

Move to Sheet 2

# Requesting an Education, Health and Care (EHC) Needs Assessment

An EHCP can be requested by parent, young person, teacher or anyone else concerned about the child's SEN

**Where, despite the school having taken relevant and purposeful action to identify, assess and meet the SEN of the child or young person, the child or young person has not made expected progress, the school or parents should consider requesting an Education, Health and Care needs assessment.**

When your initial request has been received, think about what help you might need with this, for example from an independent supporter who can help you through the process. Your LA will ask you about this. Independent Supporters can be supplied by a local non-profit organisation or by the Parent Partnership Service, depending on the area you are in. The IS can help to coordinate the process and/or provide help and support to your family while the process is underway. You can decide the kind of help, if any, that you think you will need

A full diagram of the process can be found in the Code of Practice p154.

**Contact your local authority's SEN department and ask to start the SEN Statutory Assessment**

You then have six weeks during which time the Local Authority should seek to gather school reports, old IEPs/ documentation from the Assess/Plan/Do/Review process, any other speech & language/educational psychology/ OT or other reports.  
**Parents may wish, if they are able, to gather together all the reports and information that related to their child's SEND themselves as well to ensure everything is considered by the LA. This will also assist as a timeline reminder when you are writing your child's story as part of the application.**

You then need to write your child's story including any relevant information from the gathered reports. If you have an Independent Supporter, they will be able to assist you with all of these steps. Include how your child's difficulties impact upon your whole family and what support your child already has that really helps. Remember to think about their strengths as well!  
 Make sure you number the reports and include them in your application (only ever send copies). Any medical and social care needs should be included.

**The local authority decides whether or not to conduct an assessment of SEND.**

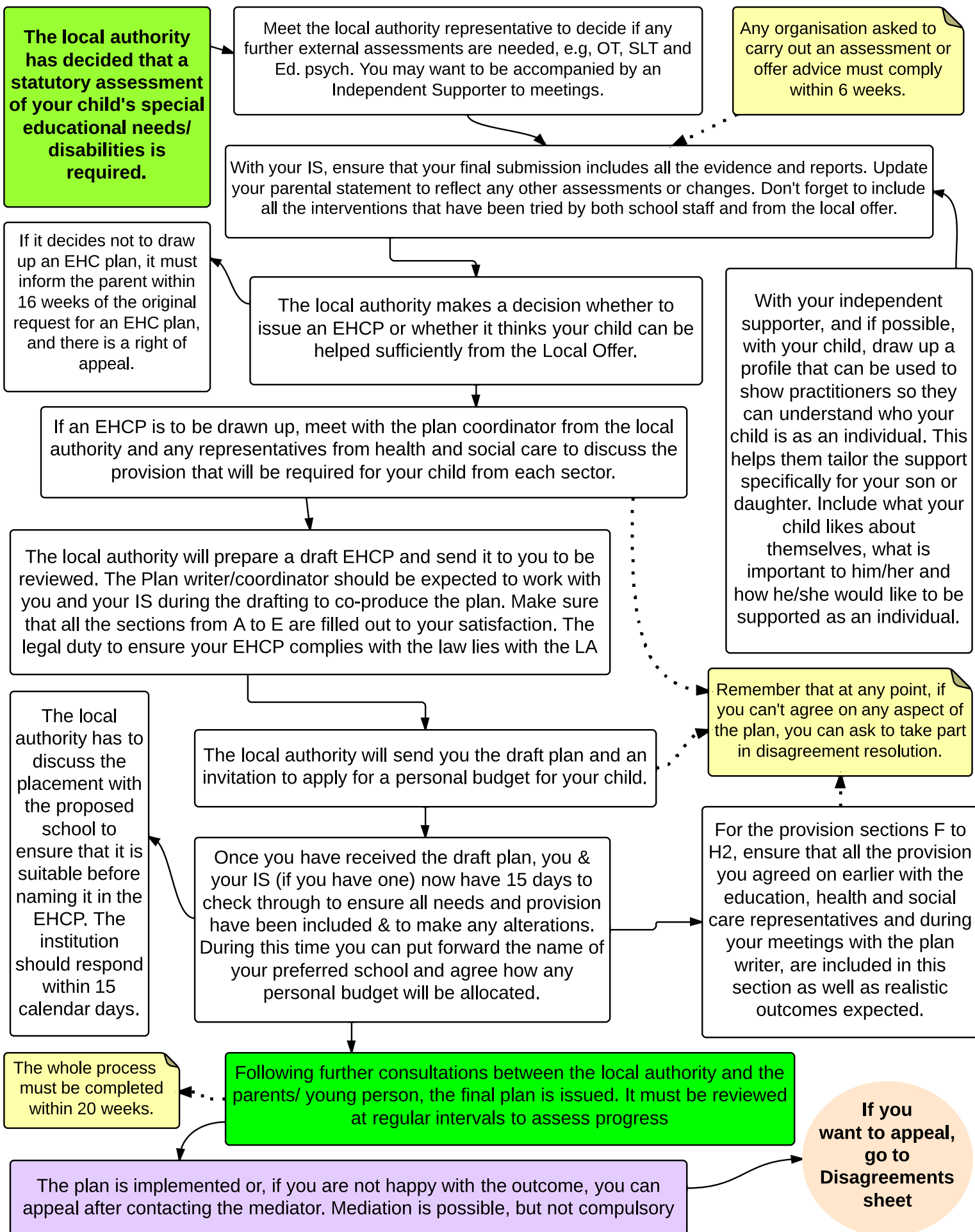
**If an assessment is agreed, move to part 3 "conducting an assessment"**

If the response is no, the LA should advise you of other options short of statutory assessment that can support your child from the Local Offer on the Assess, Plan, Do, Review process. Your LA should never just say 'No' without looking at what provision can better help your child from the Local Offer

If you are not satisfied with this decision or any other help sourced from the Local Offer help you can seek mediation and/or appeal to the SEND Tribunal

**Move to part 4, Disagreements"**

# Conducting an Education, Health and Care (EHC) Needs Assessment



## What you can do if you disagree with decisions

If you are not satisfied with either a local authority's decision not to assess your child for an EHCP, OR not to provide an EHCP after a statutory assessment, you can appeal to the SEND Tribunal.

Appealing to Tribunal can be done in the name of the parent or the child/ young person. Additionally, if you are not satisfied with any of the needs or provision or placement offered in a new EHCP, you can also appeal (but only to SEND Tribunal for the education part). Despite the health provision being a legal duty, there is, at present, no single pathway to the appeal process.

For both health provision and social care complaints about provision in an EHCP, you must use the relevant complaints process for that provider. If you are still not satisfied, you can contact the health or social care ombudsman

Remember that at any point, if you can't agree on any aspect of the plan, you can ask to take part in disagreement resolution. This is in ADDITION to any mediation or appeal

To appeal, you have two months after the local authority's decision You can register an appeal and take part in mediation at the same time

Before appealing about

1. Refusal to assess,
2. Refusal to issue an EHCP, OR
3. The SEN part of an EHC plan

you **must** first contact a mediation advisor. The LA must inform you about how to do this\*. The mediator will give you evidence that you have done so. You will be encouraged to participate in mediation, however, this is not compulsory if you feel that mediation will not work. If at all possible, keep the lines of communication open - you can still reach an agreement that works for your family at any time up to the date of Tribunal.

\* If your appeal is only about placement aspects, you do not have to seek mediation first

All decisions where there is no appeal right to the Tribunal can be challenged via judicial review. Families will need legal advice in relation to judicial review and legal aid may be available to pay for this.

If you do decide to head for tribunal, there are free sources of legal advice to help such as IPSEA <http://bit.ly/ipsea-SEN> and Contact A Family SEN line <http://bit.ly/CAF-SEN>

Full details can be found in Chapter 11 of the SEND Code of Practice