

# **Criteria for undertaking an Education Health and Care needs assessment**

**Essex County Council September 2017**

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# 1.0 Introduction

The purpose of this document is to explain the criteria that has been adopted by Essex County Council when considering the need to undertake an Education Health and Care (EHC) needs assessment of a child or young person's special educational needs. This document will also explain the link between a person-centred approach (see CoP Chapter 9.23) and Education, Health and Care plans (EHCPs). In Essex, One planning is the name given to how we do the graduated approach (assess, plan, do, review) in a person centred way. One Planning is a continuous process and not something that happens once.

This document should be read in conjunction with:

- The Special Educational Needs and Disability (SEND) Code of Practice: 0-25 years issued by the DfE and DoH (2015) [www.gov.uk/government/SENDCodeofPractice2015](http://www.gov.uk/government/SENDCodeofPractice2015)
- The Essex Local Offer, [www.essexlocaloffer.org.uk](http://www.essexlocaloffer.org.uk)
- The Essex One Planning Environment guidance; [www.essexlocaloffer.org.uk/categories/one-planning-and-education-health-and-care-plan](http://www.essexlocaloffer.org.uk/categories/one-planning-and-education-health-and-care-plan)
- Essex Provision Guidance. 'The Provision Guidance Toolkit' [www.essexlocaloffer.org.uk/provision-guidance-toolkit](http://www.essexlocaloffer.org.uk/provision-guidance-toolkit)

# 2.0 Who is this guidance for?

This guidance is for anyone intending to make a request to Essex County Council for an Education Health and Care needs assessment as set out in the SEND Code of Practice 2015. This will include:

- young people
- parents and carers (and their supporters)
- staff from all education settings (pre-school settings, schools and colleges – including sixth form and FE colleges)
- Local Authority (LA) practitioners (including education and social care staff)
- Health practitioners (including paediatricians, therapists and Emotional Well Being and Mental Health staff)

# 3.0 Background

The Children and Families Act 2014 has introduced a number of significant changes in the way that children and young people with special educational needs and disabilities (SEND) are supported. These changes include:

- a single assessment process leading in **some** cases to an Education, Health and Care plan supporting 0-to-25 year olds who have SEN or a disability. An EHC needs assessment will not always lead to an EHC plan. The information gathered during an EHC needs

assessment may indicate ways in which the school, college or other provider can meet the child or young person's needs without an EHC plan.

- the Local Offer which should reflect the services and provision that are available to families and young people with SEND.

## 4.0 What is an Education, Health and Care plan?

An Education, Health and Care (EHC) plan is for children and young people (aged 0-to-25 years old) who have SEN and/or a disability and who need a much higher level of support than education settings can deliver on their own. An EHC plan is led by the needs and aspirations of the child or young person and his or her parents, working in partnership with practitioners and other supporters.

The purpose of an EHC plan, as set out in the SEND Code of Practice in chapter 9.2 is to:

- secure the special educational provision assessed as being necessary to meet the SEN of the child or young person;
- secure the best possible outcomes for them across education, health and social care;
- support preparation for adulthood;
- establish outcomes across education, health and social care based on the child or young person's needs and aspirations;
- specify the provision required and how education, health and care services will work together to meet the child or young person's needs and support the achievement of the agreed outcomes.

The SEND Code of Practice (CoP) suggests that there is a continuum of SEND and that, where necessary, increasingly specialist expertise should be sought if the child or young person's difficulties persist. The CoP describes this as a *graduated approach* to addressing SEND. Most needs in relation to SEND can be met within mainstream settings out of schools own resources.

## 5.0 Criteria to commence an EHC needs assessment

The SEND Code of Practice (2015) in section 9.14 sets out the factors that Essex County Council must consider when a request for an education health and care (EHC) needs assessment has been made. In deciding whether an EHC needs assessment is necessary, the council 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.'*

To inform the LA's decision, the council will need to take into account a wide range of evidence, and will pay particular attention to:

- (a) evidence of the child or young person's academic attainment (or developmental milestones in younger children) and rate of progress;

- (b) information about the nature, extent and context of the child or young person's SEN and disabilities;
- (c) evidence and impact of action already taken by the early years setting, school or post-16 institution to meet the child or young person's SEN;
- (d) evidence that where progress has been made, it has only been as the result of much additional intervention and support at a sustained level over and above that which is usually provided;
- (e) Where a child or young person aged 18 and under, who has been remanded or sentenced by the Courts to relevant youth accommodation in England, and does not have an EHC plan, the appropriate person or the person in charge of the relevant youth accommodation can request an assessment of the detained person's post-detention EHC needs from the local authority. The local authority **must** consider whether an assessment of their post-detention EHC needs is necessary.

## 5.1 Where a young person is aged over 18

In addition to the other criteria above the young person over 18 should also consider the following: The LA will consider whether the young person requires additional time, in comparison to the majority of others of the same age who do not have special educational needs, to complete their education or training. The aim is that, by remaining in formal education or training, it should help the young person to achieve education and training outcomes, building on what they have learned before and preparing them for adult life.

## 5.2 Additional considerations

Are there significant problems in the child or young person's home or family circumstances or their school/setting attendance record which can contribute towards under-attainment but may not be indicators of special educational needs?

Does the evidence point to under-attainment rather than special educational needs and are there alternative and more appropriate ways to support the child or young person's access to learning?

Educational settings must have regard to the Equalities Act 2010 and in particular, their responsibility to make reasonable adjustments to enable access for disabled children and young people to the curriculum, the physical environment and information within the setting without recourse for the need for an EHC Plan.

Children and young people must not be regarded as having a learning difficulty solely because the language or form of language of their home is different from the language in which they will be taught.

## 5.3 Departing from the criteria

**Please note** that the local authority is aware that we must be prepared to depart from the criteria where there is a **compelling reason** to do so in any particular case and do demonstrate our willingness to do so where individual circumstances warrant such a departure.

For children with **severe and life-long needs** the local authority acknowledges that, at the point that additional resources are required (for example, as they enter full time education), an EHC needs assessment will be undertaken.

### 5.3.1 Compelling reason to assess

These might include:

- children who have recently acquired SEN through illness or accident;
- vulnerable children and young people in the care of the LA who have significant or severe educational needs and circumstances have prevented these from previously being met;

### 5.3.2 Severe and lifelong needs

Severe and lifelong needs will be evident and identifiable if the child or young person's needs:

- meet the criteria for high needs according to the Provision Guidance Toolkit;
- are significantly greater than their same age peers, are long term and require specialist resource or provision to achieve long-term positive outcomes;
- require input from the Children with Disabilities team and/or Early Support was or is in place.

## 6.0 Additional guidance for settings to consider before applying for an EHC needs assessment.

### 6.1 What is effective One Planning?

Guidance on what this might look like for individuals is available on the Essex Local Offer under 'One Planning', but the key features will include:

- **Person centred and/or family centred planning** as appropriate. It is vital that all of those involved in supporting the child and young person are included in planning the appropriate support. It is important to include their expertise and insights of both the individual and everyone who knows the child well. The experiences, opinions, goals and hopes of the child, young person and their family are central to achieving a person centred support plan. For young people (i.e. those over compulsory school age and aged 16 to 25 years), it is the young person's views and opinions which will take precedence, although their parents or carers will commonly still be an important supporter. For ease of reading, any reference to parents in this guidance is equally applicable to carers and others with a parental role.
- A clear focus on **outcomes**, particularly those important to the child or young person and their family. The overarching aim of any outcome is to move the child or young person towards their aspiration. Think of outcomes as steps on the journey towards the aspirations.
- A **One Page Profile** can be used to record information about what is important to and for the child or young person, in a particular setting, such as in school, college or the community. Developing a One Page Profile usually forms a key part of the One Planning process - various templates are available, which can be selected to reflect the individual's interests or a profile can be designed from scratch. Whatever the One Page Profile looks like, the aim is to summarise the child's/young person's personality and preferences positively, and in a clear, concise and accessible format.
- Evidence of a series of '**assess-plan-do-review cycles**' over time (ref. COP Chapter 6.44 etc) that include:

- the involvement of appropriate external services;
- clearly identified and monitored outcomes for the child or young person;
- the involvement of the child or young person in assessment and planning;
- the involvement of parents or carers in assessment and planning;
- involvement and support from the wider community;
- a person centred planning approach.

## **6.2 Demonstrating effective interventions are being implemented from the Essex Provision Guidance**

*The Special Educational Needs and Disability Code of Practice: 0-25 years* is used by nursery/school/college staff and other practitioners to inform a graduated response to identifying and meeting pupils' or students' needs. Chapter 6.44 addresses schools' responsibilities and Chapter 7 covers the provision available through colleges.

The Essex Provision Planning Guidance provides an evidence-based reference source for schools and other practitioners who need to check that they are doing all that is expected of them to meet the needs of children or young people with special educational needs, and that their practice reflects current evidence based research.

It also provides clarity and consistency when deciding the level and type of support the child or young person needs.

The Essex Provision Guidance document is organised (and colour-coded) to reflect a graduated response. 'The Provision Guidance Toolkit' is accessible on the Essex Local Offer.

Details are given about the type and extent of support that schools should be providing at each level and what they should do before moving a child or young person onto a higher or lower level of support. It is expected that in almost all cases, the earlier levels of the Provision Guidance will have been effectively implemented and evaluated before higher levels of a graduated response are considered.

## **6.3 Demonstrating effective use of allocated SEN funds**

Where, despite the educational setting having taken relevant and purposeful action to identify, assess and meet the SEN of the child or young person, the child or young person has not made expected progress, the educational setting or parents should consider requesting an Education, Health and Care needs assessment. To inform its decision, Essex County Council will expect to see evidence of the actions taken by the educational setting, as part of SEN support.

This will include the educational setting providing a fully-costed plan or provision map as part of their request, showing how the child or young person's outcomes and needs are currently being met and provide information as to why this is now insufficient.

The key questions asked by Essex County Council will be:

- Has the funding available in the educational setting been utilised fully and appropriately? Has this been evaluated?
- Have services and provision available through the Essex Local Offer been accessed? Has this been evaluated?
- Is there evidence that the educational setting has provided targeted intervention addressing the child or young person's individual needs? Is there evidence of individual or small group support?
- Is there evidence of active monitoring informing adjustments to the child or young person's programmes in the event of limited progress being made?
- Has the school or college sought advice or support from external services?
- Is there evidence that the child or young person has had access to High Quality Teaching?
- Is there evidence that the educational setting has focussed on meeting the agreed outcomes for the child or young person?

In answering these questions, evidence will need to be provided of how the funds have been utilised by the educational setting and show evidence of the impact through their monitoring process.

## 7.0 How to request an EHC needs assessment

There are a number of ways to request an EHC needs assessment. You can call the appropriate Statutory Assessment Office on the numbers listed in the table below. If you prefer to request an EHC needs assessment in writing then please follow the link to the relevant page of the Essex Local Offer where a form can be downloaded. Once complete, please send/email the form to the Statutory Assessment Office within your local area using the address listed in the table below. If you are not sure which area office to contact, please speak to your child's educational setting, who should be able to assist you.

[www.essexlocaloffer.org.uk/content/asking-ehc-needs-assessment](http://www.essexlocaloffer.org.uk/content/asking-ehc-needs-assessment)

<p><b>Mid</b> – covering areas of Braintree, Chelmsford, Halstead and Maldon</p> <p><a href="mailto:EHCRequestMid@essex.gov.uk">EHCRequestMid@essex.gov.uk</a></p> <p><b>Statutory Assessment Service</b> 2nd Floor, Causeway House Bocking End Braintree CM7 9HB</p>	<p><b>South</b> – covering areas of Basildon, Billericay, Brentwood, Castle Point, Rochford and Wickford</p> <p><a href="mailto:EHCRequestSouth@essex.gov.uk">EHCRequestSouth@essex.gov.uk</a></p> <p><b>Statutory Assessment Service</b> Ground floor, Ely House Ely Way Basildon SS14 2BQ</p>
<p><b>North East</b> – covering areas Colchester and Tending</p>	<p><b>West</b> – covering areas of Epping, Harlow and Uttlesford</p>



<a href="mailto:EHCRequestNorthEast@essex.gov.uk">EHCRequestNorthEast@essex.gov.uk</a>  <b>Statutory Assessment Service</b> Ground floor, Essex House 200, The Crescent Colchester CO4 9YQ	<a href="mailto:EHCRequestWest@essex.gov.uk">EHCRequestWest@essex.gov.uk</a>  <b>Statutory Assessment Service</b> Ground floor, Goodman House Station Approach Harlow CM20 2ET
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