

Liaise

SEND Information Advice and
Support Service in Lincolnshire

Special Educational Needs and Disability
Information, Advice and Support Service
(SENDIASS)

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Education,
Health and
Care Plan

Education,
Health and
Care Plan

EHC Plans

Education,
Health and
Care Plan

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COUNTY COUNCIL
Working for a better future

Housekeeping

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- **Switch off/on**
- **Raise Hand**
- **Chat function**
- **Confidentiality & Respect**
- **Question & Answers**



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What happens if?

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Introductions

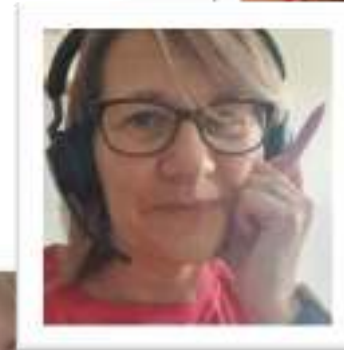
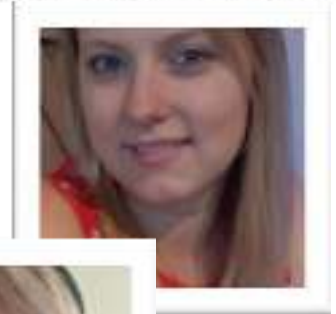
Pam



Carrie-Ann

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Working for a better future

This workshop will explain:

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- what the law and statutory guidance says about EHC plans;
- why your child might need one;
- what happens during the assessment process;
- how an EHC plan is maintained once it is in place.

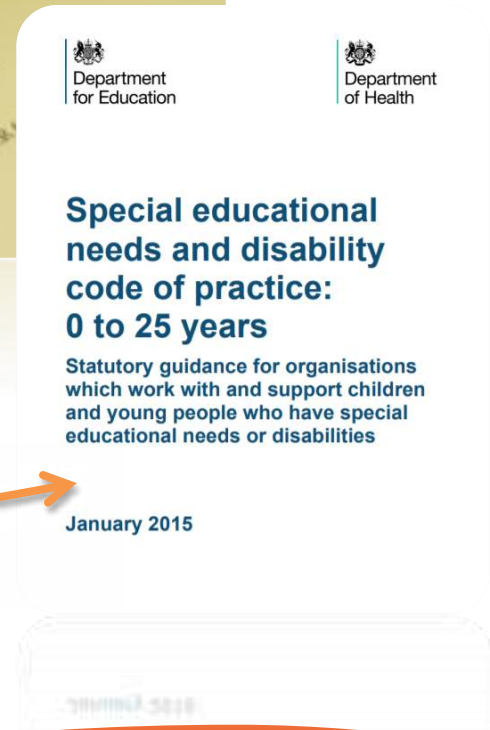
Aims of the session

Important Documents



The Children and Families Act 2014 **(Part 3)**

Send Code of Practice 2015



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Why might you request an EHC needs assessment (EHCNA)?

Some children and young people may require an EHC needs assessment in order for the Local Authority (LA) to decide whether it is necessary for it to make provision in accordance with an EHC plan

An EHC needs assessment will not always lead to an EHC plan. The information gathered during an EHC needs assessment may indicate ways that the setting can meet the child or young person's needs without needing an EHC plan.

SEND Code of Practice 9.1; 9.6

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The legal test for an EHCNA

The local authority must secure an EHC needs assessment for the child or young person if, after having regard to any views expressed and evidence submitted under subsection (7), the authority is of the opinion that—

(a) the child or young person has or may have special educational needs, and

(b) it may be necessary for special educational provision to be made for the child or young person in accordance with an EHC plan.

Children and Families Act 2014 Section 36.8

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How do you request an EHCNA?

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A request for an EHCNA can be made by:

- **Parents/carers;**
- **Young people over the age of 16 but under the age of 25;**
- **Early year's settings/schools/colleges;**
- **Any professionals working with a child or young person.**

If you feel that an EHC needs assessment request is required, in the first instance we would advise you to work with the setting to do this. However, you are also able to make this request yourself as a parent.

Lincolnshire LA has a request form to complete and this can be found on the Local Offer website. Alternatively, you can write a letter to the LA.

www.lincolnshire.gov.uk/localoffer

www.ipsea.org.uk

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Timeline of the EHCNA process

| | |
|----------------|-----------------------------------------------------------------------------------------------------------------|
| Week 1 | Request for an EHC needs assessment is submitted to the Local Authority |
| Week 6 | The LA must let the child's parent or the young person know whether an EHC needs assessment is necessary |
| Week 16 | The LA must inform the child's parent or the young person if an EHC plan is not being issued |
| Week 20 | The LA must issue the final EHC plan |

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Weeks 1-6

| | SEND Code of Practice | In Lincolnshire.... |
|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| Weeks 1-6 | EHC request submitted to LA | This involves completing a request form. Alternatively, a letter can be submitted |
| | The LA gathers information from professionals (9.14) | This includes health, social care, support services, education setting |
| | Decision made whether to proceed with EHCNA. The LA must make a decision and communicate the decision to the child's parent or to the young person within 6 weeks of receiving the request (9.11) | The decision is made at allocations panel |

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Week 6-16

| | SEND Code of Practice | In Lincolnshire... |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|
| Weeks 6-16 | “In seeking advice and information, the LA should consider with professionals what advice they can contribute to ensure the assessment covers all the relevant education, health and care needs of the CYP” (9.49) | A person centred planning meeting is held The EHC outline is drafted and sent to Hub panel for a decision to be made |
| | “Following the completion of the assessment, if the LA decides that an EHC plan is not necessary, it must notify the child’s parent or the young person....and give the reasons for its decision. This notification must take place as soon as practicable and at the latest within 16 weeks of the initial request” (9.57) | The caseworker will ring the family to inform them of the decision. A letter is also sent. |

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Person Centred Planning (PCP) meeting

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The SEND caseworker will organise a meeting and invite the family, the child/young person, and anyone else the family would like there. They will discuss the child's needs and aspirations, and look at the child's life so far.

This is where the SEND Caseworker gathers information for Section A of the EHC needs assessment outline

These are usually held in school, but parents can request for it to be held at their home. Due to Covid19 restrictions, these are often held via video call at the moment.



EHCNA outline

In accordance with Part 3 of the Children and Families Act 2014, the following Education, Health and Care plan is maintained by Lincolnshire County Council.

The SEND Code of Practice 2015 Says

Needs

| | |
|------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Section A | The views, interests and aspirations of the child and their parents, or of the young person. |
| Section B | The child or young person's special educational needs. |
| Section C | The child or young person's health needs which are related to their SEN. |
| Section D | The child or young person's social care needs which are related to their SEN or to a disability. |
| Section E | The outcomes sought for the child or the young person. This should include outcomes for adult life. The EHC plan should also identify the arrangements for the setting of shorter term targets by the early years provider, school, college or other education or training provider. |

Provision

| | |
|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Section F | The special educational provision required by the child or the young person. |
| Section G | Any health provision reasonably required by the learning difficulties or disabilities which result in the child or young person having SEN. Where an Individual Health Care Plan is made for them, that plan should be included. |
| Section H1 | Any social care provision which must be made for a child or young person under 18 resulting from section 2 of the Chronically Sick and Disabled Persons Act 1970. |
| Section H2 | Any other social care provision reasonably required by the learning difficulties or disabilities which result in the child or young person having SEN. This will include any adult social care provision being provided to meet a young person's eligible needs (through a statutory care and support plan) under the Care Act 2014. |

Setting

| | |
|------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Section I | The name and type of school, maintained nursery school, post-16 institution or other institution to be attended by the child or young person and the type of that institution (or, where the name of a school or other institution is not specified in the EHC plan, the type of school or other institution to be attended by the child or young person) |
| Section J | Where there is a Personal Budget, the details of how the personal budget will support particular outcomes, the provision it will be used for including any flexibility in its usage and the arrangements for any direct payments for education, health and social care. The special educational needs and outcomes that are to be met by any direct payment must be specified. |
| Section K | The advice and information gathered during the EHC needs assessment must be attached (in appendices). There should be a list of this advice and information. |

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Week 16-20

| Weeks 16-20 | Code of Practice | In Lincolnshire we... |
|---------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| | <p><i>“The LA must send the draft EHC plan (including the appendices) to the child’s parents or to the young person and give them at least 15 days to give view and make representations on the content” (SEND CoP 9.77)</i></p> | <p>The SEND team send a copy of the draft EHC plan, the referenced documents and a draft plan approval form to parents for completion</p> |
| | <p>SEND team consult with settings in line with the SEND CoP guidance 9.78-9.90</p> | <p>Consults will be sent to different settings in line with Lincolnshire’s School Transport Policy</p> |
| <p>The EHC plan is finalised by week 20 and sent to the family in line with the SEND CoP guidance 9.125 – 9.130</p> | <p>The SEND team send a copy of the final EHC plan to all professionals involved in creating the EHC plan</p> | |

Fact or Fiction

‘A child/Young person must have an official diagnosis to be eligible for an EHCP’

‘A child/Young person needs to be academically behind in order to have an EHCP’

‘A maintained mainstream school can refuse to admit a child/Young person with an EHCP’

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Naming a setting

The LA must name the preferred educational setting in the EHC plan unless:

- (4) (a) the school or other institution requested is unsuitable for the age, ability, aptitude or special educational needs of the child or young person concerned, or
- (b) the attendance of the child or young person at the requested school or other institution would be incompatible with—
 - (i) the provision of efficient education for others, or
 - (ii) the efficient use of resources.

Children's and Families Act 2014 section 39.3 and 39.4

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Following the issue of an EHC plan

Within 6 weeks of the EHCP being received the setting will invite the family to an *implementation meeting*.

The final EHCP is a legal document - the Local Authority has a duty to ensure the SEN provision in the EHC plan is secured.

The EHCP will be reviewed each year – this is called an **Annual Review** (SEND Code of Practice 9.166-9.178).

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The right to appeal

Parents/the young person have the right to appeal at three separate stages of the EHC process, depending on the decisions taken by the Local Authority:

| | |
|----------------|-----------------------------------------------------------------------------------------|
| Week 6 | If an EHC needs assessment is refused |
| Week 16 | If the Local Authority decide to not issue an EHC plan |
| Week 20 | Following issue of the final EHC plan – Sections B, F and I of the EHCP can be appealed |

The EHC Plan Review Process

“A local authority must review an EHC plan that it maintains—
in the period of 12 months starting with the date on which the plan was first made,
and
in each subsequent period of 12 months starting with the date on which the plan
was last reviewed under this section.”

Children and Families Act Section 44 1a & 1b

“EHC plans...must be reviewed by the LA as a minimum every 12 months. The review
must

- Focus on the CYP’s progress towards achieving the outcomes;
- Consider whether these outcomes and supporting targets remain appropriate”

SEND Code of Practice 9.166

Who should attend an annual review meeting?

“The LA must consult with the parent of the child or young person (and with the school or institution being attended if there is one) about the EHC plan, and take account of their views, wishes and feelings.”

“The child’s parents or young person, a representative of the school or other institution attended, a local authority SEN officer, a health service representative and a local authority social care representative must be invited and given at least two weeks’ notice of the date of the meeting. Other individuals relevant to the review should also be invited”

SEND Code of Practice 9.176

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The review process

| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|
| Information must be gathered from parents and young people and from professionals about the EHC plan | This must be circulated two weeks before the meeting. |
| An annual review meeting must take place to discuss the EHC plan. | Date organised by SENCo at the educational setting |
| A report of what happened must be circulated to everyone who attended or submitted information to be discussed. This must also be sent to the Local Authority SEND Team | This must be circulated within two weeks of the meeting happening |
| After the meeting the LA reviews the EHC plan. | The LA must notify the parent of the child or young person of their decision within four weeks of the meeting. |

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Possible outcomes of the review

1. Be maintained and no changes are required

2. Be maintained but amended i.e. there are significant changes and it requires updating

3. Be ceased i.e. the identified outcomes have been met and the child or young person's needs can be met via SEN support arrangements or the young person will no longer be in education or training

What should happen after the review?

“Within four weeks of the review meeting, the Local Authority **must** decide whether it proposes to keep the EHC plan as it is, amend the plan, or cease to maintain the plan, and notify the child’s parent or the young person and the school or other institution attended”

“If the plan needs to be amended, the Local Authority should start the process of amendment without delay”

SEND Code of Practice 9.176

- The right to request an EHC needs assessment
- Be aware an assessment might not lead to an EHC plan
- The EHC needs assessment process should be 20 weeks from the date of the request
- The right to name a preference of a setting to be named in an EHC plan
- The final EHCP is a legal document - the Local Authority has a duty to ensure the SEN provision in the EHC plan is secured.
- An EHC plan must be reviewed, at a minimum, every 12 months



Summary

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The Local offer
(EHCNA request form and EHCP templates)
www.lincolnshire.gov.uk/localoffer



Useful links

IPSEA
www.ipsea.org.uk

Appeal information
www.gov.uk/courts-tribunals

[First-tier Tribunal \(Social Security and Child Support\)](#)

[First-tier Tribunal \(Special Educational Needs and Disability\)](#)

[First-tier Tribunal \(Tax\)](#)



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Thank you for taking the
time out to be with us today

*Pam
&
Carrie-Ann*