**Guidance for Education, Health and Care Needs Assessment Requests.**

This guidance is for use primarily by educational settings. It should, however, also be viewed by parents/carers or young people considering making an EHC needs assessment request.

**Note – this guidance and the EHC needs assessment request form have been designed to fully engage with the principles of the Children and Families Act 2014 and the statutory requirements as set out in the SEN Code of Practice January 2015. When considering making a request for an EHC needs assessment and indeed preparing an application it is imperative that your work with the child/young person and family delivers to these underlying principles, in particular having regard to:**

* the views, wishes and feelings of the child or young person, and the child’s parents
* the importance of the child or young person, and the child’s parents, participating as fully as possible in decisions, and being provided with the information and support necessary to enable participation in those decisions
* the need to support the child or young person, and the child’s parents, in order to facilitate the development of the child or young person and to help them achieve the best possible educational and other outcomes, preparing them effectively for adulthood.

**It would, therefore, be good practice to work collaboratively with a parent/carer or young person to co-produce the assessment request form.**

**1 - Background:**

Our vision for children with special educational needs and disabilities is the same as for all children and young people – that they achieve well in their early years, at school and in college, and lead happy and fulfilled lives (Foreword SEN Code of Practice Jan 2015).

The majority of children and young people with SEN or disabilities will have their needs met within local mainstream early years settings, schools or colleges (as set out in the information on identification and support in Chapters 5, 6 and 7 of the Special Educational Needs and Disability Code of Practice). Some children and young people may require an education, health and care needs assessment (EHC needs assessment) in order for the local authority to decide whether it is necessary for it to make provision in accordance with an Education, Health and Care plan (EHC plan) (9.1 SEND Code of Practice 2015).

The EHC needs assessment should not normally be the first step in the process, rather it should follow on from planning already undertaken with parents and young people in conjunction with an early years provider, school, post-16 institution or other provider. (Section 9.3 Special Educational Needs & Disability Code of Practice 2015).

The EHC needs assessment process is for children and young people who can be described as those experiencing severe, complex, profound and long-term difficulties and who have not responded to a range of interventions over time.

**2 - What is the Local Authority considering?**

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. To inform their decision the local authority will need to take into account a wide range of evidence, and should pay particular attention to:

* evidence of the child or young person’s academic attainment (or developmental milestones in younger children) and rate of progress
* information about the nature, extent and context of the child or young person’s SEN
* evidence of the action already being taken by the early years provider, school or post-16 institution to meet the child or young person’s SEN
* evidence that where progress has been made, it has only been as the result of much additional intervention and support over and above that which is usually provided
* evidence of the child or young person’s physical, emotional and social development and health needs, drawing on relevant evidence from clinicians and other health professionals and what has been done to meet these by other agencies, and
* where a young person is aged over 18, the local authority must consider whether the young person requires additional time, in comparison to the majority of others of the same age who do not have special educational needs, to complete their education or training. Remaining in formal education or training should help young people to achieve education and training outcomes, building on what they have learned before and preparing them for adult life. (9.14 SEND Code of Practice 2015)

**3 - Other factors:**

Local authorities may develop criteria as guidelines to help them decide when it is necessary to carry out an EHC needs assessment (and following assessment, to decide whether it is necessary to issue an EHC plan). However, local authorities must be prepared to depart from those criteria where there is a compelling reason to do so in any particular case and demonstrate their willingness to do so where individual circumstances warrant such a departure. Local authorities must not apply a ‘blanket’ policy to particular groups of children or certain types of need, as this would prevent the consideration of a child’s or young person’s needs individually and on their merits.

**4 - Who can request an Education, Health & Care Needs assessment?**

The following people have a specific right to ask the local authority to conduct an education, health and care needs assessment for a child or young person aged between 0 and 25:

* The child’s parent;
* A young person over the age of 16 and under the age of 25; and
* A person acting on behalf of a school or post-16 institution (this should ideally be with the knowledge and agreement of the parent or young person where possible);
* Children and young people under the age of 19 (or their parents) in youth custodial institutions (9.8 & 9.9, SEND Code of Practice July 14).

When a formal request for assessment is received the SEN Team will record its arrival and the statutory timescales will begin.

In addition to the people set out above anyone else can bring a child or young person who has or may have SEN to the attention of the local authority. This could include:

* Foster carers;
* Health & social care professionals;
* Early years practitioners;
* Youth offending teams, probation services and those responsible for education in custody;
* A family friend.

Bringing the child to the Local Authority’s attention should be done with the knowledge and (where possible) agreement of the child’s parent or the young person themselves. (9.8 SEND Code of Practice Jan 15).

These referrals are not considered as full requests, however when receiving notification of this nature the 0-25 SEND Service will consider the information provided and may make contact with both the educational setting and the parent/carer or young person themselves to ascertain further information.

Where this work provides evidence that full consideration of an EHC needs assessment should take place the child or young person will be referred to the Considerations Meeting (see Section 5). The statutory timescales set out in Appendix A will begin at the time of agreeing to consider the request at the Considerations Meeting.

**5 - The decision making process in Southampton City Council:**

All requests for Education, Health and Care needs assessments are considered by a multi-agency Consideration Meeting. The group meets weekly and comprises of representatives from education (SEN Team, Educational Psychology and educational settings), health and social care. We are in the process of establishing representation of parents and carers.

In order for this group of people to determine whether or not an education, health and care needs assessment is required they will consider the following key questions and whether the information provided answers these questions:

1. Does the child/young person have a highly significant barrier to learning in comparison with others of her/his age?
2. Has the setting sought advice from external professionals?
3. Has the setting responded to advice from external professional specialists by developing provision maps and/or reviewing documents with SMART targets?
4. Has the child or young person’s progress been reviewed over time? Have they made adequate progress?
5. Has the setting given clear information about how the SEN budget has been used to support the child /young person’s special educational needs? (See Section 6 for further information).

**6 - Resources normally available to support children and young people with SEN and Disability:**

Southampton City Council has devolved funding to settings to provide for children and young people who should have their needs met as flexibly as possible within the whole setting's arrangements to support inclusion.

Educational settings must make a range of ordinarily available provision for all children / young people, including those with SEND from the all the resources available to them. Educational settings will use a 'graduated approach' to implement increasingly specialist level of teaching and intervention for pupils with SEND.

Schools budget for all pupils

All maintained schools, including mainstream academies, receive a budget allocated at the beginning of the financial year (from 1 April each year).

The school’s allocation for all children, including those with special educational needs (SEN), is based on the number and age of the children within the school. This works out as approximately £4000 per pupil.

SEN Notional budget – additional resources for children with SEN within schools

For the majority of children with SEN, further resources are allocated through something called the 'SEN Notional budget for mainstream schools'. This is done using a funding formula and works out at an additional £6000 per pupil with SEN.

The funding formula uses data and information about low attainment and deprivation. These factors have been determined by the Department for Education under the Government’s new funding reforms which came into place from April 2013.

The use of the low attainment and deprivation data and information will identify a profile of need for each school, which can then be used for the allocation of available funds on an annual basis through the SEN Notional budget.

All types of need are covered by this funding model which results in the allocation of a sum of money which is part of the whole school budget. This can be used to address the needs of children, in any category, as identified, assessed and prioritised by the school.

Schools are not expected to meet the full costs of more expensive special educational provision from their core funding. They are expected to provide additional support which costs up to a nationally prescribed threshold per pupil per year which is £4,000 of ordinary teaching and up to £6,000 of targeted support.

**8 - Decision not to carry out an EH&C Needs Assessment:**

If the local authority decides not to conduct an EHC needs assessment it must inform the child’s parents or the young person of their right to appeal that decision and the time limit for doing so, of the requirement for them to consider mediation should they wish to appeal, and the availability of information, advice and support and disagreement resolution services. The local authority should also provide feedback collected during the process of considering whether an EHC needs assessment is necessary, including evidence from professionals, which the parent, young person, early years provider, school or post-16 institution may find useful.

**9 - Decision to carry out an EH&C Needs Assessment:**

If the Local Authority decides to proceed with an EH&C Needs Assessment the family will be allocated an Assessment Co-Ordinator who will provide further information on the process. Please also visit the Southampton City Council’s SEND Local Offer for further information on the EHC needs assessment process (sid.southampton.gov.uk).

**The EHC needs assessment request form can also be found on the Southampton City Council SEND Local Offer.**

**If you have any questions about this guidance or the process please contact:**

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Tel - 023 8083 4373

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