

## EHC Needs Assessments for children in early years settings or at school

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

- children in early years settings
- children and young people of school age.

### What is an EHC needs assessment?

An EHC Needs Assessment is a detailed look at the special educational needs (SEN) of a child or young person and the support he or she may need in order 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 can and cannot do
- the special help they need

It includes information from:

- you
- your child
- the early years' setting or school
- other professionals who work with or support your child

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

### When is an EHC needs assessment necessary?

The school or early years' setting can often give your child help through **SEN Support**. This means that the school makes *additional* or *different* provision from that provided for most other pupils to meet their needs. Sometimes other professionals will give advice or support to help your child learn.

Some children need more help than the school can provide. If your child does not make progress despite everything the school has tried, 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's attainments and rate of progress
- their special educational needs
- what has already been done
- the difference that support has made
- your child's physical, emotional and social development and their health needs

The law states that if your child has or *may* have special needs and *may* need provision to be made via an EHC plan, the local authority must conduct an EHC Needs Assessment. This means that you do not have to prove that an EHC plan is definitely necessary to obtain an assessment, you just have to show it *may* be necessary. If you think your child needs more help than the school can provide, you can ask for an assessment.

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. Immediately the local authority is aware that this is the case, it must 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 – by writing to the local authority
- a young person over the age of 16 but under the age of 25
- the early years' setting or school, but only after talking with you first

It is always a good idea to talk to the school or early years' setting before asking for an EHC Needs Assessment.

The Information, Advice and Support (IAS) Service for Windsor and Maidenhead can help you make your request.

Other people, such as your doctor or a health visitor, can tell the local authority that they think your child needs an assessment. This is referred to as "bringing [a child] to the attention of" the local authority.

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

*In considering whether an EHC needs assessment is necessary, local authorities should pay particular attention to the views, wishes and feelings of the child and his or her parent, or the young person.* (9.12)

The local authority has up to six weeks to decide whether to make a needs assessment. During this time, it may ask you, the school and other professionals for information.

The local authority 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. It **must** also tell you about:

- your right of appeal to the Special Educational Needs and Disability Tribunal and the time limit for making an appeal
- independent **disagreement resolution** and **mediation**

- how to get further information, advice or support

If you disagree with the decision, the Information, Advice and Support (IAS) Service 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's views are really important. The IAS Service can give you information, advice and support to help you with this. We can also arrange for an **Independent Supporter** to help you through the EHC Needs Assessment, if you wish.

The local authority will ask a number of other people for information about your child. This is called 'advice' and it should include information about:

- your child's education, health and care needs
- the desired **outcomes** for your child
- the special educational, health and care provision that might be required to meet their needs in order to achieve the desired outcomes

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

- parents (or the young person)
- your child's early years' setting or school
- an Educational Psychologist
- health professionals who work with your child. This might include a Paediatrician, Speech and Language Therapist, Physiotherapist or Occupational Therapist.
- social care staff
- anyone else you ask them to contact who may be able to give relevant advice

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

The local authority should also try to find out your child's views. You, the school and other professionals may be able to help with this. If you think your child needs someone to help them give their views you can ask the Information, Advice and Support (IAS) Service for more information about this.

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.

If you want information, advice or support during the EHC Needs Assessment, contact the Information, Advice and Support (IAS) Service. We can answer your questions or arrange for an **Independent Supporter** to help you if you wish.

You can find out more about advice and information for EHC Needs Assessments in the **SEND Code of Practice** sections 9.45 – 9.52.

### 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.

The **SEND Code of Practice** says:

*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'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. (9.47)*

Existing advice can be used as part of the needs assessment as long as you or your young person, the local authority and the writer of the advice all agree that it is appropriate for this purpose.

### When does the EHC needs assessment end?

Once the local authority has all the information and advice, it must decide whether your child 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**, without the need for an EHC plan. If this is the case the local authority must tell you of its decision within 16 weeks of

receiving the request for an EHC Needs Assessment. The local authority must also tell you about your right of appeal, independent **disagreement resolution** and **mediation** and how to get further information, advice or support.

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 it has considered in making the plan 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 on a school, you have a right to go to mediation and/or to appeal (see below).

If you need help at any stage, you can contact the Information, Advice and Support (IAS) Service:

Information, Advice and Support (IAS) Service for Windsor and Maidenhead  
Riverside Children's Centre, West Dean, Maidenhead SL6 7JB

Tel. 01628 683182

Email: [ias@rbwm.gov.uk](mailto:ias@rbwm.gov.uk)

### How long does all this take?

The local authority receives a request for an EHC Needs Assessment. The authority must tell parents about this request.	This is the start date
The local authority decides whether an EHC Needs Assessment is needed. The authority must tell parents about its decision.	Within <b>6</b> weeks of the start date
The EHC Needs Assessment takes place	This starts as soon as the decision is made
Then, <i>EITHER</i>	
The local authority tells the parents of the decision not to issue an EHC plan	Within <b>16</b> weeks of the start date
<i>OR</i>	
The local authority sends a draft EHC plan to parents	

<p>Parents must respond to the draft EHC plan. They can:</p> <ul style="list-style-type: none"> <li>• agree that the draft is adequate</li> <li>• ask for changes</li> <li>• ask for a meeting</li> </ul> <p>Parents have the right at this point to state a preference for a school or early years setting</p>	<p>Within 15 days of receiving the draft EHC plan</p>
<p>The local authority consults with the school or early years setting</p>	<p>Within 15 days of parents' response to the draft EHC plan</p>
<p>The local authority issues the final EHC plan</p>	<p>Within <b>20</b> weeks of the start date</p>

Sometimes this timescale can be different. See **SEND Code of Practice** section 9.42.

### What if I do not agree with the local authority 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 the request for an EHC Needs Assessment.

If the local authority decides that an EHC Needs Assessment and an EHC plan are necessary for your child, they must carry out the assessment and issue a plan whatever your views are.

The Information, Advice and Support (IAS) Service can give you impartial information and advice about the options open to you, and support you through the process. This could include help from an **Independent Supporter**.

You also have a right to request independent **disagreement resolution** and, in some circumstances, **mediation**. You can find out more about disagreement resolution and mediation in our factsheet, "**What if I do not agree with decisions about SEN provision**", and in the **SEND Code of Practice** Chapter 9.

### My child already has a Statement of Special Educational Needs. Will they have an EHC Needs Assessment?

Between September 2014 and September 2018, local authorities will gradually transfer **Statements of Special Educational Needs** to the new system. When this happens for your child, an EHC plan **transfer review** will take place. This review will involve an EHC Needs Assessment. You, your child or the young person **must** be invited to a meeting as part of this transfer review.

Your child's existing Statement, review reports and other information may be sufficient for the needs assessment as long as you, the local authority and those providing the advice agree that they are. If there is not agreement that they are sufficient, the local authority must gather more information and advice.

You can find out more at in our Transfer Reviews factsheet and frequently asked questions.

### Where can I get more information, advice or support?

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

The **Local Offer** includes more information on the local arrangements for EHC needs assessments.

The Information, Advice and Support (IAS) Service can give you:

- information about EHC Needs Assessments
- advice and support during the process of assessment
- details of the local arrangements for **Independent Support**
- 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** and your rights of appeal.



### Contact Us:

 Confidential helpline: 01628 683182

 [ias@rbwm.gov.uk](mailto:ias@rbwm.gov.uk)

Web: [www.ias-rbwm.co.uk](http://www.ias-rbwm.co.uk)

### Visit Us at:

Riverside Centre, West Dean, Maidenhead SL6 7JB