



Education Health and Care Plans

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Agenda

1. Background
2. Differences between statements and EHC plans
3. The conversion process
4. Structure of an EHC plan
5. Personal budgets
6. Monitoring and reviews
7. Appeals and mediation



Children & Families Act

Came into force on 1 September 2014

EHC Plans have replaced statements and Learning Difficulty Assessments for all new referrals

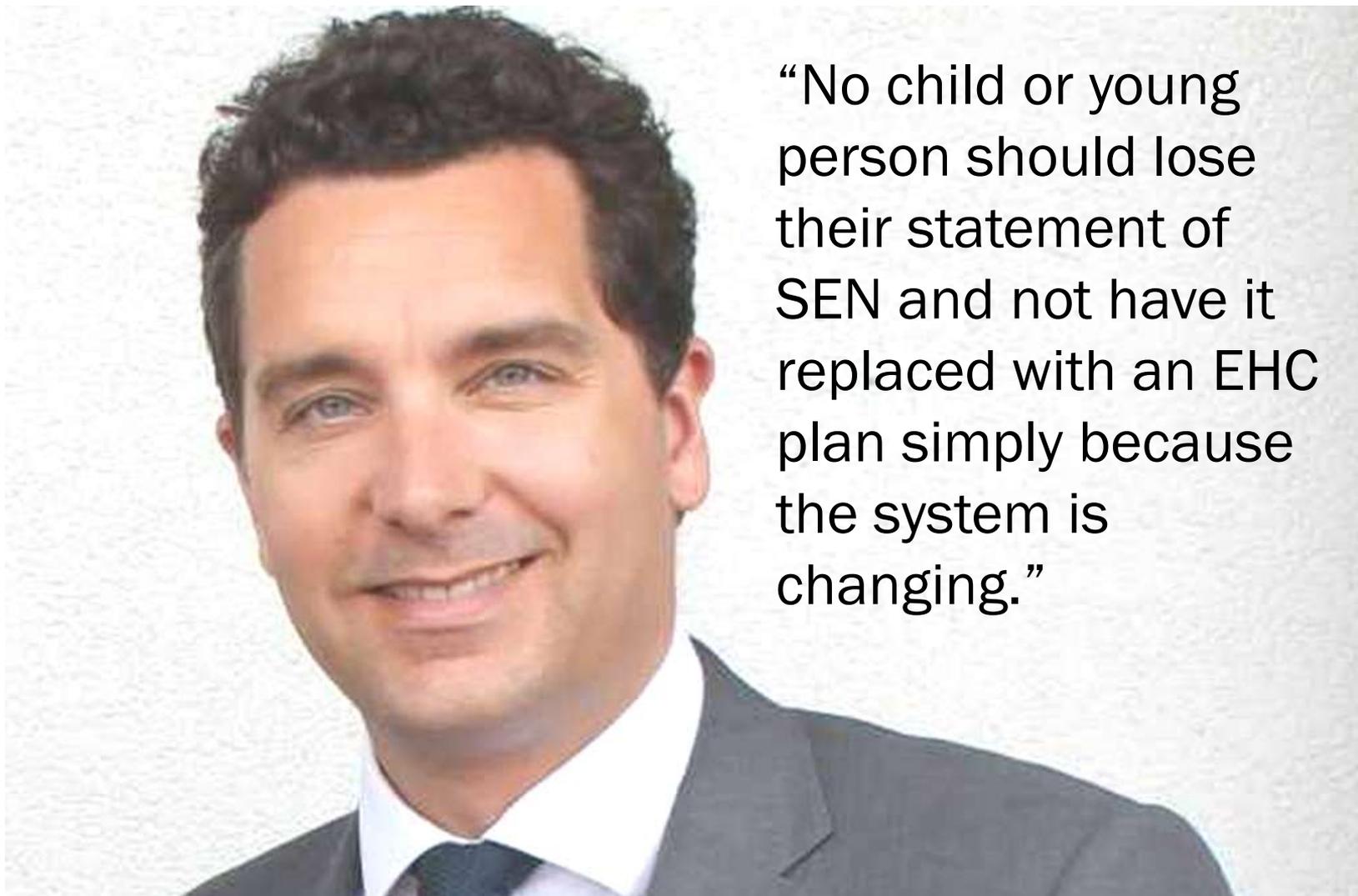
Existing statements must be converted into EHC plans by **April 2018**

Existing LDAs must be converted into EHC plans by **September 2016** (if still in further education or training)

Existing statements and LDAs will remain legally valid until they are ceased or replaced by a final EHC plan

The new Act, Regulations and SEN Code of Practice only apply once your child has made the transition

Don't panic!



“No child or young person should lose their statement of SEN and not have it replaced with an EHC plan simply because the system is changing.”

Core principles

New duties of local authorities in relation to children and young people with SEN and their parents (section 19):

To have regard to their views, wishes and feelings;

To enable them to participate as fully as possible in decisions;

To provide them with the information and support necessary to enable them to participate;

To support them in order to facilitate the development of the child or young person and to help them achieve the **best possible educational and other outcomes.**

Key differences

Statement of SEN	EHC Plan
Only describes educational needs and provision	Describes educational, health and social care needs and provision (if relevant)
Statutory assessment usually involves multiple appointments	“Tell us once” approach
Parents can make written representations, caseworker writes statement	Plan is “co-produced” with the family
26 weeks from request to final statement	20 weeks from request to final EHC Plan

Key differences

Statement of SEN	EHC Plan
No personal budgets attached to statements	Right to a personal budget
Lapses when young person leaves school or turns 19	Remains in place if young person starts college or an apprenticeship. Can go up to age 25 (but no entitlement!)
Focus on provision (e.g. TA hours)	Focus on outcomes (individual long-term goals)
No specific support for parents (apart from Parent Partnership)	Possible involvement of key workers, independent supporters

Conversion of statements

Statements will be converted before phase transfers (e.g. primary to secondary school)

Refer to Sheffield's transition plan to see when different cohorts will be converted (*in process of being updated*)

Parents don't need to request a conversion – will be done automatically

Sheffield will have to convert an average of 56 statements and LDAs per month over the next 3.5 years -> extra staff in SEN Assessment and Placement Team

Conversion of statements

To convert a statement, the LA must carry out a “transfer review” (a shortened **EHC needs assessment**)

The transfer review should replace the annual review of the statement

Conversion of LDAs

LDAs will NOT be transferred automatically

Parents/young people should have received a letter inviting them to request an EHC needs assessment (provided the young person is still in further education or training)

These requests will be treated as new entrants

At the end of the transition period for LDAs (Sept 2016), the LA must consider whether those who haven't requested an EHC plan might need one

New rights for young people

When young people reach the end of compulsory school age, some rights related to EHC plans transfer from the parents to the young person

BUT: if a young person lacks mental capacity, parents can continue to make decisions on their behalf, unless the young person has a different representative -> tell the LA!

Mental Capacity Act applies

Conversion process (statements)

Process starts when LA sends formal notice of transfer review to parents and head teacher (at least two weeks before meeting)

Parents must be invited to a **transfer review meeting** - normally held at school in place of annual review meeting

Purpose of meeting: discuss aspirations, outcomes, needs and provision, personal budgets

Person-centred planning should normally take place before the transfer review meeting

Conversion process (statements)

Existing assessment information from the statement can be used if LA, parents and assessor all agree that it is “sufficient”

If not, LA has to request up-to-date information, which must be provided within 6 weeks

Parents can request/submit additional advice from other professionals

LA collates information and issues draft plan

Final plan issued within 14 weeks of notice given

What does an EHCP look like?

No national format, but Regulations prescribe that the plan must have specific sections designated by letters A-K

Purpose: identify needs, outcomes, and the provision to meet needs and achieve outcomes

Description of provision must be **detailed** and **specific** and should normally be **quantified**

Must be clear how advice gathered has informed the provision specified

Sections of an EHC plan

A: The views, interests and aspirations of your child

B: Special educational needs (SEN) \approx Part 2 of statement

C: Health needs related to SEN

D: Social care needs related to SEN

E: Outcomes

Sections of an EHC plan

F: Special educational provision \approx Part 3 of statement

G: Health provision

H1 + H2: Social care provision

I: Placement \approx Part 4 of statement

J: Personal budget arrangements

K: Advice and information

Section A – Views, interests, aspirations

Aspirations and goals for the future

Details about play, health, schooling, independence, friendships, FE, employment (where practical)

A summary of how to communicate with the child

Child's history

If written in first person, must be clear whether the child is being quoted directly, or if the views of the parents or professionals are being represented

Section B - SEN

Describe in detail **all** the child's SEN identified during the assessment

Should also include a description of the child's current functioning: strengths and weaknesses

May include needs requiring health and social care provision where such provision is for the child or young person's education or training, e.g. speech and language difficulties

Section C – Health needs

Must specify any health needs identified through the EHC needs assessment which relate to the child's SEN

Some health care needs, such as routine dental checkups, are unlikely to be related

May also choose to specify other health care needs which are not related to the child's SEN (e.g. a long-term condition which might need management in a special educational setting)

Section D – Social care needs

Must specify **all** of the child's social care needs identified through the EHC needs assessment which relate to the child's SEN – **whether or not they are eligible for support!**

LA may also choose to specify other social care needs which are not linked to the child's SEN

Could include reference to any child in need or child protection plan – but such inclusion must only be with the consent of the child and their parents.

Section E - Outcomes

Outcome = benefit or difference made to an individual as a result of an intervention

Should normally set out what must be achieved by end of current phase of education

Can include wider outcomes, e.g. friendships

Should be SMART (**S**pecific, **M**easurable, **A**chievable, **R**ealistic, **T**imebound) and challenging

Should enable learners to move **towards longer-term aspirations**, e.g. employment, independent living, good health, friends, relationships and community participation

Section F – Special educational provision

Must list provision for **each and every** need specified in section B

Where health or social care provision educates or trains a child/YP, it must appear in this section

Should specify: facilities and equipment, staffing arrangements and curriculum; modifications or exclusions to National Curriculum; residential accommodation

Be clear what activities TA hours are for, and how they will help to achieve the outcomes

Absolute duty on LA to arrange the provision listed

B. SEN	E. Outcome	F. Special Educational Provision
<p>Malie has significant difficulties in language, both in understanding what others say and in using speech herself. She needs to develop the use and understanding of spoken language.</p>	<p>By end of Y6, Malie will be holding conversations with other children and adults, describing in simple detail things about her everyday life.</p>	<ol style="list-style-type: none"> 1. A language programme delivered for a minimum of 15 minutes each day individually or with one other child. 2. The programme will be devised by a speech and language therapist (SaLT). 3. At least one weekly session will be taught by Malie’s teacher. The remaining sessions will be delivered by a TA who has received training from the SaLT. 4. The SaLT will monitor Malie’s progress and review the programme once each term, which may include: <ul style="list-style-type: none"> • joint target setting with school staff • evaluation of programme with school staff and Malie’s parents • demonstration of activities/strategies • observation in class.

Section G – Health provision

Only needs to list provision which is “reasonably required” by the learning difficulties or disabilities which result in the child or young person having SEN

Provision is subject to agreement of the Clinical Commissioning Group – but if listed here, it **MUST** be provided!

Examples:

- medical treatments and delivery of medications
- Physiotherapy and Occupational Therapy
- specialist equipment, wheelchairs and continence supplies

Section H 1 – Social care provision

This section only applies to children under 18.

Lists social care provision assessed as being needed under section 2 CSDPA 1970, e.g.:

- Support at home, for example with personal care or eating;
- Support to access the community such as after-school clubs or play schemes = non-residential **short breaks**
- Assistance with travel to access the community;
- Help with adaptations to the home

LA can take account of resources in deciding which needs are eligible; but if it has decided that need is eligible, there is an absolute duty to make provision

Section H2 – Social care provision

Lists other social care provision reasonably required by the learning difficulties or disabilities which result in the child or young person having SEN

Should include: adult care and support plan, overnight respite

No additional duties on LAs to make the provision listed in sections H1 and H2, as already covered by other legislation

Section I - Placement

Must set out the type of nursery, school, college or other institution considered appropriate

Should normally name a particular setting

These details must be included only in the **final** EHC plan, not the draft EHC plan

Duty to admit the child if named in the plan
now also extends to Academies and FE colleges



Section J – Personal Budgets

Detailed information on any Personal Budget that will be used to secure provision in the EHC plan

Should set out the arrangements in relation to direct payments

The SEN and outcomes that are to be met by any direct payment must be specified



Section K – Advice & Information

Lists the advice and information gathered during the EHC needs assessment

Personal budgets

Personal Budget = an amount of money identified by the LA that can be used to deliver some or all of the provision in an EHC Plan

Intended to give families more choice and control

LA **must** prepare Personal Budget if asked to do so during the statutory assessment/conversion process, or at the annual review

Can be given as Direct Payments, or as a “notional budget” held by the LA or education provider, or a combination of the above

Personal Budgets and Direct Payments are **optional** for families

Personal budgets

Personal budgets can include education, health and social care elements

They cannot be used to fund a place at school/college!

DPs for health, education and social care provision are governed by different pieces of legislation, and can be refused for different reasons

The amount of direct payments **must be sufficient** to secure the agreed provision

Monitoring & reviews

Requirement to carry out annual reviews

From Y9 onwards: must include a focus on preparing for adulthood

New duty to inform parents about the outcome of the annual review within 4 weeks

Guidance on IEPs has been removed from the Code of Practice, but schools must still keep written records

Schools should meet with parents of learners with SEN at least three times per year

Appeals

Pilot to extend powers of SEND tribunal starting in April

For now, different appeal routes apply:

Education sections and certain decisions by the LA	First-Tier SEND tribunal
Health sections	Local health care provider's internal complaints process
Social care sections	LA's internal complaints process
Direct payments	Ask the LA to review its decision

Mediation

Parents have to “consider” mediation before they can appeal to the First-Tier SEND tribunal

- **If decline:** issue certificate within 3 working days
- **If agree to take part:** must arrange session within 30 days -> issue certificate when completed

Appeals must be lodged within 2 months of LA decision or 1 month of mediation certificate, whichever is later

“Mediation agreements” regarding issues which are appealable to the First-Tier SEND Tribunal are legally binding



Help & advice

SENDIAS (formerly Parent Partnership) –
ed-parent.partnership@sheffield.gov.uk / **0114**
273 6009

Core Assets (Independent Support) –
www.coreassets.com / 0800 028 8455

IPSEA – www.ipsea.org.uk / 0800 018 4016

Contact a Family – www.cafamily.org.uk / 0808
808 3555