**Coventry’s EHC Needs Assessment Process**

**A Guide for Parents**

**Education, Health and Care Needs Assessments**

A request for an EHC Needs Assessment (also known as Statutory Assessment) is likely to happen where special educational provision currently being made for a child or young person by their early years setting, school or college from their own resources, is not enabling the child or young person to make adequate progress.

Very few children and young people will need a statutory assessment. A statutory assessment for an Education, Health and Care Plan is a detailed assessment to find out exactly what your child's special educational needs are and what special help your child needs. A statutory assessment is only necessary if a school or setting cannot provide all of the help your child needs from within schools notional SEN budget.

You should talk to your child's teacher or SENCO (Special Education Needs Coordinator) if you feel that your child's school or setting cannot provide all the extra help that your child needs or that your child is not making enough progress.

**Who can make a request for an EHC Needs Assessment?**

Any professional working with a child, young person or family can make a referral to the authority for an Education, Health and Care Assessment. It is usual for referrals to come from the child/young person's educational provider. This could include, for example, foster carers, health and social care professionals, early years practitioners, school or college staff or a family friend. This should be done with the knowledge and, where possible, agreement of the child’s parent or the young person

A parent/young person (over the age of 16) can make a direct request for an Education, Health and Care Assessment. However, we recommend that they speak to the young person's teacher or Special Needs Coordinator (SENCo) first as they will be able to help you.

**Requesting an EHC Needs Assessment**

To make an EHC Needs assessment request, settings need to complete the relevant Request Form. Forms can be found on the Local Offer at:

<http://www.coventry.gov.uk/downloads/download/3594/education_health_and_care_ehc_needs_assessment_process>

We would always recommend that you speak to your child’s educational setting before making a request as they will be able to help you with this. If you decide to make a request directly to us then you will need to write a letter detailing why you believe an EHC needs assessment is required together with any supporting evidence which outlines your child’s special educational needs.

**Support for families and young people during the EHC Assessment Process**

Parent, carers and young people can get support from a number of agencies throughout the EHC process. This includes the SEND Information, Advice and Support Service (SENDIASS), and from Independent Supporters. For more information about the support available go to: <http://www.coventry.gov.uk/iass>

**Criteria for EHC Needs Assessment (Statutory assessment)**

Most children and young people with SEN or disabilities will have their needs met in their local mainstream early year’s settings, schools or colleges. Some children and young people may need to have an EHC needs assessment in order for the local authority to decide whether it is necessary for it to make provision in accordance with an EHC plan. Local authorities use criteria to help them make fair and transparent decisions about whether or not to carry out EHC needs assessments. In addition to these criteria, the panel that makes the decision will consider all the abilities, strengths and needs of the child or young person. Criteria are not applied as a blanket policy and every request is considered individually based on the information provided.

**How long does the whole EHC process take?**

If we receive a request to carry out an EHC needs assessment, together with all the information to enable us to make a decision, then a panel will decide whether or not to carry out an assessment within six weeks.

If a decision is made to carry out an assessment then, following the assessment, you will receive a decision in writing about whether or not an EHC Plan has been agreed and your rights of appeal within 16 weeks from the original request for assessment.

If it is agreed to issue an EHC Plan then the whole process should take 20 weeks although there are some exceptions to this, such as during the school summer break. For a flow chart setting out the timeline for an EHC needs assessment to the point of issuing an EHC Plan see Appendix 2

You can contact us for more information about the EHC Plan Assessment process on 024 7683 1614. The [SEND Information and Advice Service](http://www.solihullparentpartnership.co.uk/) is also there to help you at any point.

**Appealing Local Authority decisions**

If the decision is made to carry out an assessment, an SEN Education Officer will take you through the rest of the process. If the decision is not to carry out an assessment, you and the school will be given the reasons in writing including your rights of appeal and the time limits for appealing. The routes of appeal are:

* disagreement resolution or mediation, and
* tribunal – the First-tier Tribunal SEND (The SEND Tribunal)

**What if I don't agree with what the LA is saying?**

When disagreements arise between parents, carers or families and local authorities or schools about an aspect of a child or young person’s education they can be difficult to resolve.

Local authorities are required to provide parents, carers and families with an independent way of addressing any such disagreement. Mediation is a positive way of resolving conflict and can help to avoid the traditional adversarial approach to disagreement resolution without affecting other rights of appeal. It can work within or alongside the timeframe for the SEND first-tier tribunal.

You should first of all speak to your SEN Officer to see if the disagreement can be resolved locally.

If we cannot come to an agreement, there are other options open to you. These are:

**Disagreement Resolution**

Disagreement Resolution helps resolve disputes between parents and the Local Authority about the education of children and young people with special educational needs.

**Mediation**

Mediation is a way of helping families where relationships have broken down to reach agreement about the future. It can be an alternative to tribunal appeals or work alongside them.

Mediation provides a safe, neutral place where parties can talk through difficult and sometimes distressing issues with the support of a skilled professional family mediator who will not take sides or make judgments. It aims to improve communication, reduce stress and enable families to move forward into the future.

**The SEND Tribunal**

The Tribunal hears appeal against decisions made by LAs in relation to children and young people’s EHC Needs Assessments and EHC Plans.

Where parents disagree with the decisions of the Local Authority (LA), they have the right to appeal to the SEN and Disability Tribunal, which is an independent body.

Parents can appeal in the following circumstances:

* If the parents request the LA to carry out a formal assessment of the child’s Education, Health & Care (EHC) needs, but the LA refuses
* If the LA refuses to issue an EHC Plan following an assessment
* If the parents disagree with parts of the EHC Plan
* If the LA refuses to change the school named in Section I of the Plan
* •If the LA refuses to re-assess a pupil
* •If the LA decides to no longer maintain an EHC Plan
* •If the LA does not amend the Plan after re-assessment
* The LA will keep parents informed about their right of appeal during the assessment process.

**Appendix 2 - Coventry Education, Health and Care Needs Assessment Process**

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| **Timeline - weeks** | **Process** | **How you will be informed about the different stages of the process** |
| 1 – 6  6 – 12  13 – 14  16 – 17  18 – 19  20 | SEN Panel meet and to consider all of the evidence provided within the Request for Statutory Assessment. Decision made as to whether an EHC Needs Assessment is required | Notification sent to parents/young person/school/other professionals to inform if request is agreed for EHC assessment.  If it is refused a written explanation will be provided setting out the reasons and rights of Appeal explained. |
| Requests for professional advice made to external agencies involved in assessment process e.g. Educational psychology, Health, Social Care, Speech and Language, etc | Parents/young person may receive requests for external agencies to undertake assessments as part of the process |
| Advice reports collated and decision made as to whether an Education, Health and Care Plan is required to meet child/young person’s needs.  If the decision is to issue an EHC Plan this will be developed over the next two weeks. | If decision is made to not issue an EHC Plan we will notify parents/young person/ school/ other professionals of the reasons why the decision was made together with the rights of Appeal. |
| Draft EHCP issued to parents, young person, educational setting and other professionals with 15 day response time for amendments. | Draft Plan and covering letter issued asking for comments/ educational setting preference and offering a meeting to discuss the Draft EHC Plan. |
| Draft EHC Plan amended if required and consultation sent to educational setting with 15 day response time | Amended draft EHC Plan issued. |
| Final EHC Plan issued to parents/young person/ school and professionals involved in providing advice for the assessment. | Final EHC Plan issued naming educational setting, including agreed amendments together with a covering letter notifying of rights of appeal. |

**During EHCP Process SEN officers are available to meet with parents/young person to discuss any concerns or queries you may have.**