

This information is about the Education, Health and Care needs assessment, which is sometimes called statutory assessment. The assessment leads to a decision about whether an Education, Health and Care Plan (EHCP) is necessary to help the child/young person fulfil their potential.

What is an EHC needs assessment?

An EHC needs assessment is a detailed look at the special educational needs (SEN) of a child or young person and the support he or she may need in order to learn.

Local authorities are responsible for carrying out EHC needs assessments under the Children and Families Act 2014.

The needs assessment brings together information about:

- what the child/young person can and cannot do
- the special help they need.

It includes information from:

- the child or young person
- their parent or carer
- the education setting (nursery, pre-school, school or college, if they are enrolled)
- other professionals who work with or support the child/young person.

When is an EHC needs assessment necessary?

The education setting can often give a child/young person help through SEN support. This means that the school or college makes additional or different provision from that provided to most other pupils to meet their needs. Sometimes other professionals will give advice or support to help your child learn.

Some children/young people need more help than the education setting can provide through SEN support. If the child/young person does not make progress despite having SEN support, an EHC needs assessment could be the next step.

The Special Educational Needs and Disability (SEND) Code of Practice

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

The local authority will look at:

- the child/young person's attainments and rate of progress
- their special educational needs
- what has already been done
- the difference that support has made
- the child/young person's physical, emotional and social development and health needs.

The law states that if the child/young person has, or may have special needs and may need provision to be made via an EHC plan, the local authority must conduct an EHC needs assessment. This means that you do not have to prove that an EHC plan is definitely necessary to obtain an assessment, you just have to show it *may* be necessary. If you think this then you can ask for an assessment.

The [SEND Code of Practice](#) says:

A local authority must conduct an assessment of education, health and care needs when it considers that it may be necessary for special educational provision to be made for the child or young person in accordance with an EHC plan. (9.3)

Some children and young people will have needs that clearly require an EHC needs assessment and EHC plan. Immediately the local authority is aware that this is the case it must start the process without delay.

You can find out more about the criteria that local authorities should follow in the [SEND Code of Practice](#) sections 9.3 and 9.14 to 9.16

Who can ask for an EHC needs assessment?

- parents – by writing to the local authority
- a young person over the age of 16 but under the age of 25
- the early years setting, school or college, but only after talking with the parent first.

Parents/young people should always try to talk to the early years setting, school or college before asking for an EHC needs assessment.

Child/young person/parental requests for an EHC needs assessment can be made via [this link](#) and then click on the "Request an EHC assessment" tab.

If you are unable to use the above link, you can write to Hampshire County Council SEN Service, Children's Services, Elizabeth II Court North 1st floor, Winchester Hampshire SO23 8UG.

Hampshire SENDIASS (www.hampshiresendiass.co.uk) can help you make your request.

Other people, such as your doctor or a health visitor, can tell the local authority that they think your child needs an assessment.

What happens when the local authority gets a request for an EHC needs assessment?

As soon as the local authority gets a request for an EHC needs assessment they must tell you about it, or acknowledge it if the request has come from you. You will be allocated a “caseworker” and invited to register on the EHC Hub. The EHC Hub is where a child/young person’s progress through the EHC pathway is recorded. Families and professionals can follow the journey in the Hub and see any decisions made. You can also add and view reports and contributions relevant to the child/young person.

The **SEND Code of Practice** says:

In considering whether an EHC needs assessment is necessary, local authorities should pay particular attention to the views, wishes and feelings of the child and his or her parent, or the young person. (9.12)

The local authority has up to six weeks to decide whether to make an EHC needs assessment. During this time it may ask you, the school or college and other professionals for information.

It will look at all the information and must then tell you whether it has decided to start the EHC needs assessment immediately OR that an EHC need assessment is not necessary.

What happens if the local authority decides that an EHC needs assessment is not necessary?

The local authority must tell you why it thinks that an EHC needs assessment is not needed. It must also tell you about:

- your right of appeal to the Special Educational Needs and Disability Tribunal and the time limit for appealing
- independent disagreement resolution and mediation
- how to get further information, advice or support.

If you disagree with the decision Hampshire SENDIASS can explain your options to you.

What happens if the EHC needs assessment goes ahead?

The [SEND Code of Practice](#) says:

Local authorities must consult the child and the child's parent or the young person throughout the process of assessment and production of an EHC plan. They should also involve the child as far as possible in this process. The needs of the individual child and young person should sit at the heart of the assessment and planning process. (9.21)

When the local authority has decided to assess, they will ask you to submit your views via the EHC Hub. Parents and child/young person's views are really important. Hampshire SENDIASS have advice online if you need guidance on what to write in your views.

The local authority will ask a number of other people for information about the child/young person. This is called 'advice' and it should include information about:

- the child/young person's education, health and care needs
- the desired outcomes for the child/young person
- the special educational, health and care provision that might be required to meet their needs and achieve the desired outcomes.

The local authority must ask for advice and information from:

- parents and child/young person
- your child/young person's early years setting, school or college
- an educational psychologist
- health professionals who work with the child/young person. This might include a paediatrician, speech and language therapist, physiotherapist or occupational therapist.
- social care staff
- anyone else you ask them to contact who may be able to give relevant advice.

If your child/young person has a vision or hearing impairment the local authority must also seek information and advice from a suitably qualified teacher.

You will be able to see copies of all the reports submitted as part of the needs assessment on the EHC Hub.

You can find out more about advice and information for EHC needs assessments in the [SEND Code of Practice](#) sections 9.45 – 9.52.

What if some of this advice is already available?

Sometimes advice and information is already available because other professionals have been working with the child/young person.

The SEND Code of Practice says:

The local authority must not seek further advice if such advice has already been provided (for any purpose) and the person providing the advice, the local authority and the child's parent or the young person are all satisfied that it is sufficient for the assessment process. In making this decision, the local authority and the person providing the advice should ensure the advice remains current. (9.47)

When does the EHC needs assessment end?

Once the local authority has all the information and advice it must decide whether the child/young person needs an Education, Health and Care plan.

An EHC plan is a legal document written by the local authority. It describes the special educational needs that a child or young person has and the help that they will be given to meet them. It also includes the health and care provision that is needed. Our separate leaflet on Education Health and Care (EHC) Plans gives further details.

Sometimes the local authority will decide that the child/young person has special educational needs that can be met through SEN support. If this is the case the local authority must tell you of its decision within 16 weeks of receiving a request for an EHC needs assessment. The local authority must also tell you about your right of appeal.

If the local authority decides an EHC plan is necessary it must first write a draft plan. You will be able to read the draft EHC plan and copies of the reports on the EHC Hub, or you can ask the local authority to send you copies. You should check that everything you think is important has been included and that you agree with the outcomes and the proposed provision. The local authority will also ask you which school or college you/your child would prefer to go to.

You have 15 days to make comments, to ask for a meeting or accept the draft plan.

Note that if you do not reply within 15 days the local authority may assume that you agree with the draft plan.

The last stage is for the local authority to send you the final EHC plan. If you are still unhappy with the plan or cannot agree with the local authority on a school or college, you have a right to go to mediation and/or to appeal (see below).

How long does all this take?

The local authority receives a request for an EHC needs assessment. The authority must tell parents about this request	This is the start date
The local authority decides whether an EHC needs assessment is needed. The authority must tell parents/young person about its decision	Within six weeks of the start date
The EHC needs assessment takes place	This starts as soon as the decision is made
<i>EITHER</i> the local authority tells the parents of the decision not to issue an EHC plan <i>OR</i> the local authority sends a draft EHC plan to parents/young person	Within 16 weeks of the start date
Parents/young person must respond to the draft EHC plan. They can: <ul style="list-style-type: none"> • agree that the draft is adequate • ask for changes • ask for a meeting. Parents/young person have the right at this point to state a preference for a school, college or early years setting	Within 15 days of receiving the draft EHC plan
The local authority consults with the school, college or early years setting	Within 15 days of parents' response to the draft EHC plan
The local authority issues the final EHC plan	Within 20 weeks of the start date

Sometimes this timescale can be different. See [SEND Code of Practice](#) section 9.42.

What if I do not agree with the local authority about the EHC needs assessment or the EHC plan?

At any stage you can ask to talk to a member of the local authority's staff. This will usually be your caseworker.

If the local authority decides that an EHC needs assessment and an EHC plan are necessary for the child/young person, they must carry out the assessment and issue a plan whatever your views are.

[Hampshire SENDIASS](#) can give you impartial information and advice about the options open to you, and support you through the process.

You also have a right to request **mediation** at various stages in the EHC needs assessment process. You can find out more about disagreement resolution and mediation in our leaflet entitled "What if I do not agree with decisions about SEN provision?" and in the [SEND Code of Practice](#) Chapter 9.

Where can I get more information, advice or support?

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

The [Local Offer](#) includes more information on the local arrangements for EHC needs assessments.

On the Hampshire SENDIASS can provide:

- information about EHC needs assessments
- advice and support during the process of assessment
- details of other organisations, support groups and services that may be of help
- information, advice and support about your rights to make a complaint, seek independent disagreement resolution or mediation.

Hampshire SENDIASS

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(Definitions of the words in bold are explained in a separate Glossary)

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