

Getting An EHCP Draft Plan

The information in this leaflet is for families in England only.

If the local authority decides to issue your child an **Education, Health and Care (EHC)** plan after carrying out an EHC needs assessment, you will firstly receive a **Draft EHC Plan**.

This page will help you take the next steps when you get the draft plan. It may also be useful if you are checking an amended plan following an annual review.

We will look first at the process and timescales for the draft plan, then cover in detail the different sections of the plan.

Getting a Draft Plan

There is a lot to consider at this stage and timing is crucial, so it is important to be prepared and act quickly. If everyone has been working together as they should, there should not be any great surprises in your child or young person's draft EHC plan.

However, it is a legal document, and the wording is very important, so you need to check it carefully.

Timescales

You have 15 days from the date the draft plan was sent to:

1. Ask for changes to/make comments about the plan.
2. Express your preference of school to be named in section.
3. Ask the local authority to arrange a meeting with you to discuss the draft plan. If time is very tight, for example if you are trying to get some help to check the plan, ask the local authority (LA) for an extension. Most will agree to this – the exact wording of the regulations is 'at least' 15 days.

As a result of your representations, the local authority may:

1. Issue a final plan with all or some of the changes you want
2. Issue an unchanged final plan.
3. Make changes of their own and reissue the plan in a draft form again.

Checking your Plan

There is no national standard format for the EHC plan, and different local authorities have different templates. However, every plan must have particular sections, and these sections must be labelled clearly, as shown below:

A: The views, interests and aspirations of you and your child.

B: Special Educational Needs (SEN).

C: Health Needs related to SEN.

D: Social Care needs related to SEN.

E: Outcomes - how the extra help will benefit your child.

F: Special Educational Provision (support).

G: Health Provision.

H: Social Care Provision.

I: Placement - type and name of school or other provision

J: Personal Budget arrangements.

K: Advice and Information - a list of the information gathered during the EHC Needs Assessment.

Needs Provision

The **SEND Code of Practice** has detailed information about what should be in each section of a draft plan. You can find this information in paragraph **9.69** (www.gov.uk/government/publications/send-code-of-practice-0-to-25)

There are three sections of needs (your child/young person and their difficulties), that are matched by three corresponding sections on provision (the help that your child/young person will receive).

Need	Provision
<p>Section B – Special Educational Needs</p>	<p>Section F – Special Educational Needs</p>
<p>Section C – Health Care Needs</p>	<p>Section G – Health Care Provision</p>
<p>Section D – Social Care Needs</p>	<p>Section H – Social Care Provision</p>

Reports

- The reports are the information and advice gathered from different people part of the EHC Needs Assessment.
- They should be at the back of the plan and listed in Section K.
- The first thing you need to do is to check the reports, as the content of the plan will be based on this evidence.
- Check that all reports are listed, including your own views and any independent evidence you may have sent in.
- If anything is missing, inform the local authority immediately.
- You may want to make additional copies of the reports that you can write on.
- Go through the reports and highlight all difficulties identified and any help that has been recommended. It can be helpful to use different colours for needs and provision.
- Also, make a note of any differences of opinion, for example about what your child can or cannot do, or about the amount of support required.

Section-by-Section Review

You can now move on to checking the detail of the plan, section-by-section. We have given some examples to illustrate what may be in an EHC plan. These are fictional and for guidance only, as individual children's needs will be very different.

Section A - The views, interests and aspirations of you and your child

Section A can be useful in providing **a quick summary of your child**. It may be called something like 'all about me'. It should be based on information given by you and your child or young person.

When checking section A, consider whether it would give a quick accurate picture of your child to someone who does not know them.

This section must also include your **aspirations** and those of your child. Aspirations can be anything that you and your child would like them to achieve in the future, however unrealistic.

Aspirations are not the same as measurable outcomes. Although the local authority must have regard to the views and aspirations, they cannot be held to account if these are not achieved.

Section A of the EHC plan is **not legally binding**. If most of the detail about how to help your child is in section A, you should be asking for this information to be moved.

Section B - Special Educational Needs

Section B describes your child's **Special Educational Needs** i.e. what your child has difficulty with. The section may start with a general description of what your child is like.

Any **formal diagnosis**, such as autistic spectrum disorder, dyspraxia or cerebral palsy would be in this section, as would details of test scores. These are however not enough on their own.

Section B **must specify the actual difficulty your child has** as a result of their condition.

Look at section B with the reports in front of you to ensure that everything is included. It is a legal requirement to list all identified needs.

The **SEND code of practice** defines four broad areas of SEN, and many local authorities structure the educational sections of the EHC plan in this way. But they do not have to.

Some needs may cross categories. **The four areas of SEN are:**

- Cognition and Learning
- Communication and Interaction
- Social Emotional and Mental Health
- Sensory and Physical

Section C – Health Care Needs relating to SEN

Section C contains any **health care needs** related to your child's condition or SEN. This can be physical or mental health difficulties, for example difficulties with eating, severe anxiety, or a medical condition such as epilepsy.

Routine health issues, for example, dental check-ups, do not need to be recorded.

Be aware **that if a medical condition gives rise to educational needs, these should be listed in section B.** For example, a child with epilepsy may have absence seizures which causes them to miss information.

Section D - Social Care Needs

Section D contains any **social care needs** related to your child's special educational needs or disability.

These will be things that relate to life in the community and at home, for example: isolation, lack of social opportunities, behavior impacting on family life.

If there has been a social care assessment, then this information should be included. Otherwise, there may be evidence from the school or community organisations.

If section D is blank, then think about whether any evidence has been missed or further assessment is needed. In some cases, local authorities only put information in sections D and H where a child was previously known to social care.

For further information on social care assessments please visit:

www.contact.org.uk/advice-and-support/social-care/how-to-access-services/needs-assessments/

Section E – Outcomes

Section E contains the **outcomes anticipated** for your child. The outcomes describe what your child will be able to do as a result of getting the extra help in sections F to H of the EHC plan.

Outcomes should have been discussed and agreed with you before the draft plan was issued. There should be a **variety of outcomes covering education, health and social care**.

Outcomes can be about reaching a particular educational level, or they can be things that are important to your child, such as being able to take part in an out-of-school activity.

The outcomes should **be set over varying timescales** but generally look to the end of a key stage or other transition point, for example, by the end of primary school. The outcomes should be measurable and achievable. Beware of woolly outcomes such as 'will become more independent' or 'will continue to make progress in English and Math's'.

When you are checking the outcomes, think about what you want your child to be able to do as a result of the extra help they get. Outcomes should not just be about academic targets but also about things that matter to the child.

Examples:

- Emily will be able to plan an out of school activity with a group of friends by the time she moves on to college.
- By the end of year 6, Dion will be able independently to read a simple book with chapters.
- By age 18, Jonathan will have achieved a level 1 qualification in maths and English.
- By the age of Key Stage 1, Parveen will be able to use spoken language to communicate her basic needs.



Section F – Special Educational Provision

Section F contains **details of the help your child will get in school**. This section must be specific and quantified. It should be very clear how much help, how often and who will give it. **Therapies** such as speech and language therapy must normally be in section F.

Section F is vitally important as it is **directly legally enforceable**. Your local authority has a legal duty to secure the special educational provision specified in the EHC plan. This duty applies regardless of the local authorities' resources.

Local authorities may have a sentence or two about local funding arrangements: for example, the amount of money allocated to your child, or a particular level of support, such as band B. This is not specific enough. The local authority must also set out clearly the amount and kind of extra help that your child will receive.

Go back to the reports. Are any interventions, teaching methods or equipment recommended? Is there any mention of staff qualifications or training? Check whether these recommendations have been included in section F.

Every special educational need identified in section B must be matched by special educational provision in section F. This is a legal requirement.

The table below gives some examples of how needs and provision may match up. Drawing up a similar table for your child's EHC plan may help you identify gaps.

Section B – Special Educational Needs	Section F – Special Educational Provision
Difficulty understanding social rules	Social skills group, use of social stories
Misses instructions	All learning to be reinforced and repeated. Checking back that child has understood.
Lack of self-help skills, not yet	Individual toileting programme – adult support to change

Section B – Special Educational Needs	Section F – Special Educational Provision
Becomes overwhelmed by sensory stimuli	<p>Quiet space within school</p> <p>OT to provide programme of sensory activities</p>
Difficulty managing transitions and changes to routine	<p>Visual timetable</p> <p>Advance warning of any changes</p>

The provision in F must be specific and should normally be quantified. If your child's EHC plan lists a particular intervention or type of support, the following must be clear:

- Type of support.
- How much?
- How often?
- By whom? This should include any necessary staff qualifications.

For example: Jasmine will receive 45 minutes direct speech and language therapy every two weeks delivered by a qualified speech and language therapist.

In the example above, if the local NHS service cannot provide the 45 minutes every two weeks then the local authority will have to commission a private therapist.

A vague EHC plan will not be enforceable.

Beware of words such as "access to", "opportunities for", "regular".

For example: Absalom will have access to extra help from school staff as required. This will include opportunities to work in a small group.

In the above example it is not clear how much help Absalom will receive, and who will deliver it?

Special educational provision can be wider than just teaching arrangements aimed at academic progress.

The law says that health and social care provision that educates or trains a child is to be deemed special educational provision and thus contained in section F.

The most frequent instance of this is speech and language therapy.

Section G - Health Care Provision

Section G is the **Health Care Provision** reasonably required as a result of your child's SEN. It should be detailed and specific and normally quantified.

It may include services such as audiology, psychological therapies, continence services, specialist nurses, equipment or training for school staff.

It is important for the EHC plan to give a full picture of your child, including any health needs that may affect them in school. If your child already has an individual healthcare plan, that should be incorporated into section G or cross-referenced.

Resources can be taken into account when deciding what goes in section G. The relevant commissioning body, generally the **CCG (Clinical Commissioning Group)**, **must agree what is in section G. Once they do it is legally enforceable**, but they may refuse to agree provision that is not commissioned locally.

Section H - Social Care Provision

Section H is **Social Care Provision**. This section can be extremely complicated.

H is divided into two subsections.

H1 is social care provision provided for children under 18 under s2 of the Chronically Sick and Disabled Persons Act 1970. This is a rather old-fashioned list, but in essence it covers everything except residential short breaks, for example:

- Help in the home.
- Help for a holiday.
- Leisure facilities.

H1 only applies to children under 18.

H2 is any other social care provision, for example:

- Residential short breaks for children.
- Other social care provision not related to the child's SEND but only with parents' consent. For example, a child protection plan.

Any social care provision for adults over 18 is provided under the Care Act 2014.

Local authorities are required to seek advice and information about social care needs as part of the EHC Needs Assessment. Where section H is left completely blank, in some cases, this is fine, but if you do need help from social care and no assessment has been carried out then challenge this.

Section H is particularly important where young people require support, in order to achieve as much independence as possible in adulthood. Some young adults may have a mixed package of educational and social care support.

Section I – Placement

Section I names the school or other institution your child attends. In a draft EHC plan this must always be left blank, because this is when you can tell your local authority what school you want your child to go to.

You have a right to express a preference for any school in the following categories:

- Maintained schools (community schools and voluntary-aided or controlled schools)
- Academies and free schools
- Further education colleges
- Non-maintained special schools (independent but generally run not-for-profit)
- Approved independent schools or colleges on the government's 'section 41' list

The local authority must then consult with your preferred school; that normally involves sending the school a copy of the EHC plan and reports. The school will give an opinion about whether they can meet your child's needs, but the **final decision** on whether to name a school lies with the local authority.

The local authority must name your preference as long as it is:

- Suitable for your child's age, ability, aptitude and special educational needs
- **Not incompatible with:**
 - The efficient education of other children
 - The efficient use of resources (too expensive)

If it is named on the EHC plan, the school must give your child a place.

In a final plan, section I will contain the type and name of the school or college.

Section J - Personal Budgets

When the local authority informs you that they will be issuing an EHC plan, you have the right to ask for a personal budget to be prepared.

This is not an extra pot of money, but a way of giving you, as a parent, more input into how the money allocated to your child is spent.

Personal budgets may relate to education, health or social care.

Section K – Reports

Section K contains all the reports gathered as part of the assessment process. Your child's needs and provision in the EHC plan should be based on these reports.

Once you have checked though the draft plan you need to complete the Advice form and return this to the LA within 15 days.

• I/We agree with the draft plan	Yes/No
• I/We agree with the advice (appendices) attached to the draft Plan	Yes/No
• I/We would like more time to consider the draft Plan	Yes/No
• I/We would like to discuss the draft plan with the Special Educational Needs and Disability Information and Advice Service Coordinator	Yes/No
• I/We would like to discuss the draft plan with the Assessment and Review Officer. Please indicate which part/advice you wish to discuss:.....	Yes/No
• I/We have attached my/our comments on the draft Plan	
I/We would likeSchool named on the plan	

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



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 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

Contact (for families with disabled children) www.contact.org.uk

Council for Disabled Children (umbrella body for the disabled children's sector)
www.councilfordisabledchildren.org.uk

IASS (information, advice and support services network) www.cyp.iassnetwork.org.uk

IPSEA (national charity providing legally based information advice and support) www.ipsea.org.uk

Our Website 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

SEND Tribunals Service (organisation responsible for handling claims) www.justice.gov.uk/tribunals/send