

Education, Health and Care Plan (EHCP)



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 used for children and young people with high support needs.

EHC plans are for children and young people who need a high level of support. 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

You can access the **SEND Code of Practice** online at www.gov.uk



The process can seem scary and overwhelming, but there is help and advice available.

Who needs an EHCP?

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 usually available at their school or college.

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 should carry out an **EHC needs assessment**. A few children and young people have such significant difficulties 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.

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

What does an EHCP 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 views, interests and aspirations of you and your child or the young person.
- Your child's or young person's special educational needs
- Health needs related to their SEN or to a disability
- Social care needs related to their SEN or to a disability
- Planned outcomes for your child or the young person
- Special educational provision. Provision must be specified for each and every need shown in section B
- Any health provision required that is related to their SEN or to a disability.
- There are two sections
 - Any social care provision that **must** be made for your child or young person under 18.
 - Any other social care provision required that is related to their SEN or to a disability.
- The name and type of the school, maintained nursery school, post-16 institution or other institution to be attended
- Details of how any personal budget will support particular outcomes and the provision it will be used for
- The advice and information gathered during the **EHC needs assessment**

When reading through the draft plan there are a few things to consider in order to get the best possible final plan.

- Check that all the identified SEN are included in section B of the plan. Cross-reference with the specialist advice/reports (educational psychology, occupational/ speech & language therapist etc.)
- Check that each identified 'need' (sections B, C, and D) has a corresponding 'provision' (sections F, G H1 & H2).
- Section F should contain anything which 'educates' or 'trains' your child, for example this might include occupational or speech & language therapies, or travel training.
- Check health and social care needs have been identified and provision included
- From Year 9 onwards, provision to support preparation for adulthood and independent living
- For a young person, have the local authority made provision across five days (as outlined in the SEND Code Of Practice, 8.39 -9.42)

EDUCATIONAL HEALTH & CARE PLAN

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 at www.ipsea.org.uk and search 'EHC plan checklist'

Requesting a school be named in the EHCP?

The SEND Code of Practice says:

The child's parent or the young person has the right to request a particular school, college or other institution of the following type to be named in their EHC plan:

- maintained nursery school
- maintained school and any form of academy or free school (mainstream or special)
- non-maintained special school
- further education or sixth form college
- independent school or independent specialist colleges (where they have been approved* for this purpose by the Secretary of State and published in a list available to all parents and young people)

9.78

And:

The local authority may only reject your request to name your chosen school where:

- the school or other institution is unsuitable for the age, ability aptitude or special education needs of the child or young person.
- The attendance of the child or young person would be incompatible with the provision of efficient education for others
- The attendance of the child or young person would be incompatible with the efficient use of resources

9.79

The Local Authority (LA) will issue you a draft plan and ask which school, college, or setting you would like your child or young person to go to. They must consult with that setting (provided a type listed above) giving them 15 days in which to respond, before deciding whether to name it in the plan.

Though schools and settings can make representations to the local authority within this 15-day period, it is the local authority that decides whether to name your chosen school.

Where you disagree with the named setting in an EHC plan, you have the right of **appeal**.



How will I be involved?

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 **us** 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 EHCP?

The local authority must review the EHC plan at least **every 12 months**, though you can request an early annual review with the local authority. An early review can be helpful if you are concerned about provision, progress or if there has been a change in circumstances. Reviews must be done in partnership with you and your child/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 read more about reviews of EHC plans in the **SEND Code of Practice**.



For children in **mainstream school** some of the funding comes from the **school**. The local authority may '**top up**' this funding from their '**High Needs Block**' (**Element 3**).

Special schools have a standard amount of funding for each pupil. This can also be 'topped up' with **Element 3** funding when necessary.

For young people in **6th forms** or attending **college** some of the funding will come from the **college budget**. This may be 'topped up' by the local authority if the amount of funding needed is more than the 'nationally prescribed threshold'. This is an amount of money that is decided on each year.

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**.



Department
for Education



Department
of Health

Special educational needs and disability code of practice: 0 to 25 years

Statutory guidance for organisations
which work with and support children
and young people who have special
educational needs or disabilities

January 2015

Where does the funding come from?

The local authority is responsible for ensuring that all the needs set out in the EHC plan are met and that the provision is made. Funding for EHC plans usually comes from a number of sources.

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.

SENDIASS can give you impartial advice and support and explain your options. This may include independent disagreement resolution, mediation or going to appeal.



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.

Useful Links?

Contact (for families with disabled children):

www.contact.org.uk

Council for Disabled Children (umbrella body for the disabled children's sector):

www.councilfordisabledchildren.org.uk

SEND Code of Practice (explains the statutory duties of schools and local authorities):

IPSEA (legal advice and resources for families with disabled and SEN children):

www.ipsea.org.uk



How long does the EHC Assessment through to Plan 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
EITHER	
The local authority tells the parents of the decision not to issue an EHC plan	Within 16 weeks of the start date
OR	
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"> • agree that the draft is accurate • ask for changes • ask for a meeting. Parents also state a preference for a school, early years, or further education setting	Within 15 days of receiving the draft EHC plan
The local authority consults with the education 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

Contact SENDIASS Leicester if your child has Special Educational Needs (diagnosed and undiagnosed) to discuss EHCPs. We can offer impartial help and advice to ensure that your child receives the appropriate help and support.



Telephone: 0116 482 0870



Email: info@sendiassleicester.org.uk



Facebook: SENDIASS Leicester



Twitter: @SendiassL