

EDUCATION, HEALTH AND CARE PLAN (Children and Families Act 2014)

GUIDANCE FOR SCHOOLS AND EDUCATIONAL PROVIDERS

ON THE COMPLETION OF A

NEEDS ASSESSMENT REFERRAL FORM (EHCP 01/04)

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INTRODUCTION

This document must be read in conjunction with the Special Educational Needs and Disability (SEND) Code of Practice: 0-25 Years (issued 2014).

It is a guide for schools and providers on the information required to support a referral to the Local Authority for an assessment of a child or young person for an Education, Health and Care (EHC) Plan.

The process for assessment has been developed in line with the central principles that underpin the Code of Practice and follows the key requirements set out in Chapter 9 of the Code.

It is the responsibility of the Headteacher or Head of Establishment to ensure that staff are familiar with the SEND Code of Practice: 0-25 Years and how it prescribes actions to be followed prior to the referral stage.

HOW TO MAKE A REFERRAL

To make a request for assessment for an EHC Plan, the following must be submitted to the Local Authority –

- The Completed EHCP 01/04 Referral Form
- Copies of Professional Support Agency evidence, as identified in Section 9 of the Form
- Copies of Review records and minutes of relevant meetings
- Completed Annex A signed by the parent/carer

COMPLETION OF THE REFERRAL FORM

In this guidance, the term “young person” refers to a child of early years and pre-school age, of compulsory school age, and of post-16 years in a school, further education or training.

The 2014 SEND Code of Practice details the responsibilities of schools and providers to identify special educational needs, to establish targets and individual goals, and to make the necessary provision to support a young person in achieving their aspirations.

Particular note should be made of -

Chapter 5 specific to early years

Chapter 6 specific to schools and compulsory school-age

Chapter 7 specific to post-compulsory up to age 25

Chapter 8 specific to transition to adulthood.

The relevant Professional Support Agencies will already have developed formats to record involvement and assessment data that comply with the requirements of the chapters above. Information collated through the processes detailed in these respective chapters should form the basis of the information to be included in, and appended to, the EHCP 01/04 Referral Form.

When considering the need for an Assessment, the Local Authority is required to obtain –

- i. the views of the child and/or the parent
- ii. evidence of academic attainment and rate of progress
- iii. the nature, extent and context of the special educational needs identified
- iv. evidence of action taken by the provider from within existing resources
- v. evidence that progress made is only as a result of sustained interventions
- vi. the young person's physical, emotional, social development and health needs

The EHCP 01/04 Referral Form has been designed to collect this information, and therefore **all** Sections of the Form **must** be completed.

Section 1

Personal Details of Young Person

Give the full name, and preferred name (if different), and other details as indicated. For Looked After Child (LAC) Status and Free School Meals (FSM) Entitlement, indicate Yes or No.

Section 2

Current Educational Setting / Main Provider

Give details of current provider – either early years/pre-school, compulsory school age setting, further education establishment or education and training provider.

Section 3

Attendance Relating to the Previous 12 months of Schooling

Give details of the young person's attendance, absences and exclusions.

For schools, a print-out of the attendance record for the current and previous academic years will also be required (Section 9(b) refers).

Section 4

(a) The Views and Interests, Hopes and Dreams of the Young Person

The SEND Code of Practice requires the EHC Plan to include details about the child or young person's aspirations, hopes and dreams for the future (but, in this section, not details of outcomes to be achieved). Also their likes and dislikes, how they prefer to spend their time, favourite toys/games/hobbies/pets, their view of their family, and what they would like to achieve, and their view of what other people think about them.

When agreeing these aspirations, consideration should be given to the young person's hopes for paid employment, independent living and community participation. In addition, details about play, health (including medical conditions, eg allergies, restrictive conditions, etc.), schooling, independence, friendships, further education and future plans including employment (where practical).

(b) The Views and Interests, Hopes and Dreams of their Parents / Carers

As (a) above, detailed views of the Parent / Carer, recording their own aspirations, hopes and dreams for the young person.

(c) Family Background

The Code also requires a summary of the young person's history. This should include family structure, developmental milestones, progress through early years and school, and any family circumstances that may have impacted on the young person's learning and emotional development.

(d) Involvement in Addressing Needs

There should also be an indication of how to communicate most effectively with the young person and to engage them in decision-making.

Section 5

Identification of Areas of Need

The SEND Code of Practice sets out the classification, or areas of need. Similar to previous SEN indicators, there should be an identified primary need and any additional needs relevant to the young person's learning difficulties / disabilities. These must be recorded in NUMERICAL order in the appropriate boxes -

Communication and Interaction (Para 6:28-6:29 Code of Practice)

SLCN	Speech, Language and Communication Needs
ASD	Autistic Spectrum Disorder

Cognition and Learning (Para 6:30-6:31 Code of Practice)

SpLD	Specific Learning Difficulty
MLD	Moderate Learning Difficulty
SLD	Severe Learning Difficulty
PMLD	Profound and Multiple Learning Difficulty

Social, Emotional and Mental Health Difficulties (Para 6:32-6:33 Code of Practice)

SEMH	Social, Emotional and Mental Health
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Sensory and/or Physical (Para 6:34-6:35 Code of Practice)

VI	Visually Impaired
HI	Hearing Impaired
MSI	Multi-Sensory Impaired
PD	Physical Disability

There should be a full, detailed description of all special educational needs relating to the young person and how these impact on his/her access to learning. SEN may include those requiring health and social care provision where such provision is for the young person's education or training.

Section 6

Details of Health Needs and/or Medical Conditions that relate to the Child or Young Person's Special Educational Needs.

Any health needs which relate to the young person's SEN. Where a diagnosis has been given, this should be specified and a copy of the letter from the appropriate health specialist confirming this diagnosis must be appended to the Referral Form.

Some health care needs, such as routine dental health needs, are unlikely to be related to SEN issues. However, the Clinical Commissioning Group (CCG) may choose to specify other health care needs which are not related to the young person's SEN (e.g. a long term condition which might need management in a special educational setting).

Schools will need to liaise closely with the parent/carer and the school nurse or paediatrician to ensure that full details are included in the submission.

Section 7

Details of Care Needs and support being made within the Family Setting

Any social care needs which relate to young person's SEN or which require provision for a young person aged under 18 in accordance with section 2 of the Chronically Sick and Disabled Persons Act 1970 (CSDPA).

There may also be reason to specify other social care needs which are not linked to the young person's SEN. This could include reference to any child in need or child protection plan which a child may have relating to other family issues such as neglect or vulnerability. Such an approach could help the child and their parents manage the different plans and bring greater co-ordination of services. Inclusion of such information must only be with the consent of the parents or young person.

Section 8

Outcomes sought by the Child or Young Person

A range of proposed outcomes over varying timescales, covering education, health and care as appropriate. There should be a link to Section 4 in identifying outcomes that are relevant to the views, interests, hopes and dreams of the young person.

There should be evidence of the work already undertaken in the school or setting to identify short term targets for development, with details of arrangements for monitoring progress, including review and transition review arrangements. There should also be evidence of the steps taken towards meeting any outcomes identified. This may include forward plans for key changes in a young person's life, such as changing schools, moving from children's care to adult care and/or from paediatric services to adult health, or moving on from further education to adulthood.

For young people moving into adulthood, the proposed outcomes should be clear and specific in preparing them well for adulthood and are clearly linked to the achievement of the aspirations in Section 4.

Section 9

Support for Special Educational Needs

This section should include details of **all** support arrangements made to date, including –

- a) Early Years – identification of needs, and provision made to support the young person in a pre-school setting. Reminder – it is the school's

- responsibility to ensure that records are transferred from a previous setting
- b) Arrangements already being made in school to identify support needs – copies of evidential documents must be attached to the Referral Form
 - c) Resources and materials employed within Element 1 and Element 2 funding with details of review and evaluation criteria
 - d) Involvement from professional agencies and support services must be identified.
 - e) The young person's progress following input from agencies and support services, with impact of revised strategies, management techniques, and resource allocation in implementing recommended interventions.
 - f) Levels of attainment and progress over time. Core subjects are identified, but other attainment measures can be included in this section (eg Early Years Continuum measures).
- (NOTE in tick boxes **Use Capital O(x) or P(✓)**).

This Section seeks to establish all the work that has been undertaken within the school or setting to address the needs of the young person. This will also help to inform decision making on where additional resources, materials, equipment or specialist provision may be employed to help the young person achieve their outcomes.

Section 10

Health Provision for Learning Difficulties/Disabilities relating to the Child or Young Person's Special Educational Needs

In close liaison with Health professionals, the school or setting should detail the provision being made to support identified outcomes, including the health needs to be met, and the outcomes to be achieved. This may include therapies, such as medical treatments and administration of medications, occupational therapy, and physiotherapy, a range of nursing support, specialist equipment, wheelchairs and continence supplies. It could also include highly specialist services needed by only a small number of young people which are commissioned centrally by NHS England.

The school or setting may also access other health care provision reasonably required by the young person, which is not linked to their learning difficulties or disabilities, but which should sensibly be co-ordinated with other services.

Section 11

Social Care Provision for Learning Difficulties/Disabilities relating to the Child or Young Person's Special Educational Needs

Social care input must be detailed and specific and should indicate the type of support, and who is providing it (including where this can be secured through a social care direct payment). It must be clear how the provision is supporting the outcomes.

Services assessed as being needed for a disabled child or young person aged under 18, in accordance with Section 2 of the CSDPA 1970 include:

- i. practical assistance in the home
- ii. provision or assistance in obtaining recreational and educational facilities at home and outside the home
- iii. assistance in travelling to facilities
- iv. adaptations to the home
- v. facilitating the taking of holidays
- vi. provision of meals at home or elsewhere
- vii. provision or assistance in obtaining a telephone and any special equipment necessary

Schools and settings should liaise closely with the social worker to establish the type of support offered to the young person and/or their family and how this can be supported in an educational setting.

Section 12

Details of adaptations and reasonable adjustments made by the School / Provider in accordance with the Equality Act 2010

There is a requirement in law to make adjustments for any young person who has a learning difficulty/disability. Such arrangements must be specified.

A Guidance document for schools is available from the Department for Education, and a weblink to the document is provided at the heading to this Section. Schools and providers should ensure they download a copy of this document for reference purposes or retain a copy in their establishments.

Section 13

What additional arrangements would the School / Provider wish to put into place to help the Child or Young Person to achieve their outcomes?

Having considered all the support arrangements in place to date, and following review involving the young person and the parents, this Section offers the opportunity to identify what further support is felt necessary. This should include revised strategies, access to specialist resources and materials or involvement of more specialist provision that would not normally be available within Element 1 and Element 2 resource levels. Any proposals must be linked to achieving the outcomes for the young person identified in Section 8.

Section 14 Views of those with Parental Responsibility

An opportunity for the parents to provide additional comments not previously specified in Section 4(b).

If an Education, Health and Care Plan is issued, parents will be offered the opportunity to manage any additional resources in the form of a personal budget. It is helpful to have an indication if parents may be willing to consider this as an option.

Schools must be aware that if a parent does wish to manage their own personal budget, this can include funding taken from the school's own Element 2 resource.

Section 15 Views of School / Provider (For completion only in response to a parental request for Assessment)

On occasion, parents or the young person may request an assessment for an Education, Health and Care Plan without prior discussion with the school or setting. The Authority is required to consider this request and will need as much information as possible before making a decision. This could necessitate a request from the Local Authority for the school or setting to complete a EHCP 01/04 Referral Form in the same way as if the school or setting was making the request itself. The same requirement for supporting information will be required in addition to the Form.

This Section also allows comment in relation to the parental request (ie in support or otherwise).

Section 16 Declaration of Education Provider

This must be signed and dated as indicated.

Annex A

In most cases, the educational psychologist will be involved with the young person at an early stage, and will have undertaken a number of interviews and assessments over time in order to provide reports for the EHC Plan

Assessment. However, if there has been no such involvement, the Local Authority may wish the service to undertake an assessment under Statutory requirements. In such circumstances, the educational psychology service requires consent from the parent of a young person under the age of 16 to perform the necessary testing / interview.

It is important that the parent agrees and signs the Annex A form.

If the parent does not consent, the other agency assessments can continue, but vital evidence from the psychologist may be absent.

SUPPORTING ADVICE

When submitting a EHCP 01/04 Referral Form, it is vital that schools and settings ensure that all relevant agencies have been informed and that those agencies have had the opportunity to contribute their professional opinions on a young person's needs, and offered strategies to address these. By submitting this evidence with the Form an assessment can be completed with minimum delay.

Before considering the need for Assessment, the Local Authority must be satisfied that it has received –

- the views of the parent and/or the young person
- evidence of academic attainment and rate of progress
- the nature, extent and context of the special educational needs identified
- evidence of action taken to date from within the provider's existing resources (including Element 1 and Element 2 delegated resources)
- evidence that any progress made has been achieved only as a result of additional and sustained input over a period of time
- evidence of the child or young person's social, emotional and developmental needs, and their health needs

If the young person is aged over 18, there would need to be evidence that he/she would require additional specialist support to make progress in an educational or training setting.

The SEND Code of Practice is clear that 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 young person / parent are all satisfied that it is sufficient for the assessment process. Therefore it is important that this evidence is collated at an early stage in the pre-Assessment process.

However, if the Local Authority is of the opinion that potential contributory evidence has not been submitted, it can seek agreement from the young person and/or the parent to request such additional evidence.

SUPPORTING DOCUMENTATION

Special Education Needs and Disability Code of Practice: 0-25 Years

The Equality Act 2010 – Departmental advice for school leaders, school staff and governing bodies in maintained schools and academies

RELEVANT LEGISLATION

PRIMARY

Sections 36 – 50 of the Children and Families Act 2014

Sections 17, 20 and 47 of the Children Act 1989

Section 2 of the Chronically Sick and Disabled Persons Act 1970

The Care Act 2014

REGULATIONS

The Special Educational Needs and Disability Regulations 2014

The Special Educational Needs (Personal Budgets and Direct Payments) Regulations, Section 49

The Community Care, services for Carers and Children's Services (Direct Payments) Regulations 2009

The National Health Service (Direct Payments) (England) Regulations 2013

