

Education, Health & Care Plans (EHCP's)



What is an Education, Health and Care Plan? (EHCP)

An **Education, Health and Care plan (EHCP)** describes a child's special educational needs (SEN) and the help they will get to meet them. An EHCP also includes any health and social 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.

EHCP's replace **Statements of Special Educational Needs and Learning Difficulty Assessments (LDA)**

Children and young people who have a **Statement of Special Educational Need** should transfer to an EHCP before April 2018. **You can speak to us at Norfolk SEND Partnership IASS for more information on 01603 704070** or read **Norfolk's Transition Plan** on **Norfolk's Local Offer** at **www.norfolk.gov.uk/send**

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?

EHCP's are for children and young people who have a special educational need or disability that cannot be met by the extra support that is available at their school or college.

Most children and young people with special educational needs will have help given to them without the need for an EHCP. This is called **SEN support (we have a booklet on SEN support available to download on our website)**

The purpose of SEN support is to help children achieve the **outcomes** or learning objectives that have been set for them.

Some children and young people may not make the progress expected of them even with this help. You or the child's school can ask the Local Authority to make an EHC needs assessment. 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 if a child has or may have special needs and may need provision to be made in an EHCP, the Local Authority must conduct an EHC needs assessment. 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.

If you think your child needs more help than the school can provide, you can ask for an assessment.

You can find more information about EHC needs assessments in our **booklet *EHC Needs Assessments for children in early years settings or at school*** or by contacting us. Also see **Norfolk's Local Offer** at www.norfolk.gov.uk/send.

When this assessment is finished the Local Authority must decide whether to issue an EHCP.

How will I be involved?

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)

and:

Reviews must be undertaken in partnership with the child and their parent or the young person, and must take account of their views, wishes and feelings, including their right to request a personal budget. (9.168)

Your views, and your child's views, 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 Norfolk SEND Partnership IASS** for impartial advice and support. We can also give you information on other sources of help, and on what to do if you do not feel that your views have been considered

What does an EHCP Include?

The **SEND Code of Practice** says that EHCP should:

- ◆ Be based on decisions made openly, and with parents, children and young people
- ◆ Clearly show the child or young persons 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.

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 you and the child 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 clear, 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 out comes 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 of advice and information.

Where the child or young person is in or beyond year 9, the EHCP must also include the provision required by your 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.

Can I request a particular school?

The law says that parents or a young person has 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**.

When you receive the draft plan you will have 15 days to say which school you would like named and make any comments. This is an ideal time to discuss and request any changes to be made.



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 amend the plan you will have a right of appeal when you receive a copy of the final amended plan.

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. However the plan will stop if the young person:

- ◆ Goes to university
- ◆ Gets a job
- ◆ Tells their Local Authority they no longer want their EHCP, or
- ◆ No longer needs additional help and the Local Authority decides that the EHCP should cease
- ◆ No longer needs to special help and the Local Authority must look to see if the outcomes in the EHCP have been achieved



Funding

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**.

Sections 9.110 to 9.118 of the **SEND Code of Practice** tell you more about what can be included in a Personal Budget.

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.

Norfolk SEND Partnership IASS can give you more information on local funding arrangements and on Personal Budgets, including **Direct Payments**. You can also download our **booklet 'Personal Budgets'** from our website

You can also find information on funding and personal budgets on **Norfolk's Local Offer** at send@norfolk.gov.uk



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.

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 .

The new Authority 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 or,
- ◆ Within 3 months of the plan being transferred

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

Where can I get more information, advice or support?

You can read about Education, Health and Care plans in **Chapter 9 of the SEND Code of Practice**. Visit our website for more legislation www.norfolksendpartnershiass.org.uk/legislation

The **Local Offer** tells you about the local arrangements for special educational provision, including EHCP. Visit www.norfolk.gov.uk/send

Norfolk SEND Partnership IASS offers:

- ◆ Information, advice and support to explain the process and to help you take part in EHCP needs assessments
- ◆ Advice and support about EHCP's
- ◆ Information, advice and support to help you take part in reviews of EHCP's
- ◆ Support to help you find out more about the funding and provision for SEND made for a child
- ◆ Information, advice and support about Personal Budgets a child has an EHCP
- ◆ Information about other organisations, support groups and information services that may be of help
- ◆ Information, advice and support about your rights to make a complaint, seek independent **disagreement resolution** or **mediation** and appeal to the **SEND Tribunal**.
- ◆

Call us on 01603 704070 or email
sendpartnership.iass@norfolk.gov.uk



We also:

- ◆ Produce a newsletter each term
- ◆ Have information leaflets available on our website
- ◆ Ensure the views of children, young people and parent/carers are represented when influencing SEND policy and practice

Contact us:

Norfolk SEND Partnership

Information Advice and Support Service

148 Woodside Road

Norwich NR7 9QL

Office Hours 9am-5pm Mon-Fri

Tel: 01603 704070

sendpartnership.iass@norfolk.gov.uk

www.norfolksendpartnershipiass.org.uk



Disclaimer: This is a guide and should not be treated as legal advice. Although SEND Partnership makes all reasonable efforts to ensure that the information contained in this booklet is accurate and up to date at the time of publication we cannot accept responsibility suffered as a consequence of any reliance placed upon it.

**If you need this leaflet in another format or language please contact us
and we will do our best to help.**

Norfolk SEND Partnership is an impartial and
confidential service funded by

 **Norfolk** County Council



October 2016