



EDUCATION, HEALTH AND CARE (EHC) NEEDS ASSESSMENTS

This information sheet will explain what an EHC Needs Assessment is, each step, some of your rights and where you can get more information and help from.

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The information on this sheet is taken from the [SEND Code of Practice 2015](#):

It would be helpful to read the following WIASS Information Sheets alongside this one for further information at: wiass.org.uk

- Getting Extra or Different Types of Help for Children and Young People in Education Settings (SEN Support)
- Right of Appeal to SENDIST
- Education, Health and Care (EHC) Plans and Looking through a draft EHC plan

PART ONE: EHC NEEDS ASSESSMENTS

■ What is an EHC Needs Assessment?

An EHC NA is an assessment of your child's or young person's (aged 16-25) **Education, Health and Social Care needs**.

- It is a legal process, with several steps which may result in an Education, Health and Care (EHC) Plan being issued.
- An EHC NA requires several professional assessments to happen.
- The EHC NA steps and time scales **must** be followed by law.
- The process starts (the "clock starts ticking") from when the LA receives the EHC NA Request.

■ Who can request (ask for) an EHC Needs Assessment?

- You,
- Your child if they are a young person (aged 16 – 25) or
- Their education setting (nursery, school, or college)

***Useful Information:** For children aged 0-16, you or the education setting can make the request. If your child is a young person (aged 16-25) asks you too or does not have the Mental Capacity (for example, is not able to understand, remember or communicate decisions about the educational support they need) you can make the request on their behalf.

You can find out more information about Mental Capacity, by following [this link](#).

■ When should a request for an EHC Needs Assessment be made?

You, your young person, or their education setting can make the request at any time.

Normally, requests are made if your child's or young person's education setting, and you think they need money or help than the setting can provide.

It is always a good idea to talk to your child's or young person's education setting about why you are thinking of putting in parental EHC NA request.

Useful Information: An EHC Needs Assessment, can only be requested if your child or young person has, or may have, SEN (not just health or social care needs)

For more information on the definition of SEN and SEN provision, **please read our information sheet on Getting Extra or Different Types of Help for Children & Young People in Education Settings (SEN Support)**.



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■ How is an EHC Needs Assessment Request made?

Education Setting (or Professionals)

If your child's or young person's education setting makes a request, they will need to complete Wandsworth Council's(LA), EHC Needs Assessment Request form. **To see an example of the form and how the EHC Needs Assessment process is carried out in Wandsworth, please follow the link below to Section 5, Wandsworth (SEND Handbook) - [Wandsworth SEND Handbook](#)**

Useful Information: You and your child or young person **must** be involved and be at the **centre** the whole process, including yours and their views, wishes and feelings.

Parental/Young Person Request

If you or your young person (aged 16-25) would like to make the request, then you can use one of our EHC Needs Assessment request templates. **Please follow the link below to download the relevant template:**

We have written two templates one for you and the other for your young person [WIASSEHC NA templates](#) (click on the link, followed by clicking on the EHC NA page, where you will find the templates).

Useful Information: If you or your young person makes the request, the EHC Needs Assessment process (steps) will not be quicker than the education setting submitting it. However, if you would rather the request goes in sooner than the education settings timescale, then you have the option to put in the request yourself.

You can also put in a request if your child or young person's education setting does not agree to make the request,



because they feel your child or young person is making the appropriate progress with SEN support they are providing.

You can make an EHC Needs Assessment request any time unless a refusal to assess decision by the LA was upheld by a SENDIST tribunal judge, if this is the case, then you must wait for **six months** from the tribunals decision date before you can make a new request.

■ How long does the EHC Needs Assessment process take?

It takes **twenty weeks** from the day the LA receives and logs the request - to the end of the process, where a final EHC Plan is issued.

Useful Information: Please note, not all EHC Needs Assessment requests result in the EHC Need Assessment been agreed to.

Furthermore, if an EHC Needs Assessment request is agreed, there is no guarantee that at the end of the assessment an EHC plan will be issued.

PART TWO: THE EHC NEEDS ASSESSMENT PROCESS IN DETAIL

The steps for an EHC Needs Assessment:

Please see Section 5 of [Wandsworth SEND handbook](#) for more information on how an EHC Needs Assessment is carried out in Wandsworth.

STEP 1:

The LA receives the EHC Needs Assessment request (in writing /email) from you, young person, their education setting or they are notified by a health professional.

The LA sends a letter to you or your young person to confirm they have received the EHC NA Request and **must** provide the following information.

- They have **six weeks** from receiving the EHC Needs Assessment request, to decide whether to agree to start the assessment or not.
- Who they are going to write to for information on your child or young person
- Where you can get Information, Advice & Support from (this is provided by us)

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STEP 2:

To help the LA decide, whether to agree to an assessment or not, they **must** consider the two main points in law. **This is set out in, Section 36(8) of the Children and Families Act 2014:**

Whether

- **your child or young person has or may have special educational needs ("SEN"); and**
- **they may need special educational provision to be made through an EHC plan**

If the answer to both questions is yes, they must carry out an EHC Needs Assessment.

This means **these are the only questions** the LA should be asking when considering whether to carry out an EHC Needs Assessment.

To help them make the decision, the LA will consider all the information sent to them with the EHC Needs Assessment request and other information they have requested from professionals and you and/or young person when they received the EHC Needs Assessment request, for example,

- Your child's or young person's academic achievement and progress at their education setting, or if they are under five how they are meeting their development milestones. This **should** include their rate of progress too.
- Information about your child's or young person's type and level of SEN
- Evidence of any support that their education setting has put in to meet their SEN
- Evidence of any progress your child or young person has made with the extra or different type of help given to them by their education setting, which is over and above than what they would normally provide
- Evidence of your child's or young person's physical, emotional, social development and health needs, by looking at relevant evidence from clinicians & other health professionals and what has been done to meet these by other agencies, and,
- Where your young person is aged over 18, the LA **must** consider whether they require additional time, in comparison to the majority of others of the same age who do not have SEN, to complete their education or training.



STEP 3: The LA makes their decision

The LA will inform you in writing within **six weeks** of receiving the EHC Needs Assessment request from you, your young person or the education setting.

That either,

- They agree to start an EHC Needs Assessment and list all the professionals/services they will be asking for advice and information from, including your child's, or young person's and your views
- They are **not** agreeing to the EHC Needs Assessment, their reasons why and that you have a **right to appeal** this decision to the **Special Educational Needs and Disability Tribunal (SENDIST)**. You have **two months** to appeal from the date you receive the letter informing you of the decision. **For more information about appealing, please read our information sheet on Right of Appeal to SENDIST.**
- The LA will also inform you in this letter about where you can get Information, Advice and Support (which is provided by us in Wandsworth)

STEP 4: Carrying out an EHC NA

Where the LA has agreed to carry out an EHC Needs Assessment they **must** seek advice (usually, written as a report) from a range of people. The list below is set out in **Regulation 6(1) of the Special Educational Needs and Disability Regulations 2014:**

- You or your young person
- Educational advice (usually from the head teacher or principal of the education setting).
- Medical advice and information from a health care professional.

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- If your child has a hearing impairment and/or visually impaired the educational advice **must** come from a suitably qualified person to teach children with these impairments.
- Psychological advice and information from an educational psychologist.
- Advice and information in relation to social care.
- Advice and information from any other person the LA thinks appropriate; if your child or young person is in or beyond year 9, advice and information in relation to provision to assist them with preparing for adulthood and independent living; and
- Advice and information from any person that you or your child or young person, reasonably requests that the LA seek advice from.

The LA **is legally** required to seek all this advice as a minimum and **must** be provided to the LA within **six weeks** of being asked to do so. If the LA is genuinely not able to obtain one piece of advice (which falls outside of exceptions), during this time frame, they would be expected to obtain an independent report in its place.

Useful Information: The LA does not have to seek further information from professionals if this has been provided recently, for example, information that was submitted when the EHC Needs Assessment request was made or usually within the last 12 months.

What should be in the report (advice and information)?

The LA **must** ask professionals to provide the following advice and information as part of their report:

- a description your child's or young person's SEN
- the provision (support) they will need to meet their SEN
- the outcomes your child or young person could be expected to achieve because of the provision (extra or different type of help) being provided.

Useful Information: The advice and information **must** be **clear, accessible, and specific**. Social care or any of the other services required to provide information, stating, "not known to this service" **should not** be accepted by the LA. Information and advice needs to be provided on your child's or young person's social care needs.

There are no legal timescales to complete the actual assessment, although it should be completed approximately **fourteen weeks** from the date when the EHC Needs Assessment request was received.



STEP 5: At the end of the EHC NA Assessment

Once the assessment has been carried out, the LA **must** decide whether

- To issue an EHC plan or
- Not to issue an EHC plan

This decision **must** be based on the information and advice gathered during the EHC Needs Assessment. The legal test which the LA **must** apply is found in **Section 37 (1) of the Children and Families Act 2014**, which says:

- (1) Where, in the light of an EHC Needs Assessment, it is **necessary** for special educational provision to be made for a child or young person in accordance with an EHC plan:
 - (a) the local authority **must** ensure that an EHC plan is prepared for the child or young person, and
 - (b) once an EHC plan has been prepared, it **must** maintain the plan.

If the LA decides that it is not necessary, to issue an EHC plan then the LA **must** write to you within **16 weeks** from when they received the EHC Needs Assessment request to tell you this and that you have a **right to appeal to the SENDIST tribunal**. They **must** provide you with information about this. **For more information about appealing, please read our Information sheet on Right of Appeal to SENDIST.**

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If the LA decides to issue an EHC plan

You will receive a draft EHC plan with a letter which **must** inform you, that you have **fifteen calendar days** to:

- Make comments (representations) about what is written in the draft EHC plan (including requesting any amendments (changes) you want made.
- Request a meeting with the LA to discuss the draft.
- Provide the name of the education setting you want named in the final EHC plan.

This is an **important opportunity** for you to check whether the draft EHC plan contains everything it must and should do in each section.

For more information on draft EHC plans and tips on how to look through and provide your comments on EHC plans.

Once the LA receives your comments they will consult with the education setting you have requested, provided, it's on the government approved list of schools and institutions.

Useful Information: A draft EHC plan **must not** include the name of an education setting, or what type of placement your child or young person should attend, for example a mainstream or special school. The name and/or type of setting can only be added in the final EHC plan.



■ Where can I get more information, advice, or support on the EHC Needs Assessments?

If you have questions about EHC Needs Assessment, you can:

- Speak to the SENCO at your child's school or named person at their college
- You can read **Chapter 9, SEND Code of Practice 2015** (see link at the beginning of this sheet)
- You can read **Section 5** of the Wandsworth [SEND Handbook](#)
- You can follow the link to the Independent Provider of Special Educational Needs Advice (IPSEA) link on [EHC Needs Assessments](#):
- You can get contact us.

STEP 7: Issuing the final EHC Plan

The final EHC plan **must** be issued within a **maximum of twenty weeks** from the LA receiving the request for an EHC Needs Assessment.

A final EHC plan will name the education setting your child or young person will attend.

When a final EHC plan is issued, you or your young person, also have a **right of appeal to the SENDIST tribunal** if you are still not in agreement with the following:

- Description of your child's or young person's special educational needs (Section B).
- Special educational needs provision (section F); and/or
- Name/type of education setting (section I) or the fact that no education setting is named

You can also appeal the sections of the EHC plan that deal with health and social care alongside appealing about the SEN and SEN provision.

For more information about EHC plans please read our Information Sheet on EHC Plans.

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How to contact us:

Helpline number: **020 8871 8065** (24 hour answer machine)

Email: wiaass@wandsworth.gov.uk

Web: wiaass.org.uk