



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

<b>Education, Health and Care (EHC) plans</b>	<b>3</b>
What is an EHC plan?	3
What information is in an EHC plan?	4
<b>The EHC needs assessment</b>	<b>6</b>
<b>Thinking about applying for an EHC needs assessment</b>	<b>6</b>
SEN support in schools and colleges	7
When to think about an EHC needs assessment	9
When is an EHC needs assessment done?	11
<b>Asking for an EHC needs assessment</b>	<b>12</b>
<b>Deciding whether your child needs an assessment</b>	<b>15</b>
Gathering information	16
Making the decision	17
<b>The EHC needs assessment</b>	<b>18</b>
Top tips to help an assessment go smoothly	20
Moderation panel	22
<b>If a request for an EHC needs assessment is refused or a plan isn't issued</b>	<b>24</b>
How to appeal	27
<b>Helpful resources</b>	<b>28</b>
<b>Giving feedback about the EHC needs assessment</b>	<b>29</b>
<b>Notes</b>	<b>30</b>
<b>How can DiAS help?</b>	<b>32</b>

# 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 nursery, school or college will deliver what's in the plan. Sometimes they 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 outcomes as they prepare for adult life.

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'...

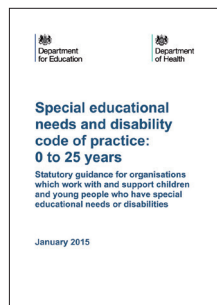
S	Specific
M	Measurable
A	Achievable
R	Realistic
T	Time-bound

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.

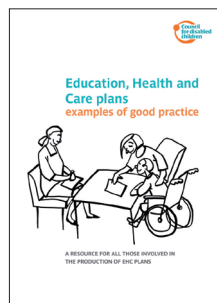


An EHC plan should be clearly written and easily understood by you. There should be enough detail in the plan so that you're clear about exactly what your child will be getting, who will be giving the support and when they will be getting it.

**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 booklet.



# 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, most children and young people are supported without needing an EHC plan.

## 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 to support children and young people 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
- put the support set out in the plan in place
- 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 in our booklet called 'SEN support in schools' or on our 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 that includes their views and hopes for the future, and lists all their needs, support and outcomes. An outcome is the difference that support makes to a child.





## When to think about an EHC needs assessment

Sometimes, 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 be the next step.

Parents, young people and schools can all ask the local authority for an EHC needs assessment. Ideally it makes sense for everyone to support the application for an assessment and work together.

However, sometimes professionals believe a child does not need an EHC plan or that they would not get a needs assessment. If that happens, and the professionals do not want to support an application for assessment, then you could try meeting to see if you can agree. If you want to go ahead yourself, you can also ask for a needs assessment without the support of school or college.





## Important to know

These are the kind of reasons why a child might need an EHC plan:

- 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 an EHC 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 SEND Statutory 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 SEND Statutory 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 SEND Statutory Team**, telling them you would like your child to be assessed:  
Room L102 County Hall, Topsham Road, Exeter EX2 4QD
- 3 Emailing the SEND Statutory Team** with your request:  
[specialeducation@devon.gov.uk](mailto:specialeducation@devon.gov.uk)
- 4 Phoning 01392 38 04 34** (option 1).  
Phone lines will be open 9am to 5pm, Monday to Friday.



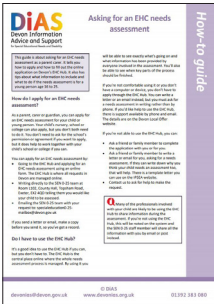
Whatever way you ask for an assessment, you'll need to give some information about your child and why you think they need an assessment. You'll get another chance to share your views and your child's if the local authority agrees to assess your child.

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.**

You can contact us for a copy or find it on our website.



**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 SEND Statutory 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 SEND Statutory 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 SEND Statutory Team and tell them.

You'll be given the name of someone in the SEND Statutory 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. DIAS has children and young people's workers who give direct support to young people, helping them to share their views and take part. Contact us for more information.

## 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 SEND Statutory Team evidence to help them make the decision about whether to go ahead with an EHC needs assessment.

The name and contact email of your caseworker is in the far left-hand menu on the EHC Hub pages. If you're not using the EHC Hub, the contact details 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 by phone or email, using the contact details at the end of this booklet.

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 using it, there will be a note on the system to say that, and the SEND Statutory Team will share all the information with you by email or post instead.



## Making the decision

Based on the information they have from you, your child and other professionals, the SEND Statutory 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. In Devon, 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 to carry out an assessment, 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 not to carry out 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 27.



# 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 SEND Statutory Team. The local authority must decide, within 16 weeks of a request, whether an EHC plan will be issued or not. The full EHC needs assessment, from request to issuing a final plan, must take no longer than 20 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.

- An educational psychologist may talk to you and your child, as well as talking to professionals. In Devon, this usually happens at a Joint Assessment Meeting (JAM). You can find out more about these meetings on the SEND Local Offer. You can find details at the end of the booklet.
- If your child is not 'known' to social care or being supported by them, you may be offered a conversation about their social care needs. This is to see whether they need to be assessed further or need support.
- 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.

At this stage, you can look at the EHC Hub to see who has been contacted and what reports have already been included. The SEND Statutory 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 them 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 must 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. If the needs assessment for your child is taking longer than it should, you might get a letter or email explaining why. Keep an eye out for these. If you do not know why there is a delay, you can contact the SEND Statutory team and ask for information. 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 SEND Statutory Team. If you're using the EHC Hub, there is a permanent record of everything you and any professionals do.

## If you are 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 been sent in, including reports from your child's school and other professionals. 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 emails don't go into your spam or junk folder.

**If you are not 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 SEND Statutory 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. In Devon, the SEND Statutory 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 SEND Statutory 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 when it's ready. There can sometimes be a delay between getting the agreement to issue letter and seeing a 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 SEND Statutory 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 apply again you will need to have more evidence or information or the same decision will be made. 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, you can challenge it if you wish. If you decide to, you can ask to talk to your contact at the SEND Statutory Team. You could ask them why they made their decision, talk about the main issues and tell them why you disagree. Some disagreements can be sorted out this way.

If you can't come to an agreement that way, then you can ask for mediation. This is a way of discussing things with local authority staff which is led and supported by an independent qualified mediator. You do not have to go to mediation, but if you want to appeal at a tribunal you will need to consider it.

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 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. You can find out more about mediation and appealing to the SEND Tribunal on our website.



## 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](mailto:sen@globalmediation.co.uk)

[www.globalmediation.co.uk](http://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 to start your appeal.

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

### Special Educational Needs and Disability Tribunal

1<sup>st</sup> Floor

Darlington Magistrates Court  
Parkgate

Darlington DL1 1RU

[www.gov.uk/courts-tribunals/  
first-tier-tribunal-special-  
educational-needs-and-  
disability](http://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability)

0300 303 5857

[send@justice.gov.uk](mailto:send@justice.gov.uk)

For more information or advice, contact the HM Courts and Tribunal Service. You can contact DIAS for our guides to going to mediation and appealing to the SEND Tribunal.

# 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 and the Joint Assessment Meeting (JAM).

[www.devon.gov.uk/education-and-families/send-local-offer/](http://www.devon.gov.uk/education-and-families/send-local-offer/)

## SEND Code of Practice – version for parents and carers

Legal 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](http://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](http://councilfordisabledchildren.org.uk)

## First-tier Tribunal (Special Educational Needs and Disability)

Information from HM Courts and Tribunal service about appealing.  
[www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability](http://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability)

## Devon SEND Statutory Team

The Devon County Council team that carry out EHC needs assessments and maintain and review EHC plans.  
01392 38 04 34  
[specialeducation@devon.gov.uk](mailto:specialeducation@devon.gov.uk)

## Giving feedback about the EHC needs assessment

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

- You will be sent, or told about, a feedback survey asking for your views at key points throughout the EHC needs assessment process. If you're happy to give more detailed feedback and/or take part in focus groups, you will have the opportunity to tell the SEND Statutory Team on each of the surveys
- 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](http://www.devon.gov.uk/haveyoursay/feedback-and-complaints)

# Notes



# 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 38 30 80**

[www.devonias.org.uk](http://www.devonias.org.uk)



DevonInformationAdviceSupport

**DiAS**  
**Devon Information  
Advice and Support**  
for Special Educational Needs and Disability

