

Education, Health & Care Plan (EHCP) - An overview



What is an EHCP?

An Education, Health and Care plan (EHCP) describes a child/YP's special educational needs (SEN) and the help (provision) they will get to meet them. An EHCP also includes any health and social care needs related to their SEN and provision that is needed. It is a legal document written by the Local Authority and is intended to ensure that children and young people with an EHCP receive the support they need. The special educational provision in an EHCP must be delivered. An EHCP can only be provided once an EHC needs assessment has taken place.

The SEND Code of Practice says:

The purpose of an EHCP is to make special educational provision to meet the special educational needs of the child or young person, to secure the best possible outcomes for them across education, health and social care and, as they get older, prepare them for adulthood. (9.2)

Who needs an EHCP?

Most children and young people (YP) with special educational needs will have extra help given to them without the need for an EHCP. EHCP's are for children and young people who have special educational needs or disabilities that cannot be met by the extra support that must be available in a mainstream setting. This extra support is called SEN support (For more information please see our booklet on SEN support, which is available to download from our website).

Some children and young people may not make the expected progress even with SEN support. You, the early years setting, school or college can ask the local authority (LA) to carry out an Education, Health and Care Needs Assessment to identify all your child/YP's special educational needs. The LA, having considered the information which is already available, will then decide whether to agree to assess to see if an EHCP is needed.

A few children and young people have such significant needs that an EHC needs assessment should not be delayed.

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 law states that a LA must carry out an assessment if a child or young person:

- has or may have special needs

and

- it may be necessary for special educational provision to be made in accordance with an EHCP

You do not have to prove that an EHCP is definitely necessary to obtain an assessment, you just have to show it may be necessary.

You can find more information about EHC needs assessments in our booklet 'EHC Needs Assessments' or by contacting us.

How will I be involved?

Your views, and those of your child or YP are really important. The Local Authority, school or college should help you take part and involve you in decision making. If you would like help to do this please contact us or read our booklet 'Writing your views for an EHCP'.

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 EHCP. (9.21)

The SEND Code of Practice says that an EHCP should:

- Be based on decisions made openly, and with parents, children and young people
- Clearly show the child or young person's views
- Describe what the child or young person can do
- Be clear, concise, understandable and accessible
- Consider how best to achieve the outcomes and what is to be achieved for the child or young person. They must take into account the evidence from the EHC needs assessment
- Specify clear outcomes
- Consider alternative ways of providing support if a parent or young person wishes it. This could include having a personal budget
- Show how education, health and care provision will be co-ordinated
- Be forward looking – for example, anticipating, planning and commissioning for important transition points in a child or young person's life
- Describe how informal support as well as formal support from statutory agencies can help in achieving agreed outcomes
- Have a review date.

There is a full list of principles and requirements in the SEND Code of Practice section 9.61 available to download on our website.

The EHC plan should be written in a way that makes it clear to parents, young people, schools, colleges and LAs, who is required to do what, when it has to happen and how often it should be reviewed.

Contents of an EHCP

Every EHCP must include the following 12 sections, but each Local Authority can decide how to set these out.

The sections are:

- A The views, interests and aspirations of parents, children or the young person
- B The child's or young person's special educational needs.
- C Health needs related to their SEN or to a disability
- D Social care needs related to their SEN or to a disability
- E: Planned outcomes for the child or young person
- F: Special educational provision, what is to be provided. Provision must be specified, very clearly, for each and every need shown in section B
- G: Any reasonable health provision required that is related to their SEN or to a disability
- H1: Any social care provision that must be made for the child or young person under 18 in line with the Chronically Sick and Disabled Person's Act 1970
- H2: Any other reasonable social care provision required that is related to their SEN or to a disability
- I: The name and type of the school, maintained nursery school, post-16 institution or other institution to be attended
- J: Details of how any personal budget will support particular outcomes and the provision it will be used for
- K: The advice and information gathered during the EHC needs assessment must be attached in the appendices. There should be a list the advice and information used to write the plan.

Where the child or young person is in or beyond year 9, the EHCP must also include the provision required by the child or young person to help prepare for adulthood and independent living. You can read the full list of what must be included in each section in the SEND Code of Practice sections 9.62 and 9.63 available to download on our website.

Can I request a particular school?

The law says that parents or a young person have a right to request that a particular school, college or other institution is named in the EHCP. The Local Authority must agree to this request. **Unless:**

- It would be unsuitable for the age, ability, aptitude or SEN of the child or young person, or
- The attendance of the child or young person there would be incompatible with the efficient education of others, or the efficient use of resources (9.79)

You can find out more about your rights to request a particular school or college in the SEND Code of Practice sections 9.78 to 9.90 available to download on our website.



Will there be a review of the EHCP?

The Local Authority must review the EHCP at least once every 12 months. This must be done in partnership with you and the child or young person, and must take account of your views, wishes and feelings.

The Local Authority must decide whether to keep the EHCP as it is, make changes, or cease to maintain the plan within four weeks of the review meeting. You have a right of appeal if the Local Authority proposes to cease the EHCP. If the Local Authority decides to make amendments you will have a right of appeal when you receive a copy of the final amended plan.

However the plan may be ceased if:

- the plan is no longer necessary (the child or young person no longer needs the SEN provision specified in it)

Or

- the local authority is no longer responsible for the child or young person if they:

Go into higher education

Get a job

Tell their Local Authority they no longer want to be in education or training

They move to another local authority and the EHCP is transferred with the child

For more information please see our booklet on Annual Reviews available to download on our website. For some young people an EHCP will continue until they are 25.

Who funds the provision in the EHCP?

The Local Authority is responsible for ensuring that the special educational needs set out in the EHCP are met and that the special educational provision is made, whatever their funding arrangements or agreements with other service providers.

All young people with an EHCP and all parents of children with an EHCP can ask for a personal budget.

SEND Code of Practice Sections 9.110 to 9.118 tells you more about what can be included in a personal budget. This is available to download on our website.

The SEND Code of Practice says:

A personal budget is an amount of money identified by the Local Authority to deliver provision set out in an EHCP where the parent or young person is involved in securing that provision.



What can I do if I am not happy about the EHCP?

The first step is to contact your EHCP Co-ordinator at the Local Authority to discuss your concerns.

You can also contact Norfolk SEND Partnership IASS who can give you impartial information, advice and support and explain your options. This may include independent disagreement resolution, mediation or going to appeal.

You can only appeal sections B,F and I of the plan.

- B - Educational needs
- F - Educational provision
- I - Educational placement

You can ask for recommendations from the tribunal for health and social care.

What happens if I move to another Local Authority area?

If you plan to move to another Local Authority area it is important that you contact the 'old' and the 'new' Local Authorities. The 'old' Local Authority must transfer the EHCP on the day of the move, as long as it has had 15 working days notice.

The 'new' authority will become responsible for the plan and for securing any provision within it. The new authority may want to carry out a new needs assessment and they must review the plan before one of the following deadlines:

- Within 12 months of the plan being made or being previously reviewed by the old authority
- Within 3 months of the plan being transferred

The new authority must inform you within 6 weeks of transfer, when they will review the EHCP and if they are going to re-assess.

How can we help?

We can give Information, advice and support on:

- EHCP applications
- Refusals to assess
- Needs assessments
- Writing your views and wishes
- Refusals to issue
- Personal budget's
- Draft EHCP's
- Funding
- Annual review's of EHCP's
- Mediation and Disagreement Resolution
- Appealing final EHCP's (SEND Tribunal)
- Complaints and Local Government Ombudsman

Visit our website for more legislation and to read Chapter 9 of the SEND Code of Practice. We have a variety of information booklets available on the website covering the EHCP process.





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If you need this in another format or language please contact us

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