

CENTRAL BEDFORDSHIRE

**SENDIASS**

INFORMATION - ADVICE - SUPPORT



## **CB SENDIASS DRAFT EHCP GUIDANCE AND CHECKING SERVICE.**

To help us ensure we can offer you the best advice, can we ask that you download the draft EHCP (and all the reports in the appendices) from the link sent from the EHC Team and save into word format to your phone / laptop.

**Go through the draft, using the guidance below, and highlight any areas you are not sure off and make any comments / questions and check through the reports from the professionals who were involved in the EHC needs assessment, ensuring that needs, provisions and outcomes have been written into the plan.**

It is important, that you understand the EHCP, if there is any wording etc you do not understand, please highlight and you can request the EHCP Coordinator/ SEND officer clarifies for you.

If there are significant amendments requested, you are legally entitled to request a co-production meeting.

[SEND Code of Practice January 2015.pdf](#) 9.77

**When you receive your child or young person's draft EHCP you have 15 days in which to do the following...**

- ✓ **Make comments about the draft EHCP.**
- ✓ **Request a co-production meeting with the LA to discuss the draft.**
- ✓ **Request that a particular school or other institution is named in the final EHCP.**

**It is important to know that Sections B, F & I in an EHCP are legally binding.**

**An EHCP can be long and complicated; they MUST contain certain sections and MUST be lawful.**

**An EHCP must fully describe a child / young person's special educational needs (SEN) and specify the provision (SEP) required to meet the identified needs and outcomes as agreed in the EHCP.**

**This then provides the evidence to which type of education setting / placement is most appropriate for the child / young person.**

***“EHC plans should also be “clear, concise, understandable, and accessible to parents, children, young people, providers and practitioners.”***

***(Paragraph 9.61 of the Code).***

***“Where a child or young person is in or beyond Year 9, the EHC plan must also include the provision required by the child or young person to assist in preparation for adulthood and independent living, for example, support for finding employment, housing or for participation in society.”***

**Important**

## **Check that all reports are listed in Section K of the EHCP.**

This will be the advice and information gathered during the EHC needs assessment.

**Child / Young Person Views**

**Parent Views**

**Educational Advice**

**Medical Advice**

**Educational Psychologist  
Advice**

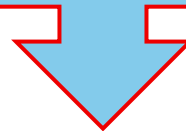
**Social Care Advice**

**Any Health Advice, this could be Speech and Language, Occupational Therapy,  
Physiotherapy etc.**

**Advice and information from any other person the LA thinks appropriate.**

**Advice and information from any person the child's parent or young person  
reasonably requests that the LA seeks it from.**

**If you have an amended draft following an Annual Review  
This will be the advice and information gathered during the Annual  
Review process.**



**Child / Young Person Views**

**Parents Views**



**Educational Advice**

**Medical Advice**



**Any further information / advice provided from other professionals working  
with your child / young person.**



**Any Health Advice, this could be Speech and Language, Occupational  
Therapy, Physiotherapy etc.**

**Send all the reports to us along with the draft EHCP and your comments / questions, and a SENDIASS Officer will check through and respond as soon as possible, in the first instance you will receive an email with any suggestions or recommendations for you to consider.**

**Send us the draft as a word / pdf attachment, we are unable to access the links sent by the EHC Team.**

**If you have any further questions and a phone call is required, this will be arranged this with you.**

**Please be aware we can only comment or make suggestions regarding lawful wording, or things for you to consider.**

**WE CANNOT STATE IF THE EHCP IS A CLEAR REFLECTION OF YOUR CHILD, OR STATE WHAT PROVISIONS THEY SHOULD OR SHOULDN'T HAVE.**

**Be mindful of the date you need to respond to the EHC team, (15 calendar days).**

**We are a small team and will do everything we can to get back to you as quickly as possible, please allow at least three working days to respond to a draft check.**

[What sections should an EHC plan have? | \(IPSEA\)](#)

[Model Letter - Responding to Draft EHCP](#)



### SECTION A: The views, interests and aspirations of the child / young person and their parents.

**There is no wrong or right way for this section, each child / young person is unique, and all our views, interests and aspirations are personal to each child / young person and their family.**

- ✓ Aspirations **MUST** come from the child / young person themselves and not what others think is best for them.
- ? Are the views, interests and aspirations clearly reflected as given by the child / young person?
- ? Is this a clear reflection of your child / young person and family, does it show clearly views and interests, does it describe these in a way that is easily understood?
- ✓ Details about the child or young person's aspirations and goals for the future (but not details of outcomes to be achieved – see section above on outcomes for guidance). When agreeing the aspirations, consideration should be given to the child or young person's aspirations for paid employment, independent living, and community participation.
- ✓ Details about play, health, schooling, independence, friendships, further education, and future plans including employment (where practical)
- ✓ A summary of how to communicate with the child or young person and engage them in decision-making.
- ✓ The child or young person's history
- ✓ If written in the first person, the plan should make clear whether the child or young person is being quoted directly, or if the views of parents or professionals are being represented.

## Section B -Special Educational Needs (SEN)

The special educational provision described in **Section F** must directly link to the needs described in this section. It is a legal requirement to list all identified needs.

It is best practice to briefly describe the impact the needs are having on a child/ young person, to maintain the golden thread between need, provision, and outcomes.

If there are no needs in this category, please enter 'Child/ Young person has no identified special educational needs in this area.'

### All identified Special Educational Needs (SEN) must be specified.

- ✓ **Social, emotional, and mental health difficulties**
- ✓ **Communication and Interaction**
- ✓ **Cognitive and learning**
- ✓ **Sensory and / or physical needs**

**For Year 9 onwards -it changes to...**

- ✓ **Community Inclusion / Participation in Society (Communication and Interaction)**
- ✓ **Education, Training and Employment (Cognition and Learning)**
- ✓ **Health/Healthy Living (Sensory and Physical)**
- ✓ **Independent Living (Social, Emotional and Mental Health difficulties)**

## Things to think about?

**The law says a child or young person's education, health and care (EHC) plan must specify their [special educational needs \(SEN\)](#).**

This is set out in [section 37\(2\)\(a\) of the Children and Families Act \(CFA\) 2014](#)

And

[Regulation 12\(1\)\(b\) of The Special Educational Needs and Disability Regulations 2014 \(The SEND Regulations 2014\)](#).

**It is especially important to make sure Section B contains all of your child's SEN.**

**If some needs are missing from section B, or are not described correctly, this could result in your child not receiving the provision they require for their needs.**

### SECTION C – HEALTH NEEDS

**What (if any) health needs have been identified which relate to SEN?**

Diagnosis (if any) Medication, Speech and language, diet, physiotherapy, occupational therapy, any other medical needs.

There needs to be evidence of health needs that are related to SEND, and the reports need to be listed in Section K.

*A health professional is defined as someone regulated by a relevant health professional regulator. They can work for a community provider, acute trust, or a mental health trust, in paediatrics or adult services.*

**[Securing good quality health advice for EHCP's](#)**

### SECTION D – SOCIAL CARE NEEDS

**What (If any) Social care needs are related to their SEN or disability?**

Is there social care involvement? Is there an Early Help Assessment (EHA) in place? Are there needs identified in the EHA that relate to SEN?

Have you been invited or referred for a Child in Need (CIN) assessment, under Section 17 of the children's and disability Act 1989.

*(A 'child in need' assessment under [section 17](#) will identify the needs of the child and ensure that the family are given the appropriate support in enabling them to safeguard and promote the child's welfare.)*



## Section E - Outcomes

Paragraph 9.66 of the SEND Code of Practice describes an outcome as the benefit or difference made to an individual as a result of an intervention.

It is a clear goal which is stretching but achievable, which is underpinned by the provision linked to it. It should be personal and not expressed from a service perspective; and it should be specific, measurable, achievable, realistic and time bound (SMART). It is important that outcomes are written in ways that enable: · progress to be monitored · outcomes to be evaluated · decisions about future needs and provision to be made.

Outcomes sought will be based on achievement (education, employment), independence, participating in society (e.g. friendships, hobbies), being as healthy as possible in adulthood.

### Are the outcomes SMART?

(Specific Measurable, Accurate, Realistic, Time scaled)

- ? Do they reflect the child / YP's aspirations?
- ? Is there anything your child or young person would like to achieve through their outcomes?
- ? Does your child / young person understand them? (If applicable)
- ? Do they relate clearly to provision as specified in SECTION F?

**EHCP's must specify the outcomes sought for the child or young person. They should be focused on education and training, health and care outcomes that will enable children and young people to progress in their learning and, as they get older, to be well prepared for adulthood. EHC plans can also include wider outcomes such as positive social relationships and emotional resilience and stability.**

**Outcomes should always enable children and young people to move towards the long-term aspirations of employment or higher education, independent living, and community participation.**

## Section F – Special Educational Provision (SEP)

Must be specified for each and every need specified in **Section B**.

It should be clear how the provision will support achievement of the **outcomes**.

Five prompts for plan writers to consider as they draft this section of the EHCP include: · Support required · Who will provide it (qualification/required level of expertise) · Staff/student ratio (e.g. 6:1 groupwork, or 2:1 support, 1:1 etc) How often – daily, weekly, termly · How long for each time – hours should usually be specified.

Therapy provision that educates or trains is placed in **Section F**.

### Specific:

Provision within Section F must be so specific and clear to ensure that there is no confusion to who is doing what, when and how.

**PROVISIONS MUST BE SPECIFIC and where required QUANTIFIED.**

We do not want to see “weasel words” in section F of an EHCP. These kinds of comments are vague and are impossible to enforce.

### Quantified:

Frequency, duration, When, how long, how often.

“Will benefit from.”

“Will consider”

“An adult”

“SHOULD”

“Access to”  
“Opportunities for”  
“Regular Support”

“To be arranged by school”  
“As timetabled by school”

However, some flexibility may be required but this **MUST** be to meet the needs of the child or young person.

**Provision MUST be needs led, not by the provision / resources that are available to the education setting.**

*The Local Authority MUST ENSURE that provision is made, however they are only legally required to secure the provision set out in section F, so it MUST be clear and not in the wrong section or the child or young person may not receive the special education provision they require.*

## SECTION G – HEALTH PROVISION

Any health provision reasonably required by the learning difficulties or disabilities which result in the child or young person having SEN. Is there an Individual health care plan, is this included?

For example, paediatrician appointments, medication reviews, ongoing therapy or support, further assessments etc.

## SECTION H – SOCIAL CARE PROVISION

What (If any) Social care provisions are required to meet needs relating to SEN as specified in Section D?

*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 I – EDUCATION SETTING

“The name and type of school, maintained nursery school, post -16 institution or other institution, or the type of school or other institution to be attended where no such institution is named.”

**THIS WILL BE LEFT BLANK UNTIL THE EHCP IS FINALISED.**

If a school, college, or other setting is named in Section I, then it **MUST** admit the child or young person for whom the EHCP is maintained (this duty applies to almost all schools and other settings).

**THE FINAL DECISION IS WITH THE LOCAL AUTHORITY TO NAME THE EDUCATION SETTING.**

When you respond to the Local Authority, to let them know your thoughts on the draft EHCP, this is when you also let them know the preferred school / college you or your child / young person wishes to attend.

## Things to think about?

### SECTION J – PERSONAL BUDGET / DIRECT PAYMENTS

Has a personal budget been requested to secure provision, are all the details, correct? This section will show how the personal budget will be used.

#### CB-SENDIASS-Personal-Budgets-Factsheet

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 - APPENDICES

Copies of all the advice and information gathered from professionals during the EHCNA or the Annual Review process that have been used to write the EHCP.

Are the reports up to date?

Are they accurate and clearly written into the plan?

**NEEDS (B) + PROVISION (F) = SCHOOL I)**

### A GOOD PLAN WILL:

**Be legally compliant and meets requirements**

**Set out a holistic picture of the child/ young person**

**Have a clear golden thread between needs, outcomes and provision**

**Be written in a clear and accessible way**

## Things to think about?

- ? Do you and your child or young person understand the EHCP?
- ? Has it been written clearly and provides a clear reflection of your child or young person's needs and the provisions to meet their needs?
- ? Have all professionals been invited to contribute towards the EHCP?
  - Such as: Educational Psychologist, School / Pre-school / college etc, Speech and language, Occupational Therapy, Physiotherapy, Emotional Support, Advisory teachers (ASD / SEMH etc), Social care, Family Support worker, Early help, Paediatrician, other consultants / services that have been involved in providing support / advice / care for your child or young person.
- ? Have you requested an education setting?
- ? Have they been consulted with?
- ? Are you happy with the decision?

The parent or young person has a right to request any of the following types of school or college:

- ✓ A maintained school or nursery (mainstream or special)
- ✓ An Academy (mainstream or special)
- ✓ An institution in the Further Education sector • A non-maintained special school
- ✓ A section 41 school.

These are listed in section 38(3) of the Children and Families Act (“**CAFA**”) 2014. (See the section on [types of school and college](#) for more information on what these different categories mean. A specialist unit or resourced provision may be a separate institution or part of a mainstream school – find out more [here](#).)

The only reason the local authority can refuse the request is if:

- ✓ The setting is unsuitable for the age, ability, aptitude, or special educational needs (“**SEN**”) of the child or young person; or
- ✓ The attendance of the child or young person would be incompatible with the provision of efficient education for others; or
- ✓ The attendance of the child or young person would be incompatible with the efficient use of resources.

This is set out in section 39(4) CAFA 2014. The LA must prove that at least one of these conditions applies in order to dislodge the parent or young person's preference.

[EHCP PLAN CHECKLIST \(ipsea.org.uk\)](http://ipsea.org.uk)



## TO REQUEST A DIFFERENT SETTING INCLUDING A SPECIAL SCHOOL, OR ALTERNATIVE RESOURCE PROVISION (ARP):

### YOU MUST MAKE A WRITTEN REQUEST IF YOU WOULD LIKE PARTICULAR SCHOOLS TO BE CONSULTED WITH.

This should be done when you respond with your comments on your Childs / Young Person's draft EHCP, or during the Annual Review process.

The Local Authority (LA) should consult and consider requests for school consultations up until the EHCP has been finalised.

To request a different school/college after an EHCP has been finalised you may need to wait for a new annual review to be started or consider making an appeal to the SEND tribunal if you are still within legal timeframes (2 months from the date of the final EHCP).

Your allocated EHCP Coordinator / SEND officer will consult with the setting you request.

They should send all the information gathered from the EHC Needs Assessment Process or the amended draft EHCP following an Annual Review to the schools for formal consultation.

Whilst the LA will formally consult, a young person or parent can also approach a school themselves and ask them for views.

Education settings should respond to the LA within 15 calendar days with their comments. In practice some settings will take longer to respond. The LA can also consult other schools they feel are appropriate.

Following consultations, the LA will decide which setting to name on the EHCP, including special schools or ARP. In most instances an LA will use a panel system to make the decision where there are requests for special schools or APRs.

In Central Bedfordshire this is called a Special Provision Placement Panel.

### It is the LA's duty to secure the special educational provision in section F of the EHCP.

If the LA does not name, the young person or parental preference of nursery/school/college the LA should give clear reasoning that meets the legal test as described in the Children and Families Act Section 39 and/or Education Act 1996 section 9 (as appropriate to the type setting being requested).

You have the right to appeal to the First tier SEND Tribunal if you disagree with the LA's decision to name a particular education setting. **You can only appeal once the EHCP has been finalised.**

