

SEND PARTNERSHIP SERVICE

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



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EDUCATION, HEALTH AND CARE PLANS

This information is about Education, Health and Care plans. It also includes information about Statements of Special Educational Need.

What is an Education, Health and Care plan?

An **Education, Health and Care plan (EHC plan)** describes your child's special educational needs (SEN) and the help they will get to meet them. An EHC plan also includes any health and care 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 EHC plan receive the support they need.

EHC plans replaced **Statements of Special Educational Need** and **Section 139 Learning Difficulty Assessments (LDA)** on 1 September 2014.

EHC plans are for children and young people who need more support than their school or other setting can provide. The plans can start from a child's birth and continue into further education and training.

The **SEND Code of Practice** says:

The purpose of an EHC plan 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 EHC plan?

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

**Bath & North East
Somerset Council**

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Most children and young people with special educational needs will have help given to them without the need for an EHC Plan. This is called **SEN support**.

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. When this happens the Local Authority carry out an **EHC needs assessment**. A few children and young people have such significant difficulties needs that an EHC needs assessment should not be delayed.

You or your child's school can ask the local authority to make an EHC needs assessment. When this assessment is finished the local authority must decide whether to issue an EHC plan.

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 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. 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 school can provide, you can ask for an assessment.

You can find more information about EHC needs assessments and how to ask for one in Bath and North East Somerset's Local Offer [here](#).

Children and young people who have a **Statement of Special Educational Need** should transfer to an EHC plan between September 2014 and April 2018.

What does an EHC plan include?

The **SEND Code of Practice** says that EHC plans should:

- be based on decisions made openly, and with parents, children and young people
- describe what the child or young person can do
- be clear, concise, understandable and accessible
- consider how best to achieve the outcomes 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.

Every EHC plan **must** include at least 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 your child or the young person.
- B:** Your 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 your child or the young person.
- F:** Special educational provision. Provision **must** be specified for each and every need shown in section B.
- G:** Any health provision required that is related to their SEN or to a disability.
- H1:** Any social care provision that **must** be made for your child or young person under 18.
- H2:** Any other 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

Where the child or young person is in or beyond year 9, the EHC plan 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.

You can find a detailed checklist covering each of these sections [here](#).

Can I request a particular school?

The law says that parents or the young person has a right to request that a particular school, college or other 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 school or college in the **SEND Code of Practice** sections 9.78 to 9.90.

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 EHC plan. (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 the SEND Partnership Service 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 you have been heard or listened to.

Will there be a review of the EHC plan?

The local authority **must** review the EHC plan at least once every 12 months. This **must** be done in partnership with you and your child or the young person, and must take account of your views, wishes and feelings.

The local authority **must** decide whether to keep the plan as it is, make changes, or cease to maintain it within four weeks of the review meeting. You have a right of appeal if the local authority proposes to cease the EHC plan.

For some young people an EHC plan 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 EHC plan, or
- no longer needs special help and the local authority decides that the EHC plan should cease.

You can find out more about reviews of EHC plans [here](#).

Where does the funding come from?

The local authority is responsible for ensuring that the special educational needs set out in the EHC plan 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 EHC plan and all parents of children with an EHC plan can ask for 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 EHC plan where the parent or young person is involved in securing that provision. (9.95)

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 Partnership Service can give you more information on local funding arrangements and on Personal Budgets, including **Direct Payments**.

Will Statements change into EHC plans?

Children and young people who have a Statement will gradually transfer to the new system. Local authorities must complete this process by 1 April 2018.

The **SEND Code of Practice** says:

...it is expected that all those who have a statement and who would have continued to have one under the current system, will be transferred to an EHC plan – no-one should lose their statement and not have it replaced with an EHC plan simply because the system is changing.
Introduction, xi

Every local authority should publish a **local transition plan**, showing when and how statements will be transferred to the new SEND system. It also includes information for young people in further education and training who receive support through a **Learning Difficulty Assessment**.

Young people who already have an LDA will transfer to an EHC plan by 1 September 2016.

You can find out about Bath and North East Somerset's transition plan [here](#) and click on SEND Reform Transfer Plan.

You can read more about the national transition arrangements for the SEND reforms [here](#).

What can I do if I am not happy about the EHC plan?

The first step is to contact the school, college or local authority to discuss your concerns.

The SEND Partnership Service can give you impartial advice and support and explain your options. This may include independent disagreement resolution, mediation or going to appeal. You can also find out more in our Fact Sheet 'What if I do not agree with Decisions about SEN Provision' which can be viewed [here](#).

What happens if I move to another local authority area?

If you plan to move to another local authority area you should contact the 'old' and the 'new' local authorities so the support specified in the EHC plan will be in place. The 'new' authority will amend the plan and name the new school or college.

The 'old' local authority must transfer the EHC plan on the day of the move, as long as it has had 15 working days notice.

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**.

The [Local Offer](#) tells you about the local arrangements for special educational provision, including EHC plans.

The SEND Partnership Service offers:

- information, advice and support to explain the process and to help you take part in EHC plan needs assessments
- advice and support about EHC plans
- information, advice and support to help you take part in reviews of EHC plans
- support to help you find out more about the funding and provision for SEND made for your child
- information, advice and support about Personal Budgets if your child has an Education, Health and Care Plan
- 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**.

Useful Webpages

[Funding for SEN Support in mainstream schools](#)

[IPSEA EHC plan checklist](#)

[Local Offer](#)

[SEND Partnership Service](#)

[SEND Code of Practice](#)

Glossary

Direct Payments

A payment made directly to a parent or young person to purchase specific services. Under the Children and Families Act 2014 a Direct Payment may be made as part of a Personal Budget so that the parent or young person can buy certain services that are specified in their EHC plan.

Direct payments can only be used for provision provided on the school or college premises if the school or college agree.

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.

EHC needs assessment

Local authorities must carry out an EHC needs assessment if a child or young person may need an EHC plan. The assessment is a detailed look at the special educational needs that the child or young person has and what help he or she may need in order to learn.

It is sometimes called a statutory assessment.

You can find out more in the SEND Code of Practice sections 9.45 – 9.52.

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.

Learning Difficulty Assessment (LDA).

Learning Difficulty Assessments set out what additional learning support a young person needed when continuing their education into some form of post-16 education or training.

From 1 September 2014 Learning Difficulty Assessments will be replaced by EHC plans. Local authorities must transfer young people who already have provision as a result of an LDA to the new SEND system by 1 September 2016 if they are staying in further education or training after that date

Local Offer

The Local Offer, published by every local authority, tells you what support is available for children and young people with special educational needs and/or disabilities, and their families. It includes information about education, health and care provision. It also gives information about training, employment and independent living for young people with special educational needs and/or disabilities.

Local transition plan

Every local authority must publish a plan that explains when and how Statements of Special Educational Need will be transferred to the new system, as well as information for young people in further education and training who receive support as a result of a Learning Difficulties Assessment.

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.

Personal Budget

A Personal Budget is money set aside to fund support as part of an Education, Health and Care plan (EHC plan) for a child or young person with special educational needs. It can include funds from Education, Health and Social Care.

Parents of children with an EHC plan and young people with an EHC plan can choose whether or not they wish to have a Personal Budget.

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 [here](#).

You can download a shorter version for parents [here](#).

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.

SEND Tribunal (or First Tier Tribunal (SEN and disability))

The First-tier Tribunal (Special Educational Needs and Disability) is a legal body. The Tribunal hears appeals from parents of children with SEN, and young people with SEN, about EHC needs assessments and EHC plans.

You can find out more at <https://www.gov.uk/special-educational-needs-disability-tribunal/overview>

Statements of Special Educational Need

Under the Education Act 1996 local authorities issued Statements of Special Educational Need for children whose needs could not be met through the provision normally made by schools.

The Children and Families Act 2014 replaces Statements with EHC plans.

Children and young people who already have a Statement will gradually transfer to the new system. Each council publishes a local transition plan to explain how this will happen.

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.