

EHC PLANS

This fact sheet has been written by parent carers for parent carers



What is an EHC plan?

An Education, Health and Care or EHC plan is a legal document that sets out a child or young person's special educational, health and social care needs. It describes the extra help that will be given to meet those needs and how that help will support them to achieve what they want to in their life. EHC plans are replacing Statements of special educational needs and Moving On Plans or Learning Disability Assessments (LDAs) for many children and young people with SEN and disabilities (SEND).

How do EHC plans work?

The local authority assesses the educational, health and social care needs of a child or young person with SEND and may decide to produce an EHC Plan. The plan should set out provision to meet the child's needs and the local authority and health service then have legal obligations to make sure this provision is available. The plan also means schools may be able to draw down additional funds from the local authority to provide the necessary support.

An EHC plan can be in place from birth and continues, for some young people, until their 25th birthday if they remain in education.

An EHC plan should provide a rounded picture of a child or young person. It should include information on their needs, their hopes for the future, the things that they like and the best ways to support them.

Do you need an EHC plan?

Most young people with SEND will have their needs met without an EHC plan, as schools can give a significant amount of extra help through SEN support. Read our companion fact sheet on 'SEN support' for more about this (see below).

If your child is **under five**, you may want to try and get an EHC plan if they have severe and complex needs, if you think they should go to a special school for reception year, or if they require specialist early intervention that cannot be provided in their current nursery or childcare setting.

If your child is **over five**, you may want to get an EHC plan if they have been getting extra help on SEN support in school for a while and don't seem to be making reasonable progress; if they are being excluded or are very stressed about school, or you feel they need to move to a special school or facility.

Children and young people who still have a Statement will usually transfer over to an EHC plan as part of the Year 9 annual review process and all local authorities are scheduled to complete this before April 2018. Young people with Moving On Plans should have already been offered an opportunity to transfer to an EHC plan where necessary.

How do you get an EHC plan?

If a child or young person already has a Statement you should speak to their school's Special



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Educational Needs Coordinator (SENCO) to confirm when and how the transfer will happen.

In order to get a new EHC plan for a child or young person, you must contact the local authority to request an EHC needs assessment. This request will usually (and preferably) be made by their school or college but other professionals such as GPs and health visitors can request an assessment, and parents, carers and young people over 16 can contact the local authority directly too.

The local authority has up to six weeks to respond to the request. They will gather information from a child or young person's school or college to help them to decide whether to proceed with an EHC needs assessment.

What happens next?

You will be contacted by the member of the local authority's special educational needs (SEN) team who will be assigned to work on your assessment. It can take up to 20 weeks from the request for an EHC needs assessment to the production of a final EHC plan. The process works as follows:

- **Transfer notification** The local authority will give two weeks' notice of a transfer from a Statement to an EHC plan prior to the 20-week period beginning.
- **Weeks 1-6** The local authority should consult with you and will consider the information that has been sent in with the request. There is a right to appeal to the SEND Tribunal if the local authority refuses to conduct a needs assessment.
- **Weeks 6-16** The local authority seeks information and advice on the child or young person's needs, the provision to meet those needs and the outcomes that are expected to be achieved. This input will be from parent carers, children and young people, professionals working with them, such as an educational psychologist or health care professional. You may also *suggest* any other person who can contribute useful information. The local authority does not need to seek new advice if reports already exist and they remain relevant. The parent carer or young person, the person giving the advice and the local authority must all be in agreement that the report is sufficient. Usually an educational psychologist report, for example, would not be considered sufficient if it is more than 1 or 2 years old.
- **Weeks 16-18** You will be sent a draft version of the EHC plan and asked if there are any changes you would like to make. In some cases, where substantial changes are requested, a second draft may be issued and there may be a delay to the overall timescale.
- **Weeks 18-20** The final EHC plan is produced and the local authority consult with new educational providers if a new school or college has been named when the draft is returned.

Aspirations and outcomes

It is essential that children, young people and their parent carers are at the centre of decision-making during the process of developing an EHC Plan.

You should decide on clear **aspirations** for the future and think about some **outcomes** for the child or young person. An **outcome** may be the most important part of the EHC Plan. It is a change or achievement that you would like to see by the next Key Stage or the next 2-3 years in a number of areas, for example improved vocabulary or social interaction.

Professionals should be working with you to decide outcomes to put into the reports that are used during the EHC Needs Assessment. It is important that you have contact (a meeting if possible) at an early stage with your SEN Caseworker/Planning Co-ordinator to discuss the outcomes that will be in the plan. They should understand what you want for your child and you must be happy with the development of the plan from an early stage. It is much easier to make changes while the plan



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is being developed than to wait until the draft EHC plan has been issued.

The SEN Caseworker is responsible for making sure that all the outcomes in the EHC plan are written in a way that is **SMART** (**S**pecific, **M**easurable, **A**chievable, **R**ealistic, **T**imebound) so that you can monitor them closely.

Personal budgets

Once the local authority has completed the assessment and agreed to issue an EHC Plan, you can choose to request a Personal Budget. This is an amount of money worked out to be what is needed to deliver the provision in the plan. Personal Budgets are designed to give families more choice and control. They are not a mechanism for acquiring additional sources of funding, but for using the funding that is available differently to achieve the same outcomes. You may ask the local authority to consider making a Direct Payment to you so that you can arrange the provision yourself. See our companion fact sheet on 'Personal Budgets', detailed below.

Top tips for EHC planning

- **Contact the Independent Support service.** Independent Supporters are specially trained to work with families going through the EHC process to ensure you know what to expect, when you need to take action and to offer you support and information when you need it. In Brighton and Hove and East and West Sussex, the Independent Support service is provided by Amaze.
- **Any person should be able to pick up the EHC Plan and get a detailed understanding of your child.** Make sure all the positive things about your child are included and that professionals can see how your child likes to be worked with, and get a good understanding of their needs.
- **Include your child in as much of the process as possible.** The EHC Plan is about them so it is important that their views and wishes are used.
- **All the professionals should be using a 'person-centred' approach** which puts the child/young person and their family at the centre of all decision-making. It is their responsibility to ensure that the assessment process works for you and that you are happy with the EHC Plan.
- **Make sure you tell all the professionals who work with your child that you are going through the EHC planning process** as they may be asked to supply up to date information.
- **Reports that are older than a year or two may need to be updated.** Even recent plans may not reflect your child's needs so you may want to ask for new assessments to be conducted.
- **Make sure that the person writing your plan understands what you want for your child.** A good relationship with your SEN caseworker/Planning co-ordinator can make the whole process easier.
- **Outcomes are the key to a good plan so think about how you would like to describe your child in two to three years' time.** For example, 'Sami goes on a play date once a week', 'Charlie goes to the toilet with no support', 'Taylor now eats vegetables once a day', 'Tyson travels independently to college'.
- **When the family receives the draft EHC Plan you only have 15 days to read it and request any changes if needed.** This is a good time to ask for Independent Support if you have not already done so. Once finalised you would need to go to the trouble of lodging an appeal to make changes so make sure you are happy with the draft.
- **Don't just dust off your EHC Plan for the annual review.** It is a useful document to discuss with professionals at any time so that you can monitor the impact of provision on your child.





How do you know if the EHC Plan is working?

All the outcomes in the plan will include information about how they will be achieved so that you can monitor progress. The EHC Plan is an important document for you to refer to whenever there is a meeting with education, health or social care professionals.

There is an **annual review** where progress is monitored and changes can be made to the EHC Plan. It is possible to call an early annual review if you have serious concerns about the EHC Plan or if it is not possible to wait a year to make big changes.

Appealing a decision

You can appeal to the Special Educational Needs and Disability Tribunal (SENDIST) on a number of grounds and at various stages throughout the process. There are restrictions on the time you have to appeal and you will need to have considered mediation as an alternative. Speak to your local Information, Advice and Support (IAS) Service for advice on appealing (see below).

Ask about

- **Independent Support** - Amaze provides an independent service for parent carers and for young people at all stages of the EHC planning process. Although most Independent Supporters work with parent carers, young people (16-24) have the right to work alone with an Independent Supporter. Independent Supporters are specially trained to ensure you understand the process and paperwork and to make sure that professionals are working closely with you. **Brighton and Hove** families should call 01273 772289 or email helpline@amazebrighton.org.uk. **West Sussex and East Sussex** families call 0300 123 7782 or email IS@amazebrighton.org.uk. Further information on Independent Support is available at www.amazebrighton.org.uk
- **West Sussex Information, Advice and Support Service (IASS)** – contact them for advice and support. They also have Young People Advisers, who can support young people up to the age of 25 to help them to think through their options. Call: 0330 222 8555, or email: send.ias@westsussex.gov.uk (parent carers) or: cyp.sendias@westsussex.gov.uk (children and young people).

Further reading and useful links

- **Making Sense of it All** and **Making Sense of Adult Life (14+)** – Reaching Families' handbooks for parent carers of children and young people with SEND in West Sussex provide essential information on education, social lives, money matters, social care, health, employment and much more. Go to: www.reachingfamilies.org.uk.
- **Fact Sheets** – download the companion fact sheets '**SEN Support**' and '**Personal Budgets**' from our website: www.reachingfamilies.org.uk/factsheets.htm.
- **SEND Code of Practice** - Government guidance on the legal duties of education providers in relation to SEND provision for children and young people aged 0 to 25. See www.gov.uk/government/publications/send-code-of-practice-0-to-25.
- **West Sussex Local Offer** – go to <https://westsussex.local-offer.org>.

