**A ‘quick’ guide to the Education, Health and Care Needs Assessment process**

**What is a Special Educational Need?**

1. A special educational need is a learning difficulty or a disability that hinders a child or young person accessing education or training.
2. In addition, the child or young person’s learning difficulty or disability must be significant i.e. much greater than the majority of their peers.
3. In addition, the difficulties they experience are likely to require education or training provision that is additional to or different from what they would normally get to support their special educational needs in school or college, i.e. they require Special Education Provision.
4. Special Education provision now includes health or social care provision providing it is part of their education or training e.g. training for independent living or rehabilitation training.
5. Having identified that a child or young person has special educational needs, the school or college will make plans and try to meet their needs from within their own resources. (Schools and colleges have a notional budget of around £6,000 per pupil/student that they are expected to use before asking for additional funding)
6. The Education, Health and Care Needs Assessment process is only for a child or young person with a special educational need (if they don’t have special educational needs then it’s not for them, even if they have health or care needs) e.g. a child or young person with diabetes (as their only need) will have health needs but is unlikely to have special educational needs as they don’t require education or training to overcome or help them.
7. The Local Authority has criteria which it applies to determine if the child or young person has special educational needs and where the Local Authority considers it needs to make special educational needs provision e.g. where a child or young person needs to be educated in a specialist setting.
8. The criteria can be summarised as four ‘rules’ to determine whether the Local Authority needs to become involved i.e. the child or young person must: (and all the following must apply)
	1. Have a recognised learning difficulty or disability that hinders their access to education
	2. That their learning difficulty or the impact of their disability is significantly greater than the majority of their peers
	3. That the school or college have accessed and allocated all the resources available to them
	4. That the school or college has taken purposeful action (done their best) to help them overcome their difficulties and they are not making the expected progress. The evidenced use of outside agencies/ professionals in target setting and review over time is expected as part of this. If a school does not yet have this, it is better to wait until they have the evidence.

**What happens if they meet the four ‘rules’?**

1. The school or college will have undertaken assessments, involved other agencies, parents etc., set plans and reviewed progress (a graduated approach) – this provides evidence against the Local Authority’s criteria.
2. If satisfied that they have done all they can and the pupil or student is not making the expected progress, the school or college may then request that the Local Authority undertake a statutory needs assessment (a parent can make this request and the Local Authority will ask the school or college for the evidence. It is best however, if the school/college and parent/young person collaborate)
3. The Local Authority (a panel of professionals) considers the request by looking at the evidence provided. The Local Authority has a maximum of six weeks to make a decision. They can decide ‘no’ - the evidence is that the child or young person does not need an assessment or ‘yes’ the evidence is sufficient to agree to the assessment. This is not an agreement to produce an Education, Health and Care Plan – just agreement to start the assessment.

**What happens if the Local Authority says ‘no’?**

1. If the Local Authority says ‘no’ to the assessment they must let the parent of YP know within 6 weeks of the request for an assessment and inform them of the reason and of their right to appeal to the Special Educational Needs and Disability Tribunal. At the same time they are signposted to support through Special Educational Needs and Disability Information and Advice Service (an independent advisory service for parents) and KIDS. They are also signposted to Global Mediation, which parents must consider before making an appeal to the Tribunal.
2. The Local Authority does not have to consider another request within 6 months of the last one. Any subsequent requests need to contain new evidence.

**What happens if the LA says ‘yes’?**

1. The Local Authority notifies the parent or young person within 6 weeks of the request that they will carry out the assessment
2. They then write to various agencies for advice e.g. School, Educational Psychologist’s, Social Care and health, as well as any other professionals that the parents request and where it is considered reasonable. The agencies have 6 weeks to provide the advice and parents or young person are also asked for their views.
3. If the professionals e.g. the school, have already submitted all their advice at the point of the request and have nothing more to add then it can be accepted (they don’t have to do it all again)
4. Once the deadline is reached a Local Authority Officer looks at all the advice and draws up a draft Education, Health and Care Plan.
5. This plan and the advice then go to the Local Authority panel who consider whether or not there is a need for a statutory plan.
6. If ‘no’ they inform the parents within 16 weeks of the original request and the process is the same as if they said ‘no’ at the previous stage.
7. If ‘yes’ the Local Authority Senior Assessment Co-ordinator (previously called Inclusion Officer) sends the draft plan and meets with the parents and/or young person (around week 12 following the request) with as many professionals as possible to discuss the draft plan and turn it into an agreed plan.
8. The draft is then revised (if necessary) and sent out to the parents or young person to formally agree. At the same time they send to the preferred school or college asking of the child or young person’s needs can be met.
9. Parents and the school or college have 15 days in which to respond.
10. The whole process must take no longer than 20 weeks
11. If all agree the Education, Health and Care Plan is confirmed as the final plan and will be reviewed 12 months from the date of issue.

**What happens if the parents or young person don’t agree with the plan?**

1. If there is disagreement at an early stage the Local Authority will work with the parents of young person to try to find a way forward.
2. If there is still no agreement then mediation might be considered.
3. Parents can contact parental organisations for advice.
4. If there is still no agreement then the Local Authority will issue the final statement/EHCP– this is the only way the parents/young person will be able to appeal to the Special Educational Needs and Disability Tribunal and mediation must be considered first.

**What happens if the school or college says ‘no’?**

1. The Local Authority will make every effort to ensure that the child or young person is properly placed and that their needs can be met; however, schools or colleges must admit a child or young person where they are named on the final Education, Health and Care Plan and must make reasonable adjustments to enable them to be included (or risk falling fowl of the Equalities Act 2010).
2. Schools / colleges cannot appeal against the Local Authority’s final decision to name them.

**What is the difference between an Education, Health and Care Plan** **and ‘Top- up’?**

1. In Bristol (not all Local Authorities do it this way) schools and coll~~e~~ges can access additional funding without the need for a statutory assessment that might lead to an Education, Health and Care Plan. The reason is that the needs of some children and young people are relatively straight forward i.e. schools know what they need to do but just need some extra funding; social care or health do not need to provide any education or training (i.e. they do not need Special Education Provision provided or funded by social care or health).
2. In such cases, schools can apply for ‘top up’ funding where needed. This is still a rigorous process (as Local Authorities have to make sure we are spending public funds properly) and where successful, this process is intended to provide funding to schools more quickly than through a formal statutory assessment, which can take up to 20 weeks.
3. Schools will still have to provide evidence in the same way as they would for a statutory assessment. Funding is often agreed for a number of years and is carried across school phases e.g. from primary to secondary school.
4. Applying and receiving top up funding does not stop a school or parent requesting a statutory assessment where needed.

**If there is funding through ‘top up’, when would a statutory assessment be needed?**

Some children and young people have more complex needs e.g. they may have significant medical and social care needs which call for social care and/or health provision (special education provision) as well as educational needs.

Top up funding can still be applied for but it might also be necessary to carry out a statutory assessment to bring all the advice together and look at what the children or young person needs from a multi-agency perspective and to secure provision.

Suzanne O Kelly, SEN Manager (Interim) June 2015