

# EHC Needs Assessment for children and young people in early years settings, schools or in further education.

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This information is about Education, Health and Care needs assessment, which is sometimes called statutory assessment. It covers:

- Children in early years settings
- Children of school age
- Young people aged 16-25

You can access the [SEND Code of Practice](#) online at [www.gov.uk](http://www.gov.uk) and search 'SEND Code of Practice'.

## What is an EHC Needs Assessment?

An EHC needs assessment is a detailed look at a child or young person's special educational needs (SEN) and the support he or she may need to learn.

Local authorities are responsible for carrying out EHC needs assessments under the [Children and Families Act 2014](#). The needs assessment brings together information about:

- What your child or young person can and cannot do
- The special help they need.

### ***It includes information from:***

- Yourself
- Your child or young person
- The education setting
- Other professionals who work with or support your child or young person.

The assessment is to see if your child or young person needs an **Education, Health and Care plan (EHC plan)**.

# When is an EHC Needs Assessment necessary?

The education setting will give help through SEN support. This means help that is in addition to, or different from the support given to children or young people of the same age.

Some children need more intensive and specialist help. If your child or young person does not make progress despite SEN support, an EHC needs assessment might be the next step.

## **The SEND Code of Practice says:**

In considering whether an EHC needs assessment is necessary, 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. (9.14)

## **The local authority will look at:**

- Your Child or Young Person's attainments and rate of progress
- Their Special Educational Needs (SEN)
- What has already been done to help your Child or Young Person
- The difference that previous support has made to your Child or Young Person
- Your Child or Young Person's physical, emotional and social development and health needs.

## **The SEND Code of Practice says:**

A local authority must conduct an assessment of education, health and care needs when it considers that it may be necessary for special educational provision to be made for the child or young person in accordance with an EHC plan. (9.3)

Some children and young people will have needs that clearly require an EHC needs assessment and EHC plan. Once the local authority is aware that this is the case it should start the process without delay.

You can find out more about the criteria that local authorities should follow in **the SEND Code of Practice sections 9.3 and 9.14 to 9.16.**



## Who can ask for an EHC Needs Assessment?

- Parents
- A young person over the age of 16 (but under the age of 25)
- The education setting, but only after talking with you first

It is always a good idea to talk to the education setting before asking for an EHC needs assessment.

## What happens when the local authority gets a request for an EHC needs assessment?

As soon as the local authority gets a request for an EHC needs assessment they must tell you about it.

- The local authority has **up to six weeks** to decide whether to make a needs assessment. During this time, they may ask you, the school and other professionals for information.
- They will look at all the information and must then tell you whether it has decided:

- To start the EHC needs assessment immediately **OR**
- That an EHC needs assessment is not necessary.

## What happens if the local authority decides that an EHC needs assessment is not necessary?

The local authority **must** tell you why it thinks that an EHC needs assessment is not needed. They **must** also tell you about:

- Your right of appeal
- Independent **disagreement resolution** and **mediation**
- How to get further information, advice or support

If you disagree with the decision, we can explain your options to you.

# What happens if the EHC Needs Assessment goes ahead?

## The SEND Code of Practice says:

Local authorities must consult the child and the child's parent or the young person throughout the process of assessment and production of an EHC plan. They should also involve the child as far as possible in this process. The needs of the individual child and young person should sit at the heart of the assessment and planning process. (9.21)

The local authority will write to you to tell you what will happen and ask for your views. Your views and your child or young person's views are really important.

## Family Views

Providing your views during a request for an EHC needs assessment is an opportunity to describe your child in as much detail as you would like the **Local Authority (LA)** to know about them.

It's also really important to include your **child's views** and we would encourage you to discuss some of the questions with your child or young person.

Your child or young person might find this exercise difficult, there are some tips and guidance within the '**Council for Disabled Children**' ([www.councilfordisabledchildren.org.uk](http://www.councilfordisabledchildren.org.uk)) website. You can also ask us for more information about how to help your child to do this.

Include any information that you feel is relevant to your child and their needs, as well as any additional reports or documents, for example, letters of diagnosis, professional reports or recommendations.

The local authority will ask several other people for information about your child or young person. This is called '**advice**' and it should include information about:

- Your Child or Young Person's education, health and care needs
- The desired **outcomes** for your child or young person
- The special educational, health and care provision that might be required to meet their needs and achieve the desired outcomes.

The local authority **must ask** for advice and information from:

- Parents (or the young person)
- Your Child or Young Person's education setting
- An educational psychologist
- Health professionals who work with your child or young person. This might include a paediatrician, speech and language therapist, physiotherapist or occupational therapist.
- Social Care staff
- Anyone else relevant who you ask them to contact.

If your child or young person has a **vision or hearing impairment** the local authority must also seek information and advice from a suitably qualified teacher.

As part of an EHC needs assessment, the **SEND** team will seek advice from social care about their previous involvement and assessments for your child.

If their response is 'not known to service' - you might want to discuss with your SEND Caseworker, or ask social care, to carry out an assessment (or re-assessment) of care needs.

You will have the chance to discuss your child with everyone involved in the needs assessment and you will receive a copy of all the reports when the needs assessment is finished.

## *What if some of this advice is already available?*

Sometimes advice and information is already available because other professionals have been working with your child or young person. The local authority must not seek further advice if such advice has already been provided (for any purpose) and the person providing the advice, the local authority and the child or young person's parent or the young person are all satisfied that it is sufficient for the assessment process. In making this decision, the local authority and the person providing the advice should ensure the advice remains current.

## When does the EHC Needs Assessment end?

Once the local authority has all the information and advice it must decide whether your child or young person needs an **Education, Health and Care plan**.

An EHC plan is a legal document written by the local authority. It describes the special educational needs that a child or young person has and the help that they will be given to meet them. It also includes the health and care provision that is needed.

Sometimes the local authority will decide that your child has special educational needs that can be met through **SEN support**. If this is the case the local authority must tell you of its decision within 16 weeks of receiving a request for an EHC needs assessment. The local authority must also tell you about your right of appeal.

If the local authority decides an EHC plan is **necessary** it must first write a **draft plan**. It will send you the draft EHC plan and copies of the reports so that you can read it all. You should check that everything you think is important has been included and that you agree with the outcomes and the proposed provision. The local authority will also ask you which school you prefer your child to go to.

You have **15 days** to make comments, to ask for a meeting or accept the draft plan.

Note that if you do not reply within 15 days the local authority may assume that you agree with the draft plan.

The last stage is for the local authority to send you the **final EHC plan**. If you are still unhappy with the plan or cannot agree with the local authority about the education setting named, you have a right to go to mediation and/or to appeal (see below).

## What if I do not agree with the LA about the EHC Needs Assessment or the EHC Plan?

At any stage you can ask to talk to a member of the local authority's staff. This will usually be the person named in the letter the local authority sends to you when it receives a request for an EHC needs assessment.

You also have a right to request independent disagreement resolution and, in some circumstances, mediation.



# Writing about your child - A Checklist to Help

As a parent you are an expert on your child. If you are requesting an assessment or providing further information as part of the assessment itself, it is important to give clear information about your child's needs.

## Your Child's Early Years:

When did you first noticed any problems – big or small? Did you tell anyone? What help or advice did you get?

## Your Child Now:

- **Health:** eating, sleeping, illnesses, tiredness, depression, panic attacks
- **Physical Skills:** walking, climbing, handwriting, using scissors
- **Communication:** hearing, gestures, eye contact, speech: describing things, talking to people, using the telephone, taking messages
- **Personal Skills:** dressing, washing, dealing with pocket money, time-keeping, remembering to pack sports kit/ or pencil case
- **Behaviour:** showing anxiety or frustration, problems with concentration.

## Your Child at Home

- **Hobbies:** watching TV, reading, playing games
- **Outside activities:** clubs, sports
- **Relationships:** parents, brothers and sisters, other adults, friendships
- **Behaviour at home:** sharing, listening, fighting with siblings, moods, tantrums
- **Homework:** difficulty remembering what to do or finishing in the set time.

## Your Child at School or College

- **Lessons:** What lessons or activities does your child enjoy?
- **Relationships:** Friendships, relationships with teachers
- **Problem areas:** lessons, playtime, new teacher, change in routine
- **Extra help:** what has worked or not worked for your child
- Are your child's difficulties getting worse? Does any particular incident or piece of work illustrate your child's difficulties?
- What help do you think your child needs?

## Your Child's Views:

- Does your child enjoy going to school? What do they like best?
- What would they like to achieve? What makes it hard for them to do this?
- What help does your child think they need?

# Model Letter

## Requesting an EHC Needs Assessment: Model Letter 1

**All of the parts of this letter in bold will need to be changed or deleted so that they are relevant to your situation.**

**[Your address and contact details]**

Head of SEND

Dear to whom it may concern,

**[Child or young person's name]:**

**DoB [date of birth]:**

**[Date]**

### **Request for EHC needs assessment**

I am writing **[as the parent of the above child / on behalf of the above young person]** to request an assessment of their Education, Health and Social Care needs under section 36(1) of the Children and Families Act 2014.

**[Child / young person's name]** currently attends **[name of school/college / is out of school/college]**.

I understand that the test that the LA must apply in considering this request is contained in section 36(8) of the Children and Families Act 2014 and has two parts.

Part one of the test is that the child or young person has or may have special educational needs.

***[Delete the paragraphs below which are not applicable:]***

**[Child / young person's name]** has already been identified as having special educational needs by **[name of school / college]**. They identified them as:



***[List the SEN already identified by school/college and provide any supporting evidence – for example reports from school/college or professionals. You can also add any other needs that you think your child has which have not yet been identified by your school/college.]***

**[Or:]**

I feel that **[child / young person's name]** has or may have special educational needs because:

***[List the reasons why you feel your child has SEN and any evidence you have to support what you are saying – for example school reports, evidence of exclusions, and letters from any medical or other experts.]***

Part two of the test is that it may be necessary for special educational provision to be made for the child/young person through the issuing of an EHC plan.

My reasons for believing that **[child / young person's name]** may need an EHC plan are:

***[List any reasons you have which show why you think that an EHC plan may be needed to support the child or young person in education or training. If you can, it would be helpful to provide evidence that the school may not be able to provide the support the child or young person needs out of their own resources. Examples include a need for specialist teaching, individual support beyond what the school can provide, therapies from external specialists, or specialist equipment. Evidence could include reports from professionals or the school/college recommending particular support, and/or evidence that the child or young person is not making progress despite the school or college putting interventions in place.]***

The two-part test outlined above is the only test to be applied under the law. I understand that it would be unlawful for a local authority to apply a higher threshold for accessing an EHC needs assessment. Furthermore, this legal test is different to that which must be applied in the decision about whether or not to issue an EHC plan. **[I / We]** believe that the local authority should carry out an EHC needs assessment to determine the full extent of **[child / young person's name]**'s needs.

I understand that you are required by law to reply to this request within six weeks, and that if you refuse **[I / young person's name]** will be able to appeal to the First-tier Tribunal (Special Educational Needs and Disability).

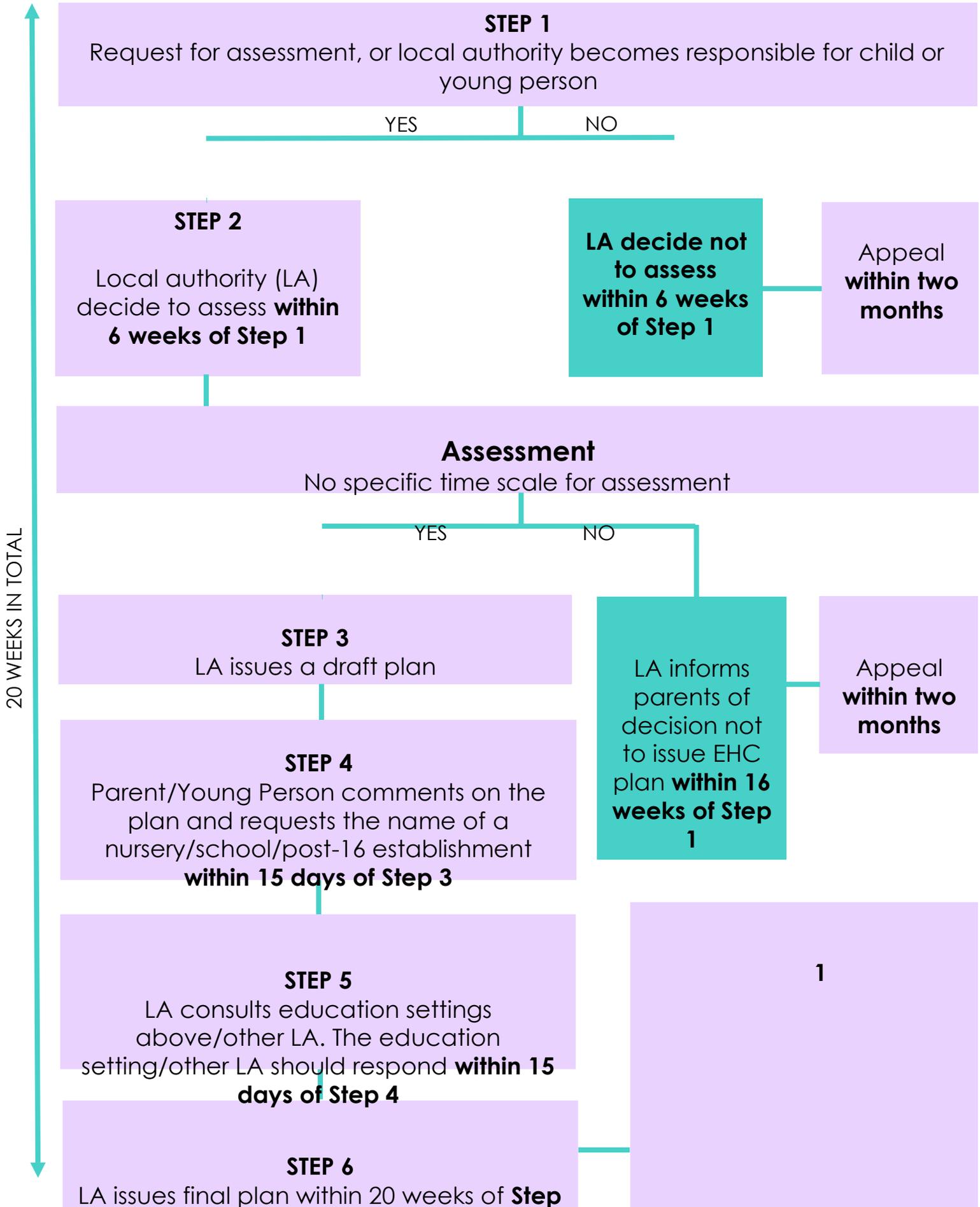
Yours faithfully,

**[Your name]**

**[Or if on behalf of a young person:]**

**[Your name]** on behalf of **[name of young person]**

# Assessment Timetable



**Appeal** Parent/Young  
person can appeal about the  
contents

of:

- Part B: SEN
- Part F: SEN Provision
- Part I: School/Collegenamed

**Within two months**

# Where can I get more Information, Advice and Support?

You can read about Education, Health and Care needs assessments in the **SEND Code of Practice** Chapter 9.

The Cornwall Local Offer includes more information on the local arrangements for EHC needs assessments:

**SENDIASS** can give you:

- Information about **EHC Needs Assessments**
- Advice and support during the process of assessment
- Details of other organisations, support groups and services that may be of help
- Information, advice, and support about your rights to make a complaint, seek independent disagreement resolution or mediation

## Further Information



**Information:** You may find it helpful to look at our other leaflets and information on our website, social media channels and through our workshops and courses. We have some downloadable resources. If you can't find the answers to your questions, you can get in touch by phone, text or email – **you choose** which works best for you.



**Advice:** We provide unbiased information and advice about what the law says, the local authority's policies and procedures, and about the policy and practice in local schools or other settings. We do not take sides or tell you what to do, we will help you get the information you need to make your **own choices**.



**Support:** We can help you by **listening** to your views and concerns, whilst working with you to explore your options. We can help you with preparation for meetings, with letters, forms and reports and support you to have the confidence to **express your views**.

## Useful Links

**Ace Education** (independent advice and information on state education in England).

**Child Law Advice** (education law advice for families)  
[www.childlawadvice.org.uk](http://www.childlawadvice.org.uk)

**Contact** (for families with disabled children) [www.contact.org.uk](http://www.contact.org.uk)

**Council for Disabled Children** (umbrella body for the disabled children's sector)  
[www.councilfordisabledchildren.org.uk](http://www.councilfordisabledchildren.org.uk)

**IASS** (information, advice and support services network) [www.cyp.iassnetwork.org.uk](http://www.cyp.iassnetwork.org.uk)

**IPSEA** (national charity providing legally based information advice and support) [www.ipsea.org.uk](http://www.ipsea.org.uk)

**Our Website** [www.cornwallsendiass.org.uk](http://www.cornwallsendiass.org.uk)

**SEND Code of Practice** (explains the statutory duties of schools and local authorities)  
[www.gov.uk/government/publications/send-code-of-practice-0-to-25](http://www.gov.uk/government/publications/send-code-of-practice-0-to-25)

**SEND Tribunals Service** (organisation responsible for handling claims)  
[www.justice.gov.uk/tribunals/send](http://www.justice.gov.uk/tribunals/send)

**If you would like any further information,  
please see the links below to our website and  
social media pages.**

**Alternatively, if you would like some extra  
support for your child/young person you can  
call or email our Advice Line service on 01326  
331633 or [info@cornwallsendiass.org.uk](mailto:info@cornwallsendiass.org.uk)**

**Our Advice Line is open 10:00-15:00 Monday to  
Friday**