



Devon Information
Advice and Support

for Special Educational Needs and Disability

A guide
for parents
and carers


Education, Health and Care (EHC) needs assessment

- What is an EHC needs assessment and plan?
- Does your child need one?
- What should you do before, during and after an assessment?



Contents

Education, Health and Care (EHC) plans	3
What is an EHC plan?	3
What information is in an EHC plan?	4
The EHC needs assessment	6
Thinking about applying for an EHC needs assessment	6
SEN support in schools and colleges	7
When to think about an EHC needs assessment	9
When is an EHC needs assessment done?	11
Asking for an EHC needs assessment	12
Deciding whether your child needs an assessment	15
Gathering information	16
Making the decision	18
The EHC Needs Assessment	20
Top tips to help an assessment go smoothly	22
Moderation panel	24
If a request for an EHC needs assessment is refused or a plan isn't issued	26
How to appeal	29
Helpful resources	30
Giving feedback about the EHC needs assessment	31
How can DiAS help?	32

Click  to return to this Contents page

Education, Health and Care (EHC) plans

What is an EHC plan?

Education, Health and Care (EHC) plans are for children or young people aged up to 25 with special educational needs (SEN), who need more support than can usually be given through SEN support in their mainstream nursery, school or college. You can find out more about SEN support in schools and colleges on page 7.



An EHC plan is a legal document which explains:



- the hopes, ambitions and views of a child and their parents or carers
- what a child's special educational, health and care needs are
- the support (provision) they will get to help them to achieve
- how that support will make a difference to them (outcomes)

EHC plans are made by a local authority after a child has had an **EHC needs assessment**. A plan can include your child's health or social care needs as well as their educational needs. But they won't get a plan if they only have health or social care needs that don't affect their education.

If your child has an EHC plan, your local authority must make sure they get everything that's set out in it. But the school will deliver what's in the plan. Sometimes a school or college may give support that's different from what is written in the plan. If this happens, the support that's given must achieve the same thing for your child, even if it's given in a different way.



Important to know

One of the main aims of an EHC plan is to give your child or young person support to achieve the best possible results in their journey towards becoming adult.

That means even from early years, the support set out in a plan should challenge a child to become as independent as possible. The right support will help them take regular steps towards developing the skills they'll need for adult life. The law is clear that EHC plans should be ambitious and have high expectations for what each child can achieve.

What information is in an EHC plan?

An EHC plan is made up of information given to the local authority by:

- you
- your child or young person
- the people who support your child, or those who have assessed their needs.

The plan should:

- describe positively what your child can do and what they've already achieved
- set out your views, your child's views and their ambitions for the future
- clearly and specifically list what your child's needs are and the support they will have
- say what difference the support will make to them (outcomes) – these should be 'SMART'...

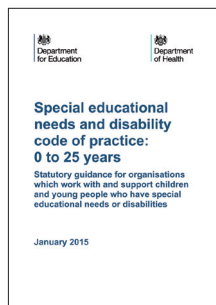
S	Specific
M	Measurable
A	Achievable
R	Realistic
T	Time-bound



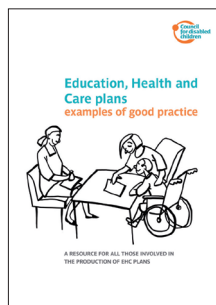
Because an EHC plan is a legal document and what's in it must be delivered, it's important that it describes your child and their needs accurately. An EHC plan should be clearly written and easily understood by you. There should be enough detail in the plan so that you're clear about exactly what your child will be getting, who will be giving the support and when they will be getting it.



The SEND Code of Practice is the legal guidance about special educational needs and disability (SEND) support for organisations to follow. It gives a detailed list of what should be in an EHC plan.



The Council for Disabled Children also has a guide to good examples for the different parts of an EHC plan. Details are at the end of this leaflet.



The EHC needs assessment

To help you go through the process of getting and having an EHC needs assessment, we've divided it into four main steps:

- Step 1: Thinking about applying for an EHC needs assessment
- Step 2: Asking for an EHC needs assessment
- Step 3: Deciding whether your child needs an assessment
- Step 4: The EHC needs assessment

Step 1 Thinking about applying for an EHC needs assessment

At some point, many parents find themselves asking whether their child might need an EHC plan. This is particularly true if your child has lots of needs, is struggling at school or if you're worried that the support they're getting isn't right or enough.

In reality, only a few children have an EHC plan. For every ten children in England with special education needs or a disability (SEND), about two will need an EHC plan and eight won't.



SEN support in schools and colleges

Most children and young people with SEND go to a mainstream nursery, school or college and are supported by their staff, resources and funds. Teachers and other professionals regularly review how a child or young person is getting on and support them to learn, develop and feel safe. This is called **special educational needs support** or **SEN support**.

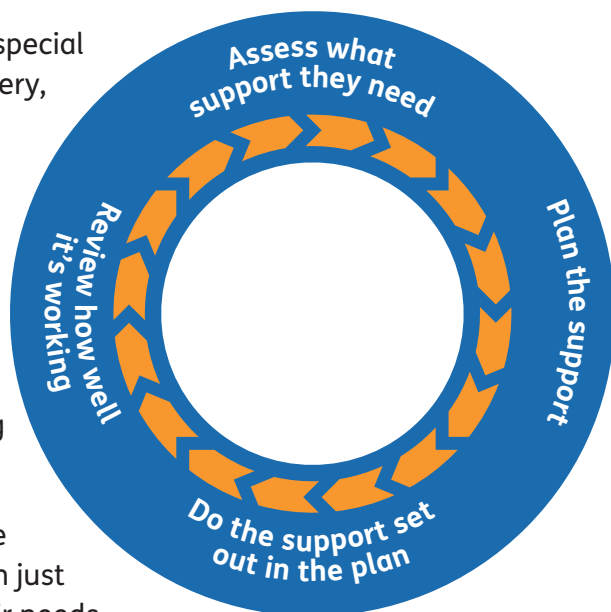


All schools and all school and academy sixth forms, sixth form colleges, further education colleges and 16–19 academies have funding for children with SEND. Early years settings such as nurseries can also get extra money to support a child with SEND. **Your child doesn't need an EHC plan to get funding and support in nursery, school or college.**

SEN support in nurseries, schools and colleges is based around the specific needs of each child or young person. The staff, equipment, resources and support your child gets is decided using something called the **graduated response**. This is an assess, plan, do, and review cycle.

That means if your child has special educational needs, their nursery, school or college should:

- assess what support they need
- plan the support
- do the support set out in the plan
- review how well it's working



The graduated response cycle is ongoing – it doesn't happen just once. Your child will have their needs and support regularly reviewed. If you want to know more about the graduated response and what kind of support can be given by schools and colleges, you can read about it on Devon's Local Offer website.

Information about your child's needs, support and goals should be written down in a plan, which is used by staff and updated regularly. Schools and colleges use all kinds of plans, so your child's plan may look different from one for a child at a different school. What's important is that your child has a clearly written plan which includes their views and aspirations, and which lists all their needs, support and goals.

For most children and young people with SEND the support the school gives works and they make progress.



When to think about an EHC needs assessment

Sometimes though, the support for a child isn't enough or isn't right. Your child might not be making the progress that's expected and may start to fall behind other children their age. Or their difficulties in school might get worse not better, and their behaviour at school or home might become more challenging.

If things aren't going well for your child and they're not making progress, your first step is to ask for a meeting to review their nursery, school or college plan. At the meeting you can talk about the support they're getting, what may need to change and how you'll know if any new support is working.

If reviewing the plan and making changes to the support doesn't make a difference, you can ask whether a needs assessment for an Education, Health and Care (EHC) plan should happen next. If the professionals supporting your child think this is a good next step you can ask them to apply for a needs assessment directly.

Sometimes parents are told by professionals that they don't think their child needs an EHC needs assessment, or that an assessment would show they don't need a plan. This can feel uncomfortable, as ideally it makes sense for everyone to support the application for an assessment.



If this happens and your child's teacher or the SENCO don't want to support an application for assessment, ask if you can meet to talk about it. You may be able to come to an agreement. If that's not possible and you want to go ahead, you can ask for a needs assessment yourself without the support of nursery, school or college. You can also contact DiAS for advice and information – we have a 'How to' Guide to asking for an assessment.



Important to know

These are the kind of reasons why your child might need an EHC needs assessment:

- they're likely to need lots of adult support
- they may need a lot of help from specialist services
- they're likely to need to go to a special school

“The SENCO at school asked us whether we would support an application for a needs assessment – they were finding it increasingly difficult to manage our son in class and felt he needed more or different support. We agreed, as we thought it was a good way to be clear about his needs.”

Parent



When is an EHC needs assessment done?

Before the local authority's SEN 0–25 team can make an EHC plan for your child or young person, they will have to find out if they need one. That means doing an **EHC needs assessment**.

The local authority must do a needs assessment if:

- they believe your child has—or may have—special educational needs and...
- they may need special educational support to be made through an EHC plan.

In other words, if they think that your child may need an EHC plan to help them achieve their best, they must do an EHC needs assessment to find out.



Important to know

If your child has an EHC needs assessment it doesn't always mean they will get an EHC plan. Sometimes the information that's collected as part of a needs assessment shows how the nursery, school or college can meet your child's needs better without an EHC plan.

Step 2

Asking for an EHC needs assessment

You can ask for an EHC needs assessment for your child. If your young person is over 16 and under 25, they can ask for one. Your child or young person's nursery, school or college can ask for a needs assessment too.

Whoever is doing the asking, it makes sense to let others know. If you're asking for a needs assessment, it's a good idea to tell your child's nursery, school or college. If your child's nursery, school or college is asking, you will need to agree to it.

Anyone else can tell the SEN 0–25 team about a child they think might need an assessment, such as a health professional, a foster carer, social worker or family friend.

Children and young people under 19 in youth custody also have the right to ask for a needs assessment. The child's parent, the young person themselves or the professionals working with them can also ask the home local authority for one.



You can apply for an EHC needs assessment by:

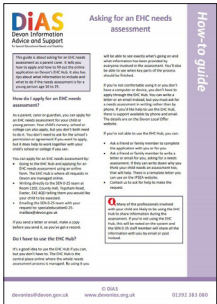
- 1 Going to the **EHC Hub** and using an online form. The EHC Hub is where all requests in Devon are managed online.
- 2 Writing directly to the SEN 0–25 Team, telling them you would like your child to be assessed:
Room L102 County Hall, Topsham Road, Exeter EX2 4QD
- 3 Emailing the SEN 0–25 Team with your request:
specialeducation0-25-mailbox@devon.gov.uk



Whatever way you ask for an assessment, you'll need to give some information about your child and why you think they need an assessment. You'll get another chance to share your views and your child's if the local authority agrees to assess your child.

The local authority will also get in touch with their nursery, school or college and ask them about the support your child is getting and what their needs are.

You can find out more about how to fill in the online form on the EHC Hub and what information to give in our **How to Guide - Asking for an EHC needs assessment.**



Important to know

If you apply for a needs assessment through the EHC Hub you should get an email within a couple of days asking you to register to use the Hub. If you haven't had an email three days after sending your request, check your spam junk mail folder. If there isn't an email there, contact the SEN 0-25 team and ask whether they've got your application for an assessment.

If you've asked for an assessment by email or post, you'll get a letter from the SEN 0-25 team to tell you they have got it, and the process has started. If you haven't had a letter a week after sending your request, contact the SEN 0-25 team and tell them.

You'll be given the name of someone in the SEN 0-25 team who you can contact directly about the assessment process.



Step 3: Deciding whether your child needs an assessment



Important to know

Your views and those of your child or your young person are an important part of an EHC needs assessment, so make sure you give yourself plenty of time to gather these. The local authority must take them into account when they make decisions. They should be listened to equally, alongside those of professionals.

You can find out more about helping your child or young person to give their views, and about how you can give yours, on the DiAS website or by contacting us for a factsheet.

Gathering information

During the six weeks after the application for a needs assessment goes in, the Special Educational Needs Coordinator (SENCO) at your child's school can add reports and assessments to the Hub. You should be able to add this kind of document directly to the EHC Hub yourself too.

This information gives the SEN 0-25 team evidence to help them make the decision about whether to go ahead with a full needs assessment.

The name and contact email of your 'case co-ordinator' is in the far-left hand menu on the EHC Hub pages. If you're not using the EHC Hub, the contact name will be on the letter you had at the start of the needs assessment. If you have questions or have trouble adding reports on information to the Hub, contact them directly.

While information is being gathered, the support your child gets at school or college will stay in place. The assess, plan, do and review cycle should carry on too and any regular meetings or reviews should still happen.





Important to know

It's a good idea to use the EHC Hub if you can, but you don't have to. The EHC Hub is the central place online where the whole needs assessment process is managed. By using it you will be able to see exactly what's going on and what information has been given by everyone involved. You'll also be able to see when key parts of the process should be finished.

If you're not comfortable using it or you don't have a computer or device, you don't have to use the EHC Hub. If you're not using it, there will be a note on the system to say that, and the SEN 0-25 staff member will share all the information with you by email or post instead.

“The Communication and Interaction team did an assessment, which showed difficulties around his memory and phonics. Since then, his teacher and the TA have used a different approach and other tools and it's made a big difference.”

Parent



Making the decision

Based on the information they have from you, your child and other professionals, the SEN 0–25 team will decide whether they think your child should have a needs assessment.

This must be done **within six weeks** of the date when the request was put in.



The decision about whether your child should have an assessment is made by looking at the support they are already getting, and what difference it's making. Decisions are checked by a panel of people from education, health and social care.

A wide range of evidence is looked at, such as:

- your child or young person's academic progress, or their developmental milestones if they're very young
- information about their special educational needs and what support has already been given
- information which shows that where they have made progress it's because of the support they've had, which is more than what's usually given
- evidence of their physical, emotional and social development and health needs, including information from health professionals



If the local authority decides your child or young person **does need** to be assessed for an EHC plan, you'll get a letter telling you about it. This will come by email from the EHC Hub or by post if you're not using the Hub. The needs assessment will start then.

If the local authority decides your child or young person **doesn't need** an assessment, they will send you a letter by email or post telling you why. They must also give you information about your right to appeal their decision. You can find out more about this on page 29.



Step 4 (a)

The EHC needs assessment

When an assessment starts, you'll be given information about the services that can give you impartial support and advice, and who to contact in the SEN 0–25 team. The assessment—and deciding whether to issue a plan—must take the local authority **no more than 16 weeks** from the date when an assessment was asked for.

16
Weeks

A needs assessment includes the following:

- Asking you and your child for your views (if you haven't already given them). You can find out more about how to do this on the DiAS website.
- Asking professionals already involved with your child to give information about their needs and recommended support. This might include people like teachers, an educational psychologist and health and social care staff.

- Sometimes a service may carry out a new assessment for your child. This might happen during the EHC needs assessment itself or after it, depending on how long the waiting list to be assessed is.

The SEN 0–25 team will contact Devon services to gather more information about your child, including from:

- social care services
- health services
- specialist services, such as educational psychology, youth intervention team and specialist teachers

When they contact these services, they will share the information that you or the school have given and ask whether your child is 'known to them'. That means, 'has your child been seen by that service for assessment, support or treatment?'

If the answer is yes, that service will send the information about it to the SEN 0–25 team through the EHC Hub. If the answer is no, they may look at the information they've been sent and decide that they should find out about your child and their needs.



If that happens, they could arrange for your child to be assessed. So, for example, if staff at your child's school said they're having difficulty communicating, then speech and language services may decide to arrange an assessment to find out more. Depending on the service, this may not happen within the time it takes for the needs assessment to be done.

At this stage, you can look at the EHC Hub to see who has been contacted and what reports have already been included. The SEN 0–25 team contact the main education, health and social care services only. So, if your child is supported by professionals outside Devon or by private practitioners, you'll need to ask the SEN 0–25 team to contact them directly for their advice.

In reality, getting the information that's needed from the various services and professionals involved with your child can sometimes take time. The EHC Hub automatically sends reminders to professionals if they haven't sent information by the deadlines. But the response from professionals can sometimes delay things.



Important to know

The EHC needs assessment process is set out in law and there is a clear timetable for what should happen by when. The whole process from the point when an assessment is asked for until the final EHC plan is issued, must take no more than 20 weeks. There are some specific exemptions to this – you can find out more about these on page 152 of the SEND Code of Practice.

The EHC Hub sets all the legal deadlines for each assessment as soon as a parent or school applies for an assessment. You will be able to see these clearly on the Hub. If the needs assessment for your child is taking longer than it should, get in touch with your contact at the SEN 0–25 team and ask for information about why there is a delay. You can also contact DiAS for information and advice.

Top tips to help an assessment go smoothly

Read everything carefully and make sure you know what to do and by when. Put a note in your diary or on your phone about any deadlines.

Ask for help or more information if you're not sure about something. You can find information about who to contact on the letter you received about the assessment or on the EHC Hub. DiAS Officers can also advise and support you.



Put all your paperwork or files in a folder, or all in one place somewhere, so you have everything to hand if you need it.

Keep records of any phone calls as well as copies of any letters and emails you send to the SEN 0-25 team. If you're using the EHC Hub, there is a permanent record of everything you and any professionals do.

If you're using the EHC Hub

Look at and use the EHC Hub on a tablet, a desktop PC or laptop if you can. It can be hard to see everything and read documents on a smart phone and it may mean you miss something important.

Have a good look around the EHC Hub at the start of the assessment. Click on all the various parts of it and have a good look at what's there, so you get used to it. You can't break it!



Visit the EHC Hub regularly if you want to know what's going on. You can see everything that's happening, including which professionals have replied to the requests for information and what they've said. You can download and read all the reports. Reading the information professionals add can help you feel better informed and more prepared when you check the draft plan.

Before you write your views or help your child or young person to give theirs, have a look at the EHC Hub. There are five separate boxes for you to fill in to give your views. There are eight for your child's views, each asking a different thing. It's a good idea to know what you're being asked for before you have those discussions.

Add the Hub email address to your 'safe sender' list so it doesn't go into your spam or junk folder.

If you aren't using the EHC Hub

Keep a copy of envelopes as well as letters, as these will have a postmark saying when it was sent to you. This can help when working out the time by which things need to be done, or how long the assessment has been going.

Print or download and save copies of any emails you have sent or received using Egress. This is a confidential email service the SEN 0-25 team sometimes use – the system automatically deletes emails after a while.



Moderation panel

When the reports from the assessment are put together, they should give a full picture of your child’s needs and the support they should have. The SEN 0–25 team staff take the information they’ve been given and make a recommendation about whether your child should have an EHC plan. The moderation panel checks these decisions to make sure they are consistent and fair.

The panel is made up of staff from the SEN 0–25 team and health and social care, as well as people from other services such as educational psychology when needed.

If the local authority decides your child **does** need an EHC plan, they will send you a letter about their decision. If you’re using the EHC Hub you will be able to go into the Hub and see a copy of the draft plan. If you’re not using the EHC Hub, a paper copy will be sent to you along with all the reports and information given by professionals. You will have 15 days to read the draft plan and get back to the SEN 0–25 team with any comments. You can find out more about the draft plan in our ‘How to’ guide to Checking a draft EHC plan.





DiAs
Direct Information
Advice and Support

Checking a draft EHC plan
using the EHC Hub

How to guide

As part of a regular assessment and a full assessment, you will be asked to provide information about your child's needs. This information will be used to create a draft EHC plan. You will have 15 days to read the draft plan and get back to the SEN 0–25 team with any comments. You can find out more about the draft plan in our 'How to' guide to Checking a draft EHC plan.

What is the purpose of checking the draft?

The purpose of checking the draft is to ensure that the information provided is accurate and that the draft EHC plan meets the needs of your child. You will have 15 days to read the draft plan and get back to the SEN 0–25 team with any comments. You can find out more about the draft plan in our 'How to' guide to Checking a draft EHC plan.



At this point, you can ask for a personal budget which shows the amount of money that's needed to deliver any highly personalised support that's set out in the plan. You can find out more about personal budgets on the Devon SEND Local Offer website.

“What having an assessment and then a plan has done, is give me some peace of mind. My son's needs are complex, and I know now that whatever changes at school, the support he needs has legally got to be given.”

Parent

Step 4 (b)

If a request for an EHC needs assessment is refused or a plan isn't issued

If the local authority **decides not to do an EHC needs assessment** they

6
Weeks

must tell you no later than six weeks from the date when you or the school first asked for the assessment.

If the local authority has done a needs assessment and then decides that your child **does not need an EHC plan**,

16
Weeks

they should tell you no later than 16 weeks from the date of the original request for assessment. They must tell you why they have made their decision and give you information about your right to appeal. They must also tell your young person if they're over 16.

If your child or young person has had an assessment, the local authority should give you some feedback about it. This should include giving you copies of any written reports and recommendations. If the local authority refuses to do an assessment or issue a plan, you have two choices.



1. You can accept the decision

Sometimes parents and carers choose to do this because their child's nursery, school or college makes changes after a needs assessment request is put in, which means it isn't needed any more. Or, if your child has had a needs assessment and it helps to make their needs clearer, that can change their support so that a plan isn't needed.

If you choose to accept the decision, your child should continue to be supported at nursery, school or college. You should meet regularly with the staff involved to make sure your child is well supported and making progress.

If things change or there's new information or concerns about your child's learning or behaviour, you can ask for an EHC needs assessment again. If you've asked for an assessment and it was turned down, there is no minimum time you need to wait before you can apply again. If you've had an assessment but a plan wasn't issued, you can only ask for another needs assessment if there hasn't been one in the last six months.



2. You can disagree with the decision

If you disagree with a decision, the first thing to do is to talk to your contact at the SEN 0–25 team. You can ask them why they made their decision, talk about the main issues and tell them why you disagree. Many disagreements can be sorted out this way.

If you can't come to an agreement that way, then you can ask for disagreement resolution or mediation. These are ways of discussing things with local authority staff which are led and supported by someone independent.

If these options don't work, you can appeal a decision. This means going to a SEND tribunal, which is part of the court system. At a tribunal, an independent panel including a judge will listen to both sides of the argument before deciding.

A judge can either:

- overturn the decision of the local authority and if that happens, an assessment will go ahead, or a plan will be issued
- agree with the decision of the local authority, in which case an assessment will not go ahead, or a plan won't be issued

You must appeal a 'refusal to assess' or a 'refusal to issue' decision **within two months** of the date on your decision letter, or **one month** from the date of the mediation certificate - whichever is later.

Mediation, disagreement resolution and appealing don't cost anything for you to use. You don't need to be represented by a lawyer, though you can have one if you wish.



How to appeal

Before you can register your appeal, you must contact a mediation advisor. This is to see whether mediation could help you sort out your disagreement about the EHC needs assessment or plan without going to appeal. The Mediation Service in Devon is provided by:

Global Mediation

0800 064 4488

sen@globalmediation.co.uk

www.globalmediation.co.uk

If you decide to use mediation after you've spoken to them, a meeting will be set up between you and the local authority. If you decide not to use mediation, you'll be given a certificate which you will need you to start your appeal.

To register an appeal, you must fill out a 'Notice of Appeal' form. Or you can contact HM Courts and Tribunal Service for a form at:

Special Educational Needs and Disability Tribunal

1st Floor

Darlington Magistrates Court
Parkgate

Darlington DL1 1RU

01325 289 350

send@justice.gov.uk

It usually takes about 12 weeks from when you register an appeal to when you go to the tribunal hearing. This gives you plenty of time to prepare, but it can also be a challenge if you need a quick decision, such as if your child has been permanently excluded.

For more information or advice, contact the HM Courts and Tribunal Service. You can contact us for more information and support about appealing.



Helpful resources

Devon SEND Local Offer

Information about education, health and social care services and support for children and young people (0–25) with special educational needs and disabilities (SEND) in Devon - including EHC needs assessment information.

www.devon.gov.uk/educationandfamilies/special-educational-needs-and-disability-send-local-offer

SEND Code of Practice – version for parents and carers

Guidance on the special educational needs and disability (SEND) system for children and young people aged 0–25.

www.gov.uk/government/publications/send-guide-for-parents-and-carers

Council for Disabled Children

Education, Health and Care Plans: Examples of good practice – aimed at professionals, this guide is also helpful for parents and carers.

councilfordisabledchildren.org.uk/help-resources/resources/education-health-and-care-plans-examples-good-practice

First-tier Tribunal (Special Educational Needs and Disability)

Information from HM Courts service about appealing.

www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability



Giving feedback about the EHC needs assessment

These are the ways that you can give feedback about the EHC needs assessment:

- During the assessment process you can email your feedback to the mailbox for your area or call the 0–25 team on 01392 380 434 and choose option 1.
- The SEN 0–25 team will send you a questionnaire, or a link to it, asking for views on all different parts of the process. You can also find the form on the EHC Hub. You can fill that in.
- If you want to make a formal complaint or compliment, you can contact **customer relations at Devon County Council**:
www.devon.gov.uk/haveyoursay/feedback-and-complaints/

How can DiAS help?

We can give you information, advice and support with all stages of the EHC needs assessment process. There is information on our website, or you can contact us for copies of our leaflets and factsheets.

We can also support you to:

- make a request for a needs assessment and gather information to include with it
- understand the process and paperwork
- prepare for meetings with professionals
- share your views and your child's
- take part in mediation or appeal decisions that you disagree with

DiAS is a free, confidential and impartial service. We give information, advice and support to parents, carers, children and young people about special educational needs and disability. We give support about any aspect of SEND education and support.

01392 383 080

devonias@devon.gov.uk

www.devonias.org.uk



**Devon Information
Advice and Support**

for Special Educational Needs and Disability

© Devon Information Advice and Support (DiAS)

Published: June 2021

Review date: June 2023

funded by
Devon
County Council 