

## FREQUENTLY ASKED QUESTIONS: PARENTS

### **EHCPs**

#### **What is an EHCP?**

*An Education Health and Care Plan (EHCP) is a statutory document provided by the Local Authority outlining all the areas of provision which need to be provided by the LA to support the areas of need identified through the needs assessment.*

*The Plan is produced by the LA and reviewed annually by the LA, usually within the child's educational setting, coordinated by the SENCO. The Plan sets out areas of need across the areas of: education, health and social care. It also sets out how these identified needs will be supported in order to achieve identified outcomes and goals.*

*Every LA sets their own template for the EHCP, but, since it is a Statutory obligation, the timescales are the same across the UK. The LA **must** ensure that the provision identified in the Plan is provided. They **must** involve parents and ensure their views are taken into account. They **must** involve the child themselves. LAs **must** review the Plan annually in order to determine the progress made towards the desired outcomes.*

*Parents have a right of appeal if they do not agree with the provision outlined within the plan.*

*The EHCP will usually state the name of the Special School or Specialist Base where a child is to be educated within specialist provision. Most special schools or specialist bases require an EHCP before admitting a child.*

#### **Whose responsibility is it to provide the care outlined in the EHCP?**

*The EHCP is a legal document which is provided by the LA for where the child lives. It is a holistic document and outlines the provision for support across all areas, including: educational support, health needs and social care (where a child might require additional support at home). It also outlines the support required for getting to school. It is the legal responsibility of the Local Authority to work with social care and local health services to provide for the care and health needs identified within the Plan. Ultimately, however, the responsibility for ensuring provision is delivered, is the responsibility of the LA.*

## **How do I know whether my child qualifies for additional help and support under an EHCP?**

*An EHCP is usually provided for children and young people with complex needs, which are life-long and severe. The Plan can be provided for any child from birth to 25 years. However, the responsibility for providing the support outlined within the plan changes when the young person reaches the age of 18 years.*

*If you believe that your child's needs are severe and complex, impacting significantly upon their progress and development, it might be worth talking your concerns through with your school SENCO. There are also a number of support groups which will be able to provide further advice.*

*Some LAs provide high-needs funding without the need for a Plan. However, the Plan provides security for parents as it is a legal document and the LA must ensure the provision is delivered.*

## **What is a Statutory Assessment?**

*A Statutory Assessment is a legal requirement for pupils with severe and long-term disabilities and/or special educational needs which have a severe impact upon the child's learning. The assessment is a multidisciplinary assessment and usually involves clinical, medical and educational assessment. The Local Authority (for where your child lives) are legally responsible for providing the assessment and bringing the documentation together in the EHCP. There must be an Educational Psychologist involved in the Statutory Assessment process. There are specific timescales by which the assessment must be conducted by.*

*Once the assessment has taken place, and it is agreed to provide a level of support in an EHCP, this is a legally binding document and the LA must involve parents in its preparation. Parents also have a right of appeal to an independent tribunal if they do not agree with the EHCP or the decision made by the LA. LAs are also legally obliged to provide independent parental supporters.*

## **Who can apply for a Statutory Assessment?**

*Either parents, the child's school or the child themselves if they are over 16 years old, can make the application to the Local Authority for the Statutory Assessment.*

There are roughly 2.8 per cent of pupils nationally who have an EHCP; hence the statutory assessment process is for children and young people experiencing complex and severe disabilities and/or SEN and who usually have multidisciplinary involvement.

**Parents** can make a request for a Statutory Needs Assessment through the Local Authority, who must respond within 6 weeks of the application being made. The LA will need to consult your child's education provider before they can decide whether to go ahead with the assessment or not.

The **Child's School** can also request a Statutory needs assessment, but must inform parents of the decision to do so. Timescales are the same as for parents, and schools also have a right of appeal.

Parents must be provided with the LA's decision. Where the decision rejects the assessment of need, parents must be given the right of appeal to an independent tribunal. The LA must provide details of the evidence they have gathered towards making this decision and should involve the child or young person in this process. Mediation should be offered as part of this process.

Where a needs assessment is considered necessary, the LA must involve parents and the child (as far as is possible) in the assessment process, and must take account of their views.

If the LA decides not to give an EHCP following the assessment, they must inform parents within 16 weeks of the initial request for a statutory assessment.

### **Is a Statutory Assessment the same as a diagnostic assessment?**

No. The Statutory Assessment process is a legal process which is outlined in the SEN Code of Practice and legislated through the Children and Families Act (2014). It is coordinated by the Local Authority for where the child lives. It is for any child or young person who experiences severe and complex needs and require a high level of additional support. It is multidisciplinary and takes place over a number of weeks.

A diagnostic assessment can be commissioned by parents or educational settings at any stage and is not a legal process, it is not multidisciplinary and takes place over a few hours. It is usually conducted by a specialist assessor in order to diagnose a specific learning difficulty such as dyslexia or dyspraxia.

## **What is the role of the Local Authority (LA)?**

*The Local Authority are instrumental in funding SEN provision in schools.*

*There are over 150 Local Authorities across the UK and every LA coordinates SEN provision differently! For instance, the number of EHCPs across LAs ranges from less than 1 per cent in some areas to over 4 per cent in others. Whilst the level of need is generally consistent across the UK, the way these needs are supported and funded can vary widely.*

*All LAs have statutory duties for:*

- *Organisation of the Needs Assessment which leads to an EHCP*
- *Providing funding to schools to be able to deliver the support outlined within the EHCP*
- *Providing specialist VI and HI teachers*
- *Providing devolved funding to schools for low-level, high incident needs*
- *Providing independent parental support*
- *Providing a Core Offer of services, available on the LA website*
- *Work with all schools within the region to develop and update the Core Offer*

## **Diagnostic Assessment**

### **How do I know whether my child requires a full diagnostic/specialist assessment?**

*There is no magic formula for knowing whether a full assessment is required for an individual who is experiencing learning difficulties. Quite often there is a mis-match between the child's perceived ability and their performance.*

*Where appropriate progress is not being made the school should provide additional support to ensure your child is able to catch up in line with their ability. If, following additional help, further difficulties come to light, or your child maintains a level of difficulty, and appears to struggle to keep up with their peers, it may be appropriate to refer for a full assessment.*

*The use of checklists would help in making the decision about whether to assess or not.*

### **I have had a recent assessment for my child, is the school obliged to implement the recommendations?**

*This will depend upon the recommendations and the School's own resources. Report recommendations are usually based upon best practice and are usually a list of suggestions, which are not a legal obligation for the school to provide. However, if your child is experiencing significant difficulties which you believe are impacting upon their performance, the school is obliged to take action and ensure that they are progressing in line with their potential. There are often simple steps which can be put into place, which do not require a high level of funding. It is always important to discuss your concerns with the school SENCO at the earliest opportunity.*

### **What should I do if I think my child has learning difficulties or a special educational need?**

*You should initially talk with your child's class teacher (Primary) or Tutor (Secondary). You may want to ask to speak with the school SENCO who will be able to advise you of any assessments which might be able to be conducted within the school.*

### **How do I choose the right school for my child?**

*This will depend upon what your child's learning needs are. Every school must, by law, provide information relating to their SEN provision on the school website through the Information Report. The Report provides details regarding a number of areas and is written to inform parents of the level of provision and expertise available within that school. In particular, it provides details of:*

- *The kinds of SEN which the school is able to provide for*
- *The qualifications and training of the SEN personnel*
- *The SEN policy for identification and providing intervention*
- *The SEN policy for working with parents*
- *How SEN pupils are assessed and supported*
- *The types of support provided*
- *Other adaptations provided by the school*
- *How effective the provision is/has been*
- *How SEN pupils are enabled to be included in all activities*
- *The complaints procedure*

*You should ask to speak with the school SENCO prior to choosing a school, and seek advice regarding what support they would be able to provide for your child. In addition, it is worth asking how flexible they are in their GCSE/6<sup>th</sup>*

*Form choices, as a flexible approach to the curriculum is more likely to be more appropriate for your child.*

**How do I know that all teachers who teach my child know the impact of his/her individual needs upon his/her development?**

*Parents should speak with the SENCO of the school and ask how they are sharing pertinent information with school staff. Sharing information across a Primary setting is easier than across a large Secondary setting where your child may be taught by a number of teachers. Ask to see the information which is shared with staff.*

*Good practice is for schools to provide a pupil profile/passport for teaching staff which summarises the pupil's specific strengths and needs.*

**How do I find out whether the school are supporting my child appropriately?**

*If your child has an Educational, Health and care Plan (EHCP) then you should be involved in the development of the Plan. You will be able to contribute to the review of the Plan and there is a legal duty upon the school to provide the support which is outlined in the Plan. However, if your child receives additional help and support through SEN Support, the school will be funding the additional support through the school's own resources. The schools continue to have a legal obligation to inform and involve parents of the support being provided. All parents should meet regularly with the school SENCO to review the support provided.*

**How do I find out whether the school has the expertise and resources to support my child?**

*Every school has a legal obligation to produce an Information Report. This report is for parents to know what provision is available within their setting. The report outlines the training and expertise of staff and the needs which are currently being supported. Every Local Authority must provide a Core Offer of services which will outline any specialist services available within the Local Authority area.*

**My child has had an assessment and the School will not support my child, what can I do? How do I make a complaint?**

*The school have a duty of care to support pupils with SEND under the Equality Act 2010. Children with SEND have a legal entitlement to be included within activities which are available to their peers. If your child has a diagnosis from a specialist and the school are not supporting the needs which have been*

identified, you can make an official complaint to the Head teacher. The school will have a complaints procedure which must be made available to you, must be followed and must provide an investigation where a panel reviews the information, one person of whom must be independent of the school.

If you remain concerned, the avenues of complaint vary according to the type of setting. See managing complaints below.

### **Managing Complaints**

You can take your complaint to the Department for Education's Complaints Unit.

- Complaints relating to general concerns, can be taken to Ofsted.
- Complaints against Independent Schools can be taken directly to the Secretary of State.
- Complaints against Academies and free Schools can be taken to the Education Funding Agency.
- Complaints against the Local Authority (by parents or schools) can be taken directly to the Local Government Ombudsman.
- Complaints against 6<sup>th</sup> form colleges can be taken to the Education Funding Agency.
- Complaints against any state funding provider can be brought to your local MP who can contact the relevant organisation on your behalf.

The complaints would relate to the governing body of the school acting unreasonably or failing to carry out their duties under the Education Acts.

### **Ofsted complaints:**

[Enquiries@ofsted.gov.uk](mailto:Enquiries@ofsted.gov.uk)

0845 6404045

### **Local Government Ombudsman**

0300 0610614

PO Box 4771  
Coventry  
CV4 0EH

Please contact SENDISS for further information or advice, if you are unable to find answers to your questions here.