

# Information Advice & Support

Guides for Parents and Carers  
in North Lincolnshire

## 6. Education, Health and Care Needs Assessment for Children in Early Years Settings or at School



North Lincolnshire

Formerly North Lincolnshire Parent Partnership

**SEN & Disability  
Information  
Advice &  
Support  
Service**

**Information,  
Advice & Support  
Services Network**  
for SEND



**NORTH  
LINCOLNSHIRE  
COUNCIL**

[www.northlincs.gov.uk](http://www.northlincs.gov.uk)

## Introduction

This is one of a series of information resources for parents / carers in North Lincolnshire. They are intended to offer an introduction to parts of the *Special Educational Needs and Disability (SEND) Code of Practice* and to complement the Department for Education (DfE) Parents' Guide.

Each booklet is available on the Local Offer website ([www.northlincslocaloffer.com/SENDIASS](http://www.northlincslocaloffer.com/SENDIASS)) and will also be available on the forthcoming Special Educational Needs and Disability Information, Advice and Support Service (SENDIASS) website.

All titles in the series contain hyperlinks to other relevant information and look-ups to words explained in the online glossary. Throughout the booklets:

- words included in the glossary are marked in **bold**
- quotes are referenced and presented in *italics*.
- hyperlinks are underlined.

Additional references to other sources of information, advice and support are included at the back of the booklet.

## EHC needs assessment for children in early years settings or at school

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 of school age.

You might also like to look at our information on Education, Health and Care plans: <http://www.nlsendiass.org.uk/education-health-and-care-plan-ehcp/>

## 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
- the early years setting or school
- 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 school or early years setting can often give your child help through **SEN support**. This means that the school 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 school can provide. If your child does not make progress despite everything the school 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 school 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 early years setting or school, but only after talking with you first.

It is always a good idea to talk to the school or early years setting before asking for an EHC needs assessment.

North Lincolnshire Special Educational Needs and Disability Information, Advice and Support Service (SENDIASS) 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 conduct a needs assessment. During this time it may ask you, the school 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 SENDIASS 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. SENDIASS 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 advice 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 early years setting or school
- 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 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 school 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 SENDIASS 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 SENDIASS.

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 at <http://www.nlsendiass.org.uk/education-health-and-care-plan-ehcp/>

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. It 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 school 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 a school, you have a right to go to mediation and/or to appeal (see below).

If you need help at any stage you can contact SENDIASS.

## 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 to the draft</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 a school or early years setting	Within 15 days of receiving the draft EHC plan
The local authority consults with the school or early years 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. You can contact the SEND Team email: [special.needssection@northlincs.gov.uk](mailto:special.needssection@northlincs.gov.uk), tel: 01724 297148.

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.

You have a right to request independent disagreement resolution and, in some circumstances, mediation. You can find out more about **disagreement resolution** and **mediation** in the SENDIASS booklet: *What if I do not agree with decisions about SEN provision* and in the *SEND Code of Practice* Chapter 9.

## My child already has a Statement. Will they have an EHC needs assessment?

Between September 2014 and September 2018 local authorities will gradually transfer **Statements of Special Educational Need** to the new system. When this happens for your child an EHC plan transfer review will take place. The review will involve an EHC needs assessment. You, your child or the young person **must** be invited to a meeting as part of this transfer review.

Your child's existing Statement, review reports and other information may be sufficient for the needs assessment as long as you, the local authority and those providing the advice agree that they are. If there is not agreement that they are sufficient, the local authority must gather more information and advice.

You can find out more about this in the SENDIASS booklet: *The impact of the SEND reforms on children and young people with statements.*

## 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: [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)

An overview is provided in the SEND: guide for parents and carers: [www.gov.uk/government/publications/send-guide-for-parents-and-carers](http://www.gov.uk/government/publications/send-guide-for-parents-and-carers)

SENDIASS can give you:

- information about EHC needs assessments
- advice and support during the process of assessment
- information, advice and support about your rights to make a complaint, seek independent disagreement resolution or mediation.

There are also a number of national organisations that provide information and advice about SEND. These include:

### **Contact a Family**

SEN National Advice Service Helpline: 0808 808 3555

[www.cafamily.org.uk](http://www.cafamily.org.uk)

### **Coram Children's Legal Centre**

Education Law Advice Lines: 0845 345 4345 or 0300 330 5485

[www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)

## **Independent Parental Special Education Advice (IPSEA)**

General Advice Line: 0800 018 4016

[www.ipsea.org.uk](http://www.ipsea.org.uk)

## **SOS SEN**

National Helpline: 0208 538 3731

[www.sossen.org.uk](http://www.sossen.org.uk)

A more comprehensive list of national and condition specific information and advice providers is available here:

<http://www.northlincslocaloffer.com/SENDIASS>

# Notes

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# Special Educational Needs & Disability

For further information:

## SENDIASS

Hewson House, Brigg  
North Lincolnshire, DN20 8XJ

Telephone: **01724 277665**  
Email: [help@nlsendiass.org.uk](mailto:help@nlsendiass.org.uk)  
Web: [www.northlincslocaloffer.com/sendiaass](http://www.northlincslocaloffer.com/sendiaass)



## No English?

For information please call:

08000 193530 (Arabic) للحصول على المزيد من المعلومات اتصل بـ: 08000 193530

তথ্যগুলি বাংলায় জানতে হলে এই নম্বরে ফোন করুন: 08000 193531 (Bengali)

欲知粵語版的資訊，請致電：08000 193532 (Cantonese)

हिन्दी में जानकारी के लिये 08000 193533 पर फोन करें (Hindi)

بۆ زانیاری به کوردی سۆرانی تەلەفۆن بۆ 08000 193537 بکەر. (Kurdish Sorani)

Para mais informação em português contacte-nos através do telefone 08000 193538 (Portuguese)

ਪੰਜਾਬੀ ਵਿਚ ਜਾਣਕਾਰੀ ਲਈ 08000 193539 'ਤੇ ਫੋਨ ਕਰੋ (Punjabi)

“Warbixinta oo af Soomaali ah wac 08000 193540” (Somali)

08000 193541 اردو میں انفارمیشن کے لیے اس ٹیلیفون نمبر پر رابطہ فرمائیں۔ (Urdu)

Nie mówisz po angielsku? Po informacji zadzwoń pod numer 08000 195587 (Polish)

Не знаете английский? Для информации звоните 08000 195586 (Russian)

For information in alternative formats or to request a signer or interpreter to speak to us please contact **01724 296629**