

Education, Health and Care Plans

An Education, Health and Care plan (EHC plan or EHCP) describes your child's special educational needs and disabilities (SEND) and the help they require to meet these needs. An EHC plan also includes any health and care provision that is needed. It is a legal document written by the Local Authority (LA) and is used for children and young people who have a high level of support needs.

EHC plans are for children and young people aged 0-25 years old. The plans can continue through all stages of education and onto further education or training if appropriate.

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)

Who needs an EHC plan?

EHC plans are for a small number of children and young people who have complex special educational needs or a disability that cannot be met by the support that is usually available at their nursery, school or college.

Most children and young people with special educational needs or disabilities will have help given to them in their educational setting without the need for an EHC plan, this is called SEND support. Schools have funding allocated each year to support children with SEND.

If it becomes apparent that despite a high level of intervention from the educational setting, the child or young person is still not making the progress expected of them, the school might choose to request extra funding from the Local Authority called Graduated Support which might result in a Graduated Support Plan (GSP).

For some children and young people, a GSP might not be appropriate in meeting their needs, or a GSP might already be in place but has not been successful. When this is the case, a request should be made to the Local Authority for an Education Health and Care needs assessment. You or your child's nursery, school, or college can ask the Local Authority to carry out an EHC needs assessment.

Following the assessment, the Local Authority must decide whether or not it is appropriate to issue an EHC plan.

The SEND Code of Practice says:

'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)

You can find more information about SEND support, GSP funding and an EHC needs assessments by looking at Shropshire Council's Local Offer:
www.shropshire.gov.uk/local-offer

Timescales

When a request for an EHC needs assessment is made, the Local Authority has a maximum of 6 weeks to inform you if they agree to carry out an assessment or not. If they have not agreed, they must give you reasons for this decision in writing and inform you of your rights to appeal.

If the Local Authority agrees to carry out an EHC needs assessment, they have a further 10 weeks to do this. By week 16 from the initial request, they must either issue a draft EHC plan, or inform you that they are not issuing an EHC plan, give you reasons why in writing and inform you of your rights to appeal.

If you are issued with a draft EHC plan, you have 15 days to comment and make representations about the content. The Local Authority then have 15 days to consult with the identified school/s. A final EHC plan must be issued by the 20th week following your initial request. The final plan must name an educational placement or type of educational placement.

When the EHC plan has been finalised, the educational setting must put the provision in place immediately. Your copy of the final EHC plan must include a letter from the Local Authority which informs you of your rights to appeal if you are unhappy with it.

What does an EHC plan include?

To determine what should make up an EHC plan, 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
- Show how education, health and care provision will be coordinated
- 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

The sections that make up an EHCP are:

A: The views, interests and aspirations of you and your child or the young person.

B: Your child's or young person's special educational needs.

C: Health needs related to their SEN or to a disability.

D: Social care needs related to their SEN or to a disability.

E: Planned outcomes for your child or the young person.

F: Special educational provision. Provision must be specified for each and every need shown in section B.

G: Any health provision required that is related to their SEN or to a disability.

H1: Any social care provision that must be made for your child or young person under 18.

H2: Any other social care provision required that is related to their SEN or to a disability.

I: The name and type of the school, maintained nursery school, post-16 institution or other institution to be attended.

J: Details of how any personal budget will support particular outcomes and the provision it will be used for.

K: The advice and information gathered during the EHC needs assessment.

Where the child or young person is in or beyond Year 9, the EHC plan must also include the provision required by your child or young person to help prepare for adulthood and independent living.

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.

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

You can find a detailed checklist covering each of these sections online at IPSEA.
www.ipsea.org.uk

How will I be involved?

The SEND Code of Practice says:

'Local authorities must consult the child and the child's parents 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 Shropshire IASS for impartial, information, 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 EHC plan?

The Local Authority must review the EHC plan at least once every 12 months. This must be done in partnership with you and your child or the young person, and must take account of your views, wishes and feelings.

The Local Authority must inform you in writing of their decision 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
- No longer needs the high level of support set out in an EHC plan to meet their needs.

What can I do if I am not happy about the EHC plan?

The first step is to check the date of the decision made regarding the EHC plan and your appeal rights. Then meet with the school, college or local authority to discuss your concerns.

Shropshire IASS can give you impartial advice and support and explain your options. This may include independent disagreement resolution, mediation or appealing a decision.

Where can I get further information, advice or support?

You can read about Education, Health and Care plans in Chapter 9 of the SEND Code of Practice.

The Local Offer tells you about the local arrangements for special educational provision, including EHC plans.

Contact the IASS team on:

Phone: 01743 280019 (Open 10am-4pm Monday—Friday)
Web: www.cabshropshire.org.uk
www.facebook.com/IASSShropshire
Email: iass@cabshropshire.org.uk
Address: Fletcher House, 15 College Hill, Shrewsbury, SY1 1LY