

# A guide to Cambridgeshire's Education, Health and Care Needs Assessment and the Education, Health and Care Plan

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# Introduction

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The Government has now introduced into law the Children and Families Act (containing the new Special Educational Needs legislation and new Special Educational Needs Code of Practice). The legislation brings fundamental changes to working practices with a greater focus on learning and life outcomes for children and young people aged 0-25 years old who have Special Educational Needs (SEN) and disabilities.

## Key features include:

- Children and young people who currently have a Statement of Special Educational Needs or Learning Difficulty Assessment (for over 16s) will have their needs reviewed and if required an Education, Health and Care Plan (EHC Plan) will be drawn up.
- The EHC Plan provides the same statutory protection as the current Statement of SEN for children and young people aged between 0-25 years old. It will also extend the rights and protections to young people in Further Education and training. It will offer families the option of a Personal Budget.
- Co-operation between all services involved in supporting children, young people and their families will be encouraged and improved. In particular, Local Authorities and Health Clinical Commissioning Groups (CCGs) will be required to work together to jointly commission appropriate services and provision.
- Local Authorities are required to involve children, young people and parents/carers in reviewing and developing provision for all those with Special Educational Needs and/or Disability (SEND), and to publish a SEND Local Offer of support and provision.

## Our principles

Underpinning our approach to Education, Health and Care planning are the 10 key principles of Early Support. Early Support is a way of working aimed at improving the delivery of services for children and young people with complex needs and their families; it focuses on enabling services and practitioners to work in partnership with families. The principles include:

- **Valued Uniqueness** - The uniqueness of children, young people and families is valued and provided for.
- **Planning Partnerships** - An integrated assessment, planning and review process in partnership with children, young people and families.
- **Key Working** - Service delivery is holistic, co-ordinated, seamless and supported by key working.
- **Birth to Adulthood** - Continuity of care is maintained through different stages of a child's life and through preparation for adulthood.
- **Learning and Development** - Children and young people's learning and development is monitored and promoted.
- **Informed Choices** - Children, young people and families are able to make informed choices.
- **Ordinary Lives** - Wherever possible children, young people and their families can live 'ordinary lives'.
- **Participation** - Children, young people and families are involved in shaping, developing and evaluating the services they use.
- **Working Together** - Multi-agency working practices and systems are integrated.
- **Workforce Development** - Children, young people and families can be confident the people working with them have appropriate training, skills, knowledge and experience.

## **All professionals who are involved with the child/young person and their family will need to ensure:**

- Children, young people and their families are at the heart of all processes and decisions and their needs are of paramount importance.
- All information is shared appropriately and in accordance with Information Governance requirements (this is an approach to managing and storing information which ensures that it is treated sensitively and confidentially).
- Decisions are reached in which families are active participants, involved in shaping and producing their child's Plan.
- Family friendly language is used and where the use of technical/professional language is required, for example to describe a medical condition, clear explanations should be provided.
- All agencies take responsibility for collaborative planning and the achievement of outcomes identified for the child/young person.
- All agencies are proactive in this planning process.

## **A coordinated approach**

For children, young people and their families the assessment process should be person-centred, well co-ordinated and timely. Education, Health and Care professionals will work together with families to decide key outcomes and to secure appropriate resources in order to deliver those outcomes.

EHC Plans will take into account the use of informal (family and community) support and formal support from statutory agencies in order to achieve agreed outcomes.

# **Support available to all children and young people**

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The vast majority of children and young people will have their Special Educational Needs met in their educational setting, school or college.

## **SEND Local Offer**

The local offer will help parents, carers and young people to see clearly the range of services and support that are available in their local area and understand how to access them.

The local offer will include information about health and social care services, education, leisure activities and support groups in the area for children and young people aged 0 - 25 with SEND and their families.

### **There will be information about:**

- services and support available
- how to access services and how decisions are made
- preparation for adulthood and independence
- arrangements for making a complaint and Mediation
- how to comment on the local offer

### **In addition to the information published on [www.cambridgeshire.gov.uk/send](http://www.cambridgeshire.gov.uk/send) schools and settings will also be required to publish:**

- how children and young people's needs are identified and assessed
- how they support children and young people with SEND

# Request for an Education, Health and Care Needs Assessment

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## Assessment and Planning Timeline

In line with the legislation the time taken to complete the co-ordinated assessment process will be a maximum of 20 weeks.

<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

In order to ensure there is sufficient time for all stages of the process to be completed within 20 weeks, the decision whether or not to proceed with an EHC Plan should be conveyed to parents within six weeks.

## Submitting a Request for an EHC Needs Assessment

Requests will be accepted from settings, Schools, Colleges, parents, young people who are over the age of 16 (or an advocate acting on their behalf) and professionals involved with the child or young person. The request should be submitted to the Statutory Assessment and Resources Team (START) on the appropriate request form.

[www.cambridgeshire.gov.uk/ehcplan](http://www.cambridgeshire.gov.uk/ehcplan)

The request forms for schools and professionals will require detailed and specific supporting information.

- On receipt of a request START will contact the referrer, school, parent or young person by letter to acknowledge receipt of the referral. START will also seek further information from the young person/parent, as necessary.
- START will then contact other professionals identified as being involved to inform them of the request.
- The Local Authority will reach a decision on whether or not to proceed with an EHC Needs Assessment
- The parent/young person and the school will be informed of the decision made.

# Making a decision

Requests will normally be considered on a two weekly basis by the Education, Health and Care Needs Assessment Panel comprising of Senior SEND officers, Head teachers, and senior representatives from Social Care and Health. Decisions will be made within the specified timeline. The decision will be recorded with the reasons, together with any further action to be taken.

## Eligibility criteria for undertaking an Education, Health and Care Needs Assessment

An Education, Health and Care Needs Assessment may be required for children and young people with SEND aged 0 to 25 years if the following apply.

The child or young person:

- Has severe and/or complex long term needs which affect everyday life.
- Requires provision and resources which are above those normally available.
- Requires intensive and longer term help and support from more than one agency.
- Is making limited or no progress despite high levels of support and purposeful interventions.

There must be evidence that a graduated response has already been put in place by the school or setting (e.g. appropriate assessment and interventions including support and resources available through the Local Offer).

An EHC Needs Assessment will only be undertaken where the level of severity /complexity of the child or young person's needs requires access to services over and above those offered at a universal or targeted level as set out in the Local Offer.

## Outcomes from Panel

### Decision to proceed

If the decision is made to begin an EHC Needs Assessment START will:

1. Tell the parents/carers and young person (where appropriate) of the decision by telephone where possible, and confirm by letter. START will also discuss the option of allocating a Family Supporter with the parents/carers and young person. The Family Supporter could be:
  - an individual who is already involved with the family, such as a family friend;
  - a professional working with the child or young person;
  - a member of a voluntary organisation e.g. Pinpoint.
  - a Parent Partnership Service representative or;
  - a parent volunteer.

It is important that parents and children/young people are involved in this discussion and are in agreement with the choice of person to support them. The person identified must agree to the role of Family Supporter.

2. Set a date for the EHC Needs Planning Meeting. The date and mutually agreed venue, often but not always in the school, should be one which is convenient to the child/young person and their parents and as many professionals as possible to ensure maximum attendance. The child/young person and their parents should be consulted about which professionals to invite to the meeting. Parents and professionals should be made aware of the importance of the meeting and strongly encouraged to attend.
3. Inform the young person and parents/carers of the finalised arrangements for the EHC Needs Planning Meeting.
4. Write to the professionals involved, informing them of the decision and inviting them to the EHC Needs Planning Meeting.



## Decision not to proceed

If it is decided not appropriate to proceed with an EHC Needs Assessment based on the eligibility criteria, START will:

1. Liaise with the relevant professionals to inform them of the decision.
2. Telephone and write to the parents/carers or young person (if appropriate) with a detailed explanation why the decision not to proceed was taken :
  - informing them of the decision following the referral;
  - providing reasons for the decision;
  - signposting to other sources of support as appropriate;
  - offering an opportunity for an informal meeting to discuss the decision and;
  - advising of their rights to Mediation, Disagreement Resolution services and appeal to the First Tier Tribunal for educational matters and the appropriate complaints procedures for Health and Social Care.
3. Copy the decision letter to all professionals involved
4. Contact relevant professionals involved to advise of any further action.

# EHC Needs Assessment

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This stage will need to be completed within six weeks from the date of the 'decision to proceed' with an EHC Needs Assessment. This will help to tell the child or young person's story from a variety of perspectives and will include information describing the child or young person in order to inform future planning.

## 'All About Me'

The child/young person and their family will be offered the opportunity to tell their story. START will liaise with the child/young person and/or their family to arrange for the completion of the 'All About Me' one page profile. This could be completed by the child or the young person, and/or their parent/carers, with family support or with the assistance of the Family Supporter or school if desired.

When the 'All About Me' document and relevant reports from professionals have been collated, START will share them with everyone who has been invited to the meeting. It is important to emphasise that the child/young person and their parents/carers are equal partners in co-producing the EHC Plan.

## Professional reports

At the same time the 'All About Me' document is being compiled, professionals will be contacted and asked for their specialist advice. START will write to professionals, who will be asked to provide information and answer questions about key areas of development, identifying needs and strengths.

Professionals will need to recommend outcomes which are clear, specific and measurable and which are achievable within the resources that are available. A good example of this is an outcome which clearly describes what will be achieved, how it will be achieved, by when and who will be responsible for delivering the outcome. Reports should be shared with parents/carers and young people before being sent to START. Once all reports are received by START, if parents/carers and/or young people agree, they are shared with each professional involved.

# EHC Needs Planning Meeting

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## The purpose of the Meeting

The purpose of this meeting is to review the professional advice and the parents/carers and child/young person's views provided for the assessment. The meeting will identify the child/young person's strengths, needs and aspirations as well as agreed future outcomes and the resources required to deliver those outcomes. It is important that the child/young person and their family should genuinely feel involved and participate in the meeting.

The START Special Educational Needs Casework Officers will facilitate the meeting. The purpose, format and principles of the meeting will be clearly explained. The meeting will be held in a spirit of co-operation and co-production in line with the following principles:

- Where possible the parent and if appropriate the child/young person should be present at the meeting.
- The child/young person's needs must come first.
- The parents' or carers' rights must be considered.
- Meetings should follow an agreed format.
- The child/young person's welfare, well-being and agreed outcomes are everyone's responsibility.
- Only those professionals/practitioners who are already or likely to be a part of the personalised package of support should be present.
- The meeting should be conducted in an inclusive and professional manner using language which is respectful and appropriate for all in attendance.
- Under normal circumstances the meeting should last no longer than two hours.
- Where possible any potential disagreements between professionals should have been resolved prior to the meeting.

## Agenda for the EHC Needs Planning Meeting

1. Welcome and introductions.
2. Outline of the purpose, principles and the format of the meeting.
3. An opportunity for the parents/carers and/or young person (or Family Supporter if preferred) to present their perspective. This may include:
  - strengths;
  - hopes and aspirations;
  - what is important
  - what is working well and what is not working so well.
4. Co-produce the EHC Plan, through discussion, with a view to agreeing:
  - needs;
  - desired outcomes;
  - resources required to achieve outcomes;
  - success criteria; and
  - exploring any issues requiring resolution.
5. Next steps which will include:
  - describing the next steps in the process; a date for issuing a draft EHC Plan (if agreed), what parents/carers need to do next; timescales for issuing the final plan and rights to Mediation and appeal.
  - detailing the actions required to reach agreement on any unresolved issues;
  - how and by when resources will be clarified; offer of a Personal Budget
  - asking for parental/young person preference for a school, setting or college

## **Issues which may arise during the EHC Needs Planning Meeting**

Although there may have been an understanding of the levels of support which might be available prior to the meeting, it is important there is an open discussion. A creative approach will be necessary in order to make the best possible use of resources to meet the desired outcome. Resource implications will not be finalised during the EHC Needs Planning Meeting

The responsibility for ensuring the delivery for all elements of the Plan across Education, Health and Social Care will lie with START whether delivered through a service or a Personal Budget.

There may be instances where agencies cannot reach agreement about aspects of the Plan. Where this occurs, the issues should be referred to the County Resourcing Panel (CRP).

Children/young people and families who have an EHC Plan will have the right to request a Personal Budget, more information is available on our website:

[www.cambridgeshire.gov.uk/ehcplan](http://www.cambridgeshire.gov.uk/ehcplan)

If families choose to have a Direct Payment as part of their Personal Budget, a broker may be commissioned in order to offer a degree of independence to this process. Arrangements for managing Direct Payments would need to be discussed with the family.

## **Non-attendance at the EHC Needs Planning Meeting**

If the parents and/or child/young person cannot or do not wish to attend, it is important that the Family Supporter (if selected) is present to represent their views. The Family Supporter will then feed back about the outcomes of the meeting to the family and seek their views.

If there are any areas of disagreement, START should try to agree how to resolve these before a draft EHC Plan is issued. Parents/carers and/or the child/young person should be informed of the next stages of the process.

Where involved professionals are unable to attend the EHC Needs Planning Meeting they should ensure that they submit a report. Consideration should also be given to sending an appropriate representative.

## **Decision to issue an EHC Plan**

The Local Authority will make a decision following the EHC Needs Planning Meeting whether to issue an EHC Plan or not. If the decision is not to issue a Plan then parents, young people and professionals will receive information about why and offered the opportunity of a meeting. If yes a proposed draft EHC Plan will be issued.

**The child/young person and/or parents must receive a draft and final EHC Plan within the standard timescales.**



# The EHC Plan

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All those who contributed to the assessment should receive a copy of the draft and final EHC Plan (unless otherwise agreed with an individual, e.g. where a young person wishing to exercise their legitimate right to make their own decisions without reference to parents/carers). Once issued there are 15 days in which the parents/carers/young person can respond to the proposed plan. Once a response is received the Local Authority will consider the proposed resources that are required to meet the outcomes and provision described in the Plan, using advice from the County Resourcing Panel.

At this stage the EHC Plan is then finalised with the resources required and the level of funding agreed by Education, Health and Social Care, where appropriate, detailed in the plan. All partners should be clear about what is expected of them and should make appropriate plans to deliver the provision detailed in the Plan.

Where a family have opted for a Personal Budget, support and advice will be offered about how to achieve the best results from the resources available and how to manage a Direct Payment or seek a broker.

Parents/young people will continue to be involved in reviewing and contributing to the implementation and on-going development of the EHC Plan.

**The Local Authority must finalise the plan within 20 weeks.**

# The Review

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EHC plans must be reviewed at least once a year (every 12 months). The timescales for review are dependent on the circumstances of each child/young person. However, the Local Authority must arrange for a review of every child/young person's EHC Plan at least annually, beginning within 12 months of the date the EHC Plan was finalised and then within 12 months of any previous review.

If a child/young person's needs change significantly, a review must be held as soon as possible to ensure the provision specified in the EHC Plan is still appropriate.

The purpose of the review will be to determine whether the outcomes in the EHC Plan have been met and delivered in an appropriate way. In addition the review will consider if there is still a need for the Plan to continue and if so identify any new outcomes.

Review meetings must comply with the following requirements:

- The parents/carers and/or young person must be invited and given at least two weeks' notice of the date of the meeting. They must be provided with all the information that will be discussed at the review meeting two weeks before the meeting.
- The meeting must be person-centred and take account of the views, wishes and feelings of the child/young person; he/she should be supported to engage in the review.
- Relevant representatives from Education, Health and Social Care must be invited. These representatives must also be given at least two weeks' notice of the date of the meeting.
- The meeting must focus on the child/young person's progress towards achieving the outcomes specified in the EHC Plan, and what changes might need to be made.
- From the age of 14 young people's review meetings should focus on their transition and preparation for adulthood and independent living.

# Local Disagreement Resolution Arrangements

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The legislation requires Local Authorities to make available to parents and young people Disagreement Resolution services. The arrangements are seen as voluntary and have to be with the agreement of both parties. The service, while commissioned by the Local Authority, must be independent of it.

These arrangements are different to the Mediation arrangements set out later, which specifically apply to parents and young people who are considering appealing to the Tribunal.

The Disagreement Resolution service is available to help resolve disagreements about two types of complaints or to prevent them from escalating further. The first is between parents or young people and:

- Local Authorities
- Governing bodies of maintained schools and maintained nursery schools
- Early years providers
- Further education institutions
- Proprietors of academies

about how they carry out their education, health and care duties for children and young people with SEND. For the **Local Authority** these duties include keeping their education and care provision under review, assessing and drawing up EHC Plans. For **governing bodies and proprietors** their duty to use their best endeavours to meet children's and young people's Special Educational Needs.

**The second** is disagreement between parents or young people and early years providers, schools or post-16 institutions about the special educational provision made for a child or young person, whether they have an EHC Plan or not.

A decision by parents and young people not to use Disagreements Resolution services has no effect on their right to appeal to the Tribunal

Disagreement Resolution meetings are confidential and without prejudice to the Tribunal process and the Tribunal will disregard any offers or comments made during them. Partial agreement achieved by use of Disagreement Resolution services can help to focus any subsequent appeals to the Tribunal on the remaining areas of disagreement.

Details of the Disagreement Resolution Service are available on [www.cambridgeshire.gov.uk/ehcplan](http://www.cambridgeshire.gov.uk/ehcplan)

# Mediation/ Tribunal Appeals Process

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## Mediation information and advice

Parents and young people who wish to make a Special Educational Needs appeal to the HM Courts & Tribunal Service (First-Tier Tribunal SEND) **may only do so after they have contacted an independent Mediation Adviser** and discussed whether Mediation might be a suitable way of resolving the disagreement.

Mediation aims to settle disagreements more amicably and quickly than the appeal. The Mediation arrangements complement but are distinct from the Disagreement Resolution arrangements explained above.

Engagement with the Mediation and appeal processes does not prevent parents, young people and Local Authorities from making use of the Disagreement Resolution arrangements at the same time as long as both parties agree.

Local Authorities **must** set out the arrangements they have made for securing Mediation information services and Mediation itself in the Local Offer.

When the Local Authority makes a decision in relation to a matter which can be appealed to the Tribunal they **must** include, with the decision, a notice informing the parent or young person of contact details for at least one independent Mediation Adviser. If the parent or young person wants to appeal they **must** contact a Mediation Adviser, within two months of the decision being made.

The Adviser will provide information about Mediation and answer any questions which the parent or young person may have. The information will normally be provided on the telephone, although information can be provided in written form, through face-to-face meetings or through other means if the parent or young person prefers this. Once the information has been provided it is for the parent or young person to decide whether they want to go take part in Mediation.

Where the parent or young person decides not to go to Mediation following contact with the Mediation Adviser, the Adviser will issue a certificate within three working days, confirming information has been provided. The certificate allows the parent or young person to lodge their appeal, within one month of receiving the certificate.

Parents and young people are not able to register at the Tribunal without a certificate.

## Going to Mediation

If a parent or young person decides to go ahead with Mediation, the Mediation Adviser will contact the Local Authority and the Local Authority **must** ensure a mediation session takes place within 30 calendar days, although it may delegate the arrangements of the session to the Mediator.

If the parent or young person wants to go to Mediation then the Local Authority **must** also take part. If the Local Authority is unable to arrange Mediation within 30 days it **must** tell the Mediator. The Mediation Adviser **must** then issue a certificate within three days. When they receive this certificate, the parent or young person could decide whether to appeal immediately or wait for Mediation to take place. If the parent or young person initially indicates they want to go to Mediation but change their mind they can contact the Mediation Adviser who can then issue a certificate with which an appeal can be registered.

A Mediation session or sessions which arise out of these arrangements **must** be conducted by independent Mediators. Once Mediation is completed the Mediation Adviser **must** issue a certificate within three working days confirming it has concluded.

If the parent or young person still wants to appeal following Mediation they **must** send the certificate to the Tribunal when they register their appeal. Parents and young people have one month from receiving the certificate to register an appeal with the Tribunal. The certificate will not set out any details about what happened in the Mediation - it will simply state the Mediation was completed at a given date. When cases are registered with the Tribunal following Mediation, similar ground to that explored in the Mediation will be covered but will reach its own independent findings and conclusions.

Details of the Mediation service are available on our website:

[www.cambridgeshire.gov.uk/ehcplan](http://www.cambridgeshire.gov.uk/ehcplan)