority for a continuous period of not less than 4 weeks during that 6 week period; or
- the child or young person fails to keep an appointment for an examination or a test made during that 6 week period.

## When does the EHC needs assessment end?

Once the local authority has all the information and advice it must decide whether it is **necessary** for the child or young person to have an **Education, Health and Care plan (EHC plan)**.

The **legal test** which the LA must apply is found in section 37(1) of the Children and Families Act 2014 which says:

- (1) Where, in the light of an EHC needs assessment, it is necessary for special educational provision to be made for a child or young person in accordance with an EHC plan –
  - (a) the local authority must secure that an EHC plan is prepared for the child or young person, and
  - (b) once an EHC plan has been prepared, it must maintain the plan.

## What will happen when the LA makes a decision?

The LA must notify the parent or young person of their decision whether or not they will issue a plan within a maximum of **16 weeks** from the request for assessment.

If the LA decides **not to issue** an EHC plan, the LA **must** provide information about appealing. You can find more information about this in our [Appealing to the SEND Tribunal Factsheet](#).

If the LA decides **to issue** an EHC plan, it will first send you a **draft plan** and **appendices** containing all of the advice gathered in the EHC needs assessment.

### The Draft Plan

This is an opportunity for you to check whether the draft EHC plan contains everything it should. At this point, it will be useful for you to refer to our [Analysing a Draft EHC Plan Factsheet](#)

The draft plan should include information on the child or young person's special educational needs, health and care needs, the provision required to meet each of those needs, and the outcomes that should be achieved. It will also record the child or young person's aspirations, views and feelings.

Along with the draft EHC plan, the LA must give notice to the parent or young person that they have **15 days** in which to:

- make comments – ‘representations’ – about the draft EHC plan
- request a meeting with the LA to discuss the draft
- request that a particular school or other institution is named in the final EHC plan

The **final EHC plan** must be sent to the parent or young person within **20 weeks** from the date the assessment was requested.

The local authority receives a request for an EHC needs assessment. The authority must tell parents about this request	This is the start date
The local authority decides whether an EHC needs assessment is needed. The authority must tell parents about its decision	Within six weeks of the start date
The EHC needs assessment takes place	This starts as soon as the decision is made
<b>EITHER</b>	
The local authority tells the parents of the decision not to issue an EHC plan	Within 16 weeks of the start date
<b>OR</b>	
The local authority sends a draft EHC plan to parents	
Parents must respond to the draft EHC plan. They can: <ul style="list-style-type: none"> <li>• agree that the draft is adequate</li> <li>• ask for changes</li> <li>• ask for a meeting.</li> </ul> Parents have the right at this point to state a preference for a school or early years setting	Within 15 days of receiving the draft EHC plan
The local authority consults with the school or early years setting	Within 15 days of parents’ response to the draft EHC plan
The local authority issues the final EHC plan	Within 20 weeks of the start date

IPSEA provides the [following template letters](#) relating to the EHC needs assessment process:

[To request an Education, Health and Care needs assessment \(Model letter 1\)](#)

[Complaining when the LA does not respond to a request for an EHC needs assessment within the 6 week time limit \(Model letter 9\)](#)

[Complaining when an EHC needs assessment is not being carried out properly \(Model letter 7\)](#)

[Complaining when the LA has not issued the draft or final EHC Plan following assessment \(Model letter 10\)](#)

[To respond to the draft EHC plan sent by the LA \(Model letter 3\)](#)

[Complaining when the LA will not consider the school or college you want named in your EHC plan \(Model letter 14\)](#)

### **Where can I get more information, advice and 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](#)