

# SEND PARTNERSHIP SERVICE

Special Educational Needs & Disability (SEND)  
Impartial Information, Advice and Support  
Service for Bath & North East Somerset



**Advice Line:** 01225 394382  
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## CHECKING YOUR DRAFT PLAN

**Your final plan is a legally binding document and the provision in it must be provided**

- It is important you have received all the reports listed in Section K as you will not be able to check the draft plan without them.
- You will have at least 15 working days in which to respond to the Local Authority.
- There should be clear and direct links through the **aspirations, outcomes, needs, and provision** (see Glossary at the end of this Factsheet for the definition of these terms). This is sometimes referred to as a Golden Thread.

This can be achieved by thinking about **outcomes** as steps on the journey towards the **aspirations** that your child or young person may have as they move towards adulthood. The Council for Disabled Children (CDC) document 'Developing Outcomes in Education, Health and Care Plans' has some useful examples and can be found on our webpages at [www.spsbathnes.org.uk/pages/home/parent-carer](http://www.spsbathnes.org.uk/pages/home/parent-carer) under Useful Links. At the end of this factsheet you will find a Developing Outcomes template that you may find useful. A selection of different coloured highlighters may help you to differentiate between **needs, provision** and **outcomes**.

The Special Educational Needs and Disabilities Code of Practice 2015 (CoP) in Chapter Nine explains Education, Health and Care needs assessments and plans. This can be viewed at [www.gov.uk/government/publications/send-code-of-practice-0-to-25](http://www.gov.uk/government/publications/send-code-of-practice-0-to-25).

### What should your plan contain?

Section A	The views, interests and aspirations of the child and their parents, or of the young person
Section B	The child or young person's special educational needs (SEN)
Section C	The child or young person's health needs which relate to their SEN
Section D	The child or young person's social care needs which relate to their SEN
Section E	The outcomes sought for the child or the young person

**Bath & North East  
Somerset Council**

Improving People's Lives

  
Bath and North East Somerset,  
Swindon and Wiltshire  
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Section F	The special educational provision required by the child or the young person
Section G	Any health provision reasonably required by the learning difficulties or disabilities which result in the child or young person having SEN
Section H1	Any social care provision which must be made for a child or young person under 18 resulting from section 2 of the Chronically Sick and Disabled Persons Act 1970 (CSDPA)
Section H2	Any other social care provision reasonably required by the learning difficulties or disabilities which result in the child or young person having SEN
Section I	Placement
Section J	Personal Budget (including arrangements for direct payments)
Section K	Advice and information

### Step One - Reports

- Go through the reports and highlight each of your child or young person's educational health and care **needs**. You may find it useful to put these **needs** onto the Delivering Outcomes in EHC Plans sheet at the end of this document
- Check that these cover **all** your child's **needs**. Is anything missing?
- Repeat with **outcomes**. Remember an outcome is the benefit or difference made to an individual as a result of an intervention. It should be personal and not expressed from a service point of view. **Outcomes** should be SMART: Specific, Measurable, Achievable, Realistic and Time Bound.
- Go through the reports and, using a different colour, highlight all the **provision**. EHC plans must specify the special educational **provision** to meet each of the child's special educational **needs**
- Every need and outcome should have corresponding **provision**. Again you may find it helpful to use the Delivering Outcomes in EHC Plans sheet to match them up.
- **Provision** should be detailed, specific and normally quantified, in terms of type, hours and frequency of support and level of expertise, including where this support is secured through a personal budget. See our Personal Budgets factsheet at [www.spsbathnes.org.uk/pages/home/parent-carer](http://www.spsbathnes.org.uk/pages/home/parent-carer) for more information.
- If there is no specification or quantification you can contact the report author and ask for them to include this. If they are unsure ask for a minimum amount. If you do this by email you can copy in your **SEND Lead Practitioner**. If by phone it is a good idea to let your **SEND Lead Practitioner** know.
- Be clear about the help. To be clear about what your child's help will amount to on a typical day at the educational setting, ask yourself the following:
  - What type of help my child will get? e.g. equipment, learning support, teaching programme, speech therapy.
  - Who specifically will give the help?

- Do they need particular qualifications or experience?
  - How many hours of extra help are there?
  - How often will the help happen?
  - Is help for playtimes and lunchtimes included where necessary?
  - Will your child get help for self-care if needed e.g. around eating or continence?
  - What strategies will staff use?
  - Will support be targeted to individual need or in small groups, and with whom?
- Make a note of any gaps, anything that is unclear or anything you do not agree with or understand.
  - Beware of 'weasel' words or phrases which leave it up to someone else to decide what it means or your child may not get the specific support they need. The plan should avoid words such as:
    - access to...
    - regular help...
    - help as required...
    - where necessary...
    - throughout the school day...
    - opportunities for...
    - would benefit from ...
  - It's very important that the EHC Plan says precisely how much help your child will get and how often.

### Step Two - The Draft Plan

- Once you have a table or list with **needs**, **outcomes** and **provision** check that all of these have been included in the draft plan.
- If you have any queries contact your **SEND Lead Practitioner** for clarification.
- If you are not happy send your requested amendments to the **SEND Lead Practitioner**. Remember to contact your **SEND Lead Practitioner** within 15 calendar days.
- You may find it helpful to email any questions to your **SEND Practitioner** or to follow up phone calls with emails.
- If you are happy with the draft, inform the **SEND Lead Practitioner**.

### Step Three - Naming an Educational Setting

- Your draft plan should not have an educational setting named on it. Once you have agreed the plan contents you ask the **SEND Lead Practitioner** to consult with the educational setting of your choice on whether they can meet your child's **needs** based on the plan.
- A school or post-16 institution can only refuse a place to a child or young person for a limited number of reasons. These are set out in law in section 39(4) of the Children and Families Act 2014, please see <http://www.legislation.gov.uk/ukpga/2014/6/section/39/enacted>

- If the Local Authority does not agree with a school or post-16 institution's reasons for refusing a place they can direct the school or post-16 institution to take the child or young person and name that placement on the final plan.

The law says that parents or the young person has a right to request that a particular school or post-16 institution is named in the EHC plan. 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

You can find out more about your rights to request a particular educational setting or college in the SEND Code of Practice sections 9.78 to 9.90.

### Next Steps

- If you and the **SEND Lead Practitioner** cannot agree on changes you can request a meeting with a Senior Inclusion Officer.
- If you cannot agree on a final draft with the Local Authority once the plan is finalised, you can go to Tribunal only over sections B, F and I. However, there is currently a national trial looking at Health and Social Care outcomes in EHC plans, but you can only go to Tribunal regarding these areas if there is educational need.
- You must consider mediation before any appeals to Tribunal except when the appeal is about Section I (educational setting place) only.

### Useful Webpages

#### SEND Code of Practice

[www.gov.uk/government/publications/send-code-of-practice-0-to-25](http://www.gov.uk/government/publications/send-code-of-practice-0-to-25)

### Glossary

#### Aspiration

A goal or objective that is strongly desired. These are usually long term goals. The Local Authority cannot be held responsible for ensuring that aspirations are achieved. A child or young person's aspirations may change as they get older.

#### Outcomes

Section 9.66 of the SEND Code of Practice says: An outcome can be defined as the benefit or difference made to an individual as a result of an intervention. It should be personal and not expressed from a service perspective; it should be something that those involved have control and influence over, and while it does not always have to be formal or accredited, it should be specific, measurable, achievable, realistic and time bound (SMART). When an outcome is focused on education or training, it will describe what the expected benefit will be to the individual as a result of the educational or training intervention provided.

## **Provision**

**Provision** that is additional to or different from that made generally for other children of the same age (CoP page 16). Detailed, specific and normally quantified, in terms of type, hours and frequency of support and level of expertise, including where this support is secured through a personal budget (CoP page 166)

## **Needs**

A child has special educational **needs** if they have a learning difficulty or disability, which calls for special educational **provision** to be made for him or her (CoP page 15). Children with special educational **needs** all have learning difficulties or disabilities that make it harder for them to learn than most children of the same age. These children may need extra or different help from that given to other children of the same age.

## **SEN Code of Practice**

This is the statutory guidance that supports Part 3 of the Children and Families Act 2014.

It tells local authorities, early years settings, schools, colleges, health and social care providers and others what they must and should do to identify, assess and provide for children and young people with SEN or disabilities.

You can download a full copy of the Code at

<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

You can download a shorter version for parents at

<https://www.gov.uk/government/publications/send-guide-for-parents-and-carers>

## **SEND Lead Practitioner**

The Local Authority officer responsible for overseeing your assessment, collating the information from professionals, and creating your draft plan.

We have made all reasonable efforts to ensure that the information contained in this leaflet is accurate and up to date at the time of publication. It does not constitute legal advice and the SEND Partnership Service cannot accept any responsibility for any loss or damage suffered as a consequence of any reliance placed upon it.

**This document can be made available in a range of community languages, large print, Braille, on tape, electronic and accessible formats.**

**Delivering Outcomes in EHC**

<b>Aspirations (EHC Section A)</b>	<b>Outcomes (EHC Section E)</b>	<b>Needs (EHC Sections B, C &amp; D)</b>	<b>Provision (EHC Sections F, G, H1 &amp; H2)</b>