

## Statutory process: Education Health and Care Needs Assessment leading to an EHC Plan

### Introduction

This document has been developed to provide information about the EHC Needs Assessment process in Sheffield – how applications are made, what schools and other educational settings need to do, what the local authority does and when. An EHC Needs Assessment can lead to an EHC Plan. It includes:

- Who can apply for an EHC Needs Assessment
- What happens during the 20 week statutory EHC Needs Assessment process
- Information applicants should submit when making a request for an EHC Needs Assessment
- A checklist for schools and other applicants

All local authorities are required to follow legislation under the Children and Families Act (2014) and the statutory guidance under the SEND Code of Practice (2015) in regards to this process.

### EHC Plans

Education, Health and Care (EHC) Plans are developed for children and young people aged up to 25 who need Special Educational provision in addition to that ordinarily available to their educational setting (e.g. school, college or nursery). The plans describe the child/young person's education, health and social care needs and specify the educational or training provision that is **extra or different to** that generally provided for other children/young people of the same age by their educational setting. The plans include the child/young person's health and social care needs which are related to their special educational needs and/or disability, and the health and social care provision required to meet those needs.

A request for an EHC needs assessment can be made by:

1. Schools, colleges or nurseries (educational settings)
2. Parents and carers
3. Young people over 16 years old
4. Professionals such as specialist teachers or Educational Psychologists



5. Others involved with the child – for example, if a child or young person is new to the city and made known to the local authority

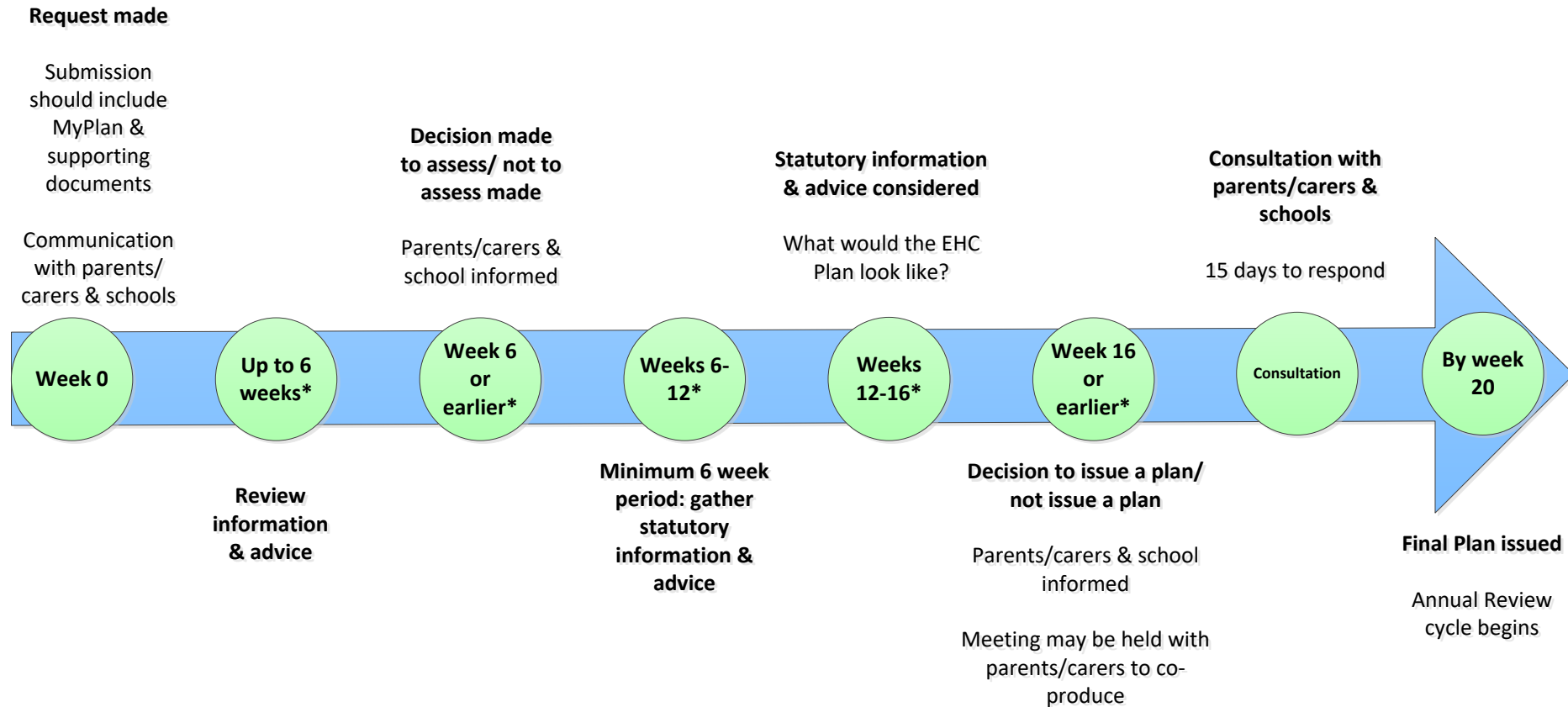
A request for an EHC needs assessment is considered within a maximum of six weeks. If the local authority agrees to assess EHC needs there is a further six week administrative process to gather up-to-date statutory information and advice. Within 16 weeks of the start of the EHC needs assessment the local authority must make a decision as to whether an EHC Plan is needed. If it is, the EHC Plan must be finalised within 20 weeks of the request for an EHC needs assessment being made.

This administrative process is managed by the local authority's SEND Statutory Assessment and Review Service (SENDSARS):

- Email: [SENDAssess&Review@sheffield.gov.uk](mailto:SENDAssess&Review@sheffield.gov.uk)
- Call: 0114 273 6394



## Summary of actions



\*The process can be quicker if all information is available when the request is made. Please refer to guidance and checklist.

Where a young person is above the age of 16 all notification and discussion about the process will be made primarily with the young person rather than the parent in line with SEND legislation.

## 20 week statutory process for new referrals for Education Health and Care needs assessment:

The following details what should happen at all stages of the EHC Needs Assessment process

Time - weeks	Stage in statutory 20 week process	What happens	What schools/ applicants need to do
Before the 20 week statutory process starts	Preparing to submit a request to assess EHC needs to SENDSARS	<p>The person submitting the request collects information about the young person and their needs. This should include as much up to date information as possible, including evidence of involvement of appropriate advisory services and the impact of this advice.</p> <p>In general this should be done through a clearly detailed and reviewed My Plan with supporting documentation.</p>	<p>Schools submitting a request must evidence they have used a graduated approach to meeting the child/young person's needs. (Assess, plan, do and review).</p> <p>Schools/applicants should gather all available evidence (accurate and up-to-date) about the child/young person's needs. This ensures that decisions can be made more quickly and provides evidence that the education provider has taken all relevant and purposeful action to identify, assess and meet needs prior to the assessment.</p> <p><b>Please see the checklist at the end of this document for a list of recommended information that should be included in the request.</b></p> <p>It is also important that the person submitting the request has worked with the child/young person and their family to capture their views –</p>

Time - weeks	Stage in statutory 20 week process	What happens	What schools/ applicants need to do
			so they have fully participated in the process. (Often referred to as co-production).
Week 0	<p>A request for an EHC needs assessment is made.</p> <p>This starts off the 20 week statutory process</p>	<p>The request is made to Sheffield SENDSAR Service.</p> <p>The team logs the request and starts to prepare a 'panel sheet' with summary information about the request – the panel sheet and evidence submitted is provided to the Education Health Care (EHC) Panel for discussion and a decision – see below.</p> <p>SENDSARS writes to the child/young person's family/carer and educational setting to confirm the request is being processed and request outstanding information. SENDSARS also contact other involved professionals for already known information.</p>	<p>It is really important that up-to-date MyPlans are submitted when the request to assess is made. (These are issued and maintained by educational settings and include the child/young person/parents/carers' views).</p> <p>It is also important that all information and advice about the child/young person from involved services is sent to SENDSARS at the same time. This ensures a decision is made as quickly as possible based on all available evidence.</p> <p>NB - Parents are also able to make a request for an EHC needs assessment and should contact SENDIASS for information about how to do this.</p> <ul style="list-style-type: none"> <li>• Tel: 0114 273 6009</li> <li>• Email: ssendias@sheffield.gov.uk</li> </ul>
Week 6 or earlier*	Decision made about whether to	The decision is made by the EHC Panel.	Schools are notified of the decision at the same time as families – so they can talk to them about it.

Time - weeks	Stage in statutory 20 week process	What happens	What schools/ applicants need to do
*If all information is available at point of request a decision can be made earlier	assess EHC needs. Either: <ul style="list-style-type: none"> <li>• Yes – agree to assess – A2A</li> <li>• No – do not agree to assess – DNATA</li> </ul>	The Panel meets weekly and families and schools are notified in writing of decisions the following week.  NB - If key information about the child/young person is missing the Panel might have to delay or may refuse a request.	If the decision is 'No – do not agree to assess' then the EHC Panel will advise on further support to be put in place which the school is expected to progress, including support from appropriate services.  Throughout the whole process it is important that schools/educational settings continue to work with the child/young person and show their parents/carers how it is supporting them.
Weeks 6 to 12 (or earlier in some cases*)	If a decision is made to agree to an EHC needs assessment a new six week process begins where SENDSARS contact professionals to ask for up-to-date assessments and reports	People contacted have six weeks to provide any new or extra information and advice – this is a statutory timescale and cannot be made shorter or longer.  By week 12 – all the statutory information and advice is gained in order to help the plan development process.  NB – the team also contact parents/carers to ask if they want to provide any more information.  A list of those who are required to provide advice is included at the end of this document and detailed in section 9.49 of the SEND Code of Practice.  Where this advice is provided as part of the initial request, or when the local authority is deciding whether to conduct an assessment, the advice giver can advise that their information is accurate and up to date.	If you have already provided up to date and accurate advice (i.e. when submitting the request for assessment) you don't have to provide any more. Schools should make clear to SENDSARS if this is the case.

Time - weeks	Stage in statutory 20 week process	What happens	What schools/ applicants need to do
		Where information is requested as part of the assessment, advice must be provided within the set timeframe, even if the child is not known to the service previously.	
Weeks 12 to 16 (or earlier in some cases*)	Review of statutory information	<p>An Inclusion Officer in SENDSARS reads all of the provided statutory advice and information and starts the plan development process. They have Case Surgeries on a weekly basis where they receive management support.</p> <p>A key consideration is whether what they're reading and drafting in Case Surgeries about required special educational provision is in accordance with the need for an EHC plan. ie. Is this in addition to/different from the majority of children in mainstream schools? In terms of:</p> <ul style="list-style-type: none"> <li>• The type of support</li> <li>• Frequency</li> <li>• Duration</li> <li>• Ratio of adult to child</li> <li>• If support is in the classroom in small groups or withdrawal</li> <li>• Any specialist equipment</li> <li>• Level of expertise of the adult that is implementing the provision</li> </ul>	<p>Parents/carers often welcome support at this stage to help understand what's happening, the decision making processes and what happens next.</p> <p>Schools/applicants can help by advising them of the process, sign posting to SENDSARS or signposting them to SENDIASS (Sheffield's advisory service) which will provide impartial and confidential support - either face-to-face, by phone or by email.</p> <p>Contact SENDIASS by:</p> <ul style="list-style-type: none"> <li>• Phone: 0114 273 6009</li> <li>• Email: <a href="mailto:ssendias@sheffield.gov.uk">ssendias@sheffield.gov.uk</a></li> </ul>

Time - weeks	Stage in statutory 20 week process	What happens	What schools/ applicants need to do
Week 16 (or earlier in some cases*)	<p>Decision is made - does the child or young person need an EHC Plan?</p> <p>Decision made about whether to issue an EHC plan. Either:</p> <ul style="list-style-type: none"> <li>• Yes – A2I</li> <li>• No – do not agree to issue – DNATI</li> </ul>	<p>The Inclusion Officer will prepare a submission to the EHC Panel for a decision as to whether to issue an EHC Plan or not.</p> <p>The EHC Panel may also advise of the need for potential resources to meet the identified needs.</p> <p>SENDSARS will aim to bring the case to the EHC Panel as soon as possible following the end of the statutory advice giving process in order to facilitate time to draft the plan and complete actions within the statutory timeframe.</p> <p>If the decision is yes - SENDSARS complete a draft plan and send to parents/carers. It is also sent to the educational setting(s) at the same time. This is to share information and to enable the setting to work with the family on any issues.</p> <p>Parents/carers are asked to provide any comments/amendments on the Plan within 15 calendar days and detail their preferred education placement. The Inclusion Officer will consider the amendments and make any that are evidenced and agreed.</p> <p>Parents/carers are invited to request a meeting to discuss the content of the plan at this point. SENDSARS will arrange this meeting with the family and appropriate professionals.</p>	<p>Schools must respond to requests for comments within the 15 calendar days.</p> <p>Responses to consultations must detail how you will meet the needs detailed within the draft EHC Plan and what would be required to do so. Consultation responses must not focus on how the school currently use its budget but on what adjustments would be required to meet the needs detailed in the EHC Plan.</p> <p>Schools can ask for help and support about how best to implement the plan if needed – this is available at a Locality level in the first instance. eg. through Locality panels and area SENCOs and may include the resources required to meet the needs detailed and make the provision described in the plan.</p> <p>If the decision is No then the EHC Panel will advise on further work to be undertaken or support to be put in place from provision normally available to the school which the school is expected to progress, including support from appropriate services.</p>



Time - weeks	Stage in statutory 20 week process	What happens	What schools/ applicants need to do
		<p>The educational setting is consulted about whether they can meet the child/young person's needs described within the Plan, and provide the education provision described. They also have 15 calendar days to respond.</p> <p>Plans are finalised within 20 weeks.</p> <p>NB - The child's parent/carer or the young person has the right to request a particular school, college or other institution to be named in their EHC plan. If they do this, the local authority <b>must</b> comply with that preference and name the school or college in the EHC plan unless:</p> <ul style="list-style-type: none"> <li>• it would be unsuitable for the age, ability, aptitude or SEN of the child or young person, or</li> <li>• the attendance of the child or young person there would be incompatible with the efficient education of others and no reasonable steps can be taken to remove that incompatibility, or the efficient use of resources</li> </ul>	
Week 20 or earlier	Plan complete	The Plan is issued to parents/carers and the educational setting named in Section I.	The educational setting must admit the child/young person if they are named in Section I of the Plan. Not to do so would be contrary to law and could be interpreted as the school treating the child/young person less favourably because of their special educational needs.

Time - weeks	Stage in statutory 20 week process	What happens	What schools/ applicants need to do
<b>If a decision is made not to assess needs (at week 6 or earlier) or not to award an EHC Plan (at week 16 or earlier)</b>			
	<p>A decision is made:</p> <ul style="list-style-type: none"> <li>• Not to assess EHC needs</li> <li>• Not to issue an EHC Plan</li> </ul>	<p>Parents/carers are contacted in writing by SENDSARS informing them of the decision and reasons for it. The child/young person’s educational setting also receives this information.</p> <p>The local authority will always give recommendations about what should happen next to ensure the child or young person is supported – this might involve other services</p> <p>Support is also available through SENDIASS, Sheffield’s impartial advisory service (contact details above). This service will either give a child and their family support, or help them get it through schools, colleges and nurseries. Their role is to provide impartial information and advice as to processes and provision available.</p> <p>A separate statutory process can also start if families disagree with the decision. Families can appeal to the SEND tribunal. Before an appeal can be lodged, the family must consider mediation. In addition, disagreement resolution is available to families at any stage in the EHC process.</p>	<p>Educational settings should continue to support the child/young person and should:</p> <ul style="list-style-type: none"> <li>• Bring the relevant professionals (e.g. educational psychology, specialist teachers, MAST and inclusion and attendance officers) together to discuss and agree the overall approach to support the child/young person</li> <li>• Ensure the above professionals are given sufficient notice to be able to contribute to this process</li> <li>• Continue to regularly review the child/young person’s MyPlan three times a year – looking at whether or not their individual outcomes have been achieved and whether anything has changed.</li> </ul>

Time - weeks	Stage in statutory 20 week process	What happens	What schools/ applicants need to do
		Details about these services are included in the decision letters sent by SENDSARS.	

\* The EHC Plan process can be speeded up if all key information is included when the request to assess is made. The EHC Needs Assessment timeframe is incredibly tight and so where possible SENDSARS will seek to make decisions as soon as possible in order to ensure the process is completed within 20 weeks.

## List of professionals that must be contacted as part of the EHC Plan process

The SEND Code of Practice 2015 includes a list of people that local authorities must contact as part of the EHC Plan process.

Councils contact these people in week 6 if a decision is made to agree to an EHC needs assessment - **however this decision could be made earlier if all the information about the child/young person was known and submitted in advance, as part of the request to assess.**

Schools/families/support workers (or a combination of these) can help by asking key people for up-to-date and accurate assessments and reports. These can then be included as part of the request to assess.

People that should be contacted as part of the EHC Plan process and are required to provide advice:

- **Advice and information from the child's parent or the young person.** The local authority must take into account his or her views, wishes and feelings
- **Educational advice and information from the manager, headteacher or principal of the early years setting, school or post-16 or other institution attended by the child or young person**
- If the child or young person is either vision or hearing impaired, or both, the educational advice and information must be given after **consultation with a person who is qualified to teach pupils or students with these impairments**
- **Medical advice and information from health care professionals with a role in relation to the child's or young person's health**
- **Psychological advice and information from an educational psychologist who should normally be employed or commissioned by the local authority.** The educational psychologist should consult any other psychologists known to be involved with the child or young person
- **Social care advice and information from or on behalf of the local authority,** including, if appropriate, children in need or child protection assessments, information from a looked after child's care plan, or adult social care assessments for young people over

18. In some cases, a child or young person may already have a statutory child in need or child protection plan, or an adult social care plan, from which information should be drawn for the EHC needs assessment

- **From Year 9 onwards, advice and information related to provision to assist the child or young person in preparation for adulthood and independent living**
- **Advice and information from any person requested by the child's parent or young person, where the local authority considers it reasonable to do so.** For example, they may suggest consulting a GP or other health professional
- **Advice from a youth offending team, where the child or young person is detained in a Young Offender Institution**
- **Any other advice and information which the local authority considers appropriate for a satisfactory assessment**

## Checklist

Things to include when applying for EHC plan/needs assessment	✓
A good quality MyPlan* which includes:	
Up to date and accurate information	
Details of the reviews of the MyPlan	
Information about advice given and how it has been used – and the impact on the child/young person’s progress	
An attendance percentage for the current period with an additional summary sheet detailing codes to show the types of absence	
Details of the child/young person's attainment, progress, progress against age related expectations and progress against children/young people with and without similar SEN needs	
Details about moderation of the Sheffield Support Grid levels	
Evidence that quality assurance of the MyPlan has taken place	
A one page summary from the head teacher giving an overview to of the request	
Information from involved advice giving services such as Educational Psychologist, Health Therapy Services, Autism Education Team and Fusion. (Please provide copies of original reports as well as information in the MyPlan about how the advice has been used)	
A provision map or timetable - this should specify the SEN support the child/young person is receiving, to include details of the environment (such as class size, class organisation, cohort, pupil numbers and staff ratio) and details of their timetable	
Information about any resources received from the locality (element 3)	
Evidence of interventions and their impact on progress such as in-school support, outreach services and/or alternative provision – this information should be included as part of the MyPlan reviews	
Any other information or documentation you consider relevant - eg exclusions, latest school reports, notes from any meetings with professionals (to include locality panel meetings, PIP and SIP), an individual health care plan	

\* For advice and guidance about MyPlans please consult with your locality lead SENCo.