

In Milton Keynes, if a parent/carer (parent) thinks that their child/young person has SEN or a disability, the SEN team in the local authority (LA) recommend that they:

- Talk to the class teacher/tutor to discuss concerns and support
- Arrange a meeting with the school/setting SENCo (Special Educational Needs Coordinator)

You may, at this stage, find our [Preparing for School Meetings Factsheet](#) helpful.

In Milton Keynes, the majority of children and young people with special educational needs and disability will be supported within their mainstream school through the graduated approach, quality first teaching, targeted and personalised support.

Our [SEN Support in Schools Factsheet](#) explains what this support can look like.

Sometimes it is necessary for the early years setting/school/college to make a request for an **Education, Health & Care Needs Assessment (EHC NA)** which determines whether or not a child or young person requires an **Education, Health & Care Plan (EHCP)**.

However, there are times when parents remain concerned after they have followed these steps with the school or where the child is currently home educated. You may then wish to make a **parental request for an EHC needs assessment**.

You can do this at any time.

You can only ask for an EHC needs assessment if the child or young person **has, or may have, SEN** – it **does not apply** where there are **only** health or social care needs.

For children under 16, the parent makes the request. This includes children from age 0 to 5, where parents should make a request if they believe that the child will need extra help at nursery or when they start school.

In the case of a young person (over 16 and up to 25), they can make the request themselves. If the young person is not able to understand, remember or communicate decisions about the educational support they need, their parent or carer can make the request on a young person's behalf.

How should I make the request?

You should make a written request and **keep a copy of your letter**. Your letter should set out why you believe your child has or may have special educational needs, and why you believe they may need special educational provision to be made through an EHC Plan.

You may wish to use [IPSEA's model letter](#) as a template for your request.

Who should I write to?

In Milton Keynes, you will need to make your **request in writing** to Head of SEND at Milton Keynes Council

By email to: <mailto:EHCP@milton-keynes.gov.uk>

OR

By post to: Head of SEN and Disability
Civic Offices
1 Saxon Gate East
Central Milton Keynes
MK9 3EJ

If you require additional information from the **SEN team** you can **telephone** 01908 657825 or go to [MKC SEND Local Offer EHC Needs Assessment](#)

When should a local authority carry out an EHC needs assessment?

If a local authority ("LA") is requested to carry out an EHC needs assessment by a parent, young person, school or college, they **must** consider:

- whether the child or young person **has or may have** special educational needs ("**SEN**"); and
- whether they **may** need special educational provision to be made through an EHC plan.

If the answer to both of these questions is yes, they **must** carry out an EHC needs assessment.

This test is set out in the law (section 36(8) of the Children and Families Act 2014). This means these are the only questions the LA should be asking when considering whether or not to carry out an EHC needs assessment.

The [SEN and Disability Code of Practice](#), which is statutory guidance issued by the government, contains further detail on what LAs should consider. At paragraph 9.14 the Code states that:

- the local authority should consider whether 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.

The LA should pay particular attention to:

- evidence of the child or young person's academic attainment (or developmental milestones in younger children) and rate of progress;
- information about the nature, extent and context of the child or young person's SEN;
- evidence of the action already taken by the school or other setting;
- evidence that where progress has been made, it has only been as the result of much additional intervention and support over and above that which is usually provided;
- evidence of the child or young person's physical, emotional and social development and health needs, drawing on relevant evidence from clinicians and other health professionals and what has been done to meet these by other agencies.

In addition to your request letter, you will need to attach as much evidence of your child's SEN as possible. Our [**Parental contribution to the EHC needs assessment request and Section A of the EHCP Factsheet**](#) gives examples of what would be useful to include.

When should I hear back?

Regulation 4(1) of the Special Educational Needs and Disability Regulations 2014 says that:

- The LA **must** reply within six weeks of receiving a request
- They should always reply to you as a parent or young person – even where the request was made by the school or college.

Make a note of the six week deadline for the LA's reply.

When does the time limit start?

The 6 week time limit runs from the date on which the LA **receives** the request for assessment. When it is classed as 'received' will depend on the method used to send it. If it is:

1. Delivered by hand, the 6 weeks runs from the day of delivery (or the following working day if it is delivered after 5pm or on a non-working day);
2. Sent by signed for delivery, the 6 weeks runs from the date on which a representative of the LA signs for it (you will be able to check online when the item was delivered);
3. Sent by first class post, the 6 weeks runs from the next working day after it was posted;
4. Sent by e-mail, the 6 weeks runs from the day that it is sent (or the following working day if it is sent after 5pm or on a non-working day).

Are there exceptions to the time limit?

There are some circumstances in which an LA may not be required to comply with the 6 week time limit if it would be impractical for it to do so. These are where:

(a) The LA asks for advice about the request from a school, college or early years provider during a time when it is closed for a period of longer than 4 weeks (i.e. in the summer holidays), or in the week before it closes for such a period.

(b) During the six week period, exceptional personal circumstances affect the child, the child's parent or the young person or they are away for more than 4 weeks.

The LA will only be able to rely on one of these exceptions if it can show that making the decision on time would be impractical. The LA is still required to notify you of its decision on your request as soon as possible.

What will the LA's response say?

If the LA agrees to carry out an assessment, various people will need to be approached for advice.

You can find out more about the assessment process in our [**EHC Needs Assessments Factsheet.**](#)

If the LA refuses to carry out an assessment, you have the **right to appeal** against this decision. The letter should explain that there is a right to appeal to the First-tier Tribunal (Special Educational Needs and Disability) and should contain details of a mediation service for you to contact.

Our [**Appealing to the SEND Tribunal Factsheet**](#) provides guidance about this process.

Video you may find helpful

[How to submit a parental request for an EHC Needs Assessment](#)

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](#)