

# SEND PARTNERSHIP SERVICE

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



**Advice Line:** 01225 394382  
10.00am – 3.00pm Monday to Friday

**Text:** 07530 263401

**Email:**  
[send\\_partnershipservice@bathnes.gov.uk](mailto:send_partnershipservice@bathnes.gov.uk)

**Website:** [www.spsbathnes.org.uk](http://www.spsbathnes.org.uk)

**Facebook:** [www.facebook.com/spsbathnes](http://www.facebook.com/spsbathnes)

## EDUCATION, HEALTH AND CARE (EHC) NEEDS ASSESSMENT FOR CHILDREN AND YOUNG PEOPLE (0-25)

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

- children in early years settings
- children and young people in schools or post-16 institutions.

You might like to look at the short infographic 'What is an Education, Health and Care Plan', which can be found on our website [www.spsbathnes.org.uk/pages/home/parent-carer](http://www.spsbathnes.org.uk/pages/home/parent-carer) under Helpful Videos.

You might also like to look at our factsheet on **Education, Health and Care plans** at [www.spsbathnes.org.uk/pages/home/parent-carer](http://www.spsbathnes.org.uk/pages/home/parent-carer)

### 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

**Bath & North East  
Somerset Council**

  
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- the educational setting
- 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 educational setting can often give your child help through **SEN support**. This means that the educational setting makes additional or different provision from that provided to 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 educational setting can provide. If your child does not make progress despite everything the educational setting 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 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 educational setting 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 educational setting, but only after talking with you first.

It is always a good idea to talk to the educational setting before asking for an EHC needs assessment.

The SEND Partnership Service 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.

### 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 educational setting and other professionals for information.

It 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 appealing
- independent **disagreement resolution** and **mediation**
- how to get further information, advice or support.

If you disagree with the decision the SEND Partnership 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 SEND Partnership Service can give you information, advice and support to help you with this.

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 and achieve the desired outcomes.

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

- parents (or the young person)
- your child's educational setting
- 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 reasonably 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 educational setting 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 SEND Partnership 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 SEND Partnership Service.

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)*

## 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. You can read more about EHC plans in our factsheet at [www.spsbathnes.org.uk/pages/home/parent-carer](http://www.spsbathnes.org.uk/pages/home/parent-carer)

Sometimes the local authority will decide that your child has special educational needs that can be met through **SEN support**. If this is the case the local authority must tell you of its decision within 16 weeks of receiving a request for an EHC needs assessment. The local authority must also tell you about your right of appeal.

If the local authority decides an EHC plan is necessary it must first write a draft plan. You may like to read our factsheet 'Checking your Draft Plan' at [www.spsbathnes.org.uk/pages/home/parent-carer](http://www.spsbathnes.org.uk/pages/home/parent-carer)

The local authority will send you the draft EHC plan and copies of the reports 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 educational setting 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 an educational setting, 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 SEND Partnership Service.

## 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 six weeks of the start date
The EHC needs assessment takes place	This starts as soon as the decision is made
<i>EITHER</i>	
The local authority tells the parents of the decision not to issue an EHC plan	Within 16 weeks of the start date
<i>OR</i>	
The local authority sends a draft EHC plan to parents	
Parents must respond to the draft EHC plan. They can: <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> Parents have the right at this point to state a preference for an educational setting	Within 15 days of receiving the draft EHC plan
The local authority consults with the educational setting	Within 15 days of parents' response to the draft EHC plan
The local authority issues the final EHC plan	Within 20 weeks of the start date

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 a 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 SEND Partnership Service can give you impartial information and advice about the options open to you and support you through the process.

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 on the Fact Sheet 'What if I do not agree with decisions about SEN provision?' at

[www.spsbathnes.org.uk/pages/home/parent-carer](http://www.spsbathnes.org.uk/pages/home/parent-carer) and in the **SEND Code of Practice** Chapter 9.

### 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 can be viewed at <https://livewell.bathnes.gov.uk/special-educational-need-or-disability-send> includes more information on the local arrangements for EHC needs assessments.

The SEND Partnership Service can give you:

- information about EHC needs assessments
- advice and support during the process of assessment
- 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**.

### 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

#### **Children and Families Act 2014**

This law came into force on 1<sup>st</sup> September 2014. Part 3 of the Act sets out the new law on special educational needs and disability. The Act is supported by the SEND Regulations 2014 and the **SEND Code of Practice: 0-25 Years**. You can download a copy of the Act at <http://www.legislation.gov.uk/ukpga/2014/6/contents/enacted>

#### **Disagreement resolution**

Local authorities must provide independent disagreement resolution to help parents and young people resolve disputes with local authorities, schools and other settings about SEND duties and provision.

You can find more information on disagreement resolution in the **SEND Code of Practice** 11.6 to 11.10.

#### **Education, Health and Care plan (EHC plan)**

An EHC plan 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. It is a legal document written by the local authority and is used for children and young people who have high support needs.



## Mediation

Mediation is a type of disagreement resolution. Every local authority must provide independent mediation to help parents and young people resolve disputes with local authorities about:

- a decision not to carry out an EHC needs assessment
- a decision not to draw up an EHC plan
- the content of a final EHC plan or amended plan
- a decision not to amend an EHC plan
- a decision to cease to maintain an EHC plan.

Mediation must also be provided on the health and social care elements of an EHC plan. You can find more information on mediation in the **SEND Code of Practice** 11.13 to 11.38.

## Must

The **SEND Code of Practice** says in Section i of the Introduction:

*...where the text uses the word 'must' it refers to a statutory requirement under primary legislation, regulations or case law.*

This means that wherever the term 'must' is used all the organisations listed in Section iv of the Introduction to the Code have a legal duty to do what the Code says.

## Outcome

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.

## SEND 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 [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)

You can download a shorter version for parents at [www.gov.uk/government/publications/send-guide-for-parents-and-carers](http://www.gov.uk/government/publications/send-guide-for-parents-and-carers)

## SEN support

SEN support includes any help for children and young people with SEN that is additional to or different from the support generally made for other children of the same age.

The purpose of SEN support is to help children achieve the outcomes or learning objectives that have been set for them by the school. Schools should involve parents in this process.

SEN support replaces Early Years Action/Action Plus and School Action/Action Plus.



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.**