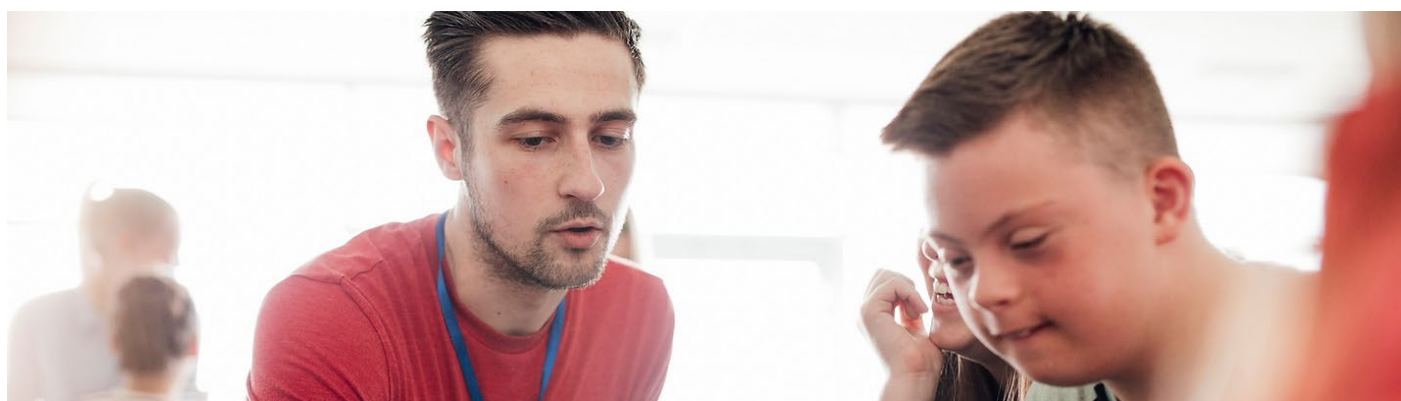


# Northumberland's

Guide to the Education, Health and Care Plan





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## Introduction:

An Education, Health and Care plan (“EHCP”) is a legal document which describes a child or young person’s special educational needs, the support they need, and the outcomes they would like to achieve.

The special educational provision described in an EHCP must be provided by the child or young person’s local authority. This means an EHC plan can give a child or young person extra educational support. It can also give parents and young people more choice about which school or other setting the child or young person can attend.

EHCPs can be long and complicated. They are required by law to contain certain sections, which are summarised in this guide.

The EHC plan should be written in a way that makes it clear, to parents, young people, schools, colleges and LAs, who is required to do what, when it has to happen and how often it should be reviewed.

If you have any questions or need support, please speak with your child’s school or setting, or with your EHCP Officer. If you’re uncertain who your officer is then please contact [SEN@northumberland.gov.uk](mailto:SEN@northumberland.gov.uk) and a member of the team will support you.

## Co-production

It is vitally important that a child or young person are involved in and have their views, aspirations, likes and dislikes reflected throughout an EHCP. It is also vital that parents and carers have their views on what is important to and for their child clearly reflected, with shared understanding of identified areas of need and associated provision.

Person centred planning aims to put children and young people at the centre of planning and decisions that affect them. When children are meaningfully involved, this can change their attitude, behaviour and learning and make them active partners who work with adults to bring about change. A model of person-centred planning aims to:

- Put children and young people at the centre of planning and decisions that affect them
- Bring people together – both to celebrate successes, and also to address difficulties with honesty and care.
- Help children and young people learn how to express their views, how to choose and how to listen.
- Show children and young people that they are listened to, respected, and valued and cared for – that they belong.
- Help adults get to know the children and young people they work with and give insight into the impact they are having on children and young people.
- Make plans that build towards meaningful outcomes for children and young people and their families.

## Section A: The views and aspirations of the child/young person and their parent(s)/carer(s)

The strengths, views, interests and aspirations of the child or young person is required to be included and respected using the **most appropriate** format – this might not be verbally. For annual review, this may best be gathered throughout the year rather than simply at, or just before, review. Areas covered should include the following information/views:

- People like and admire me because....
- I am really good at....
- I enjoy....
- These things are important to me....
- These things are not working well....
- It would be better if....
- In the future I would like....

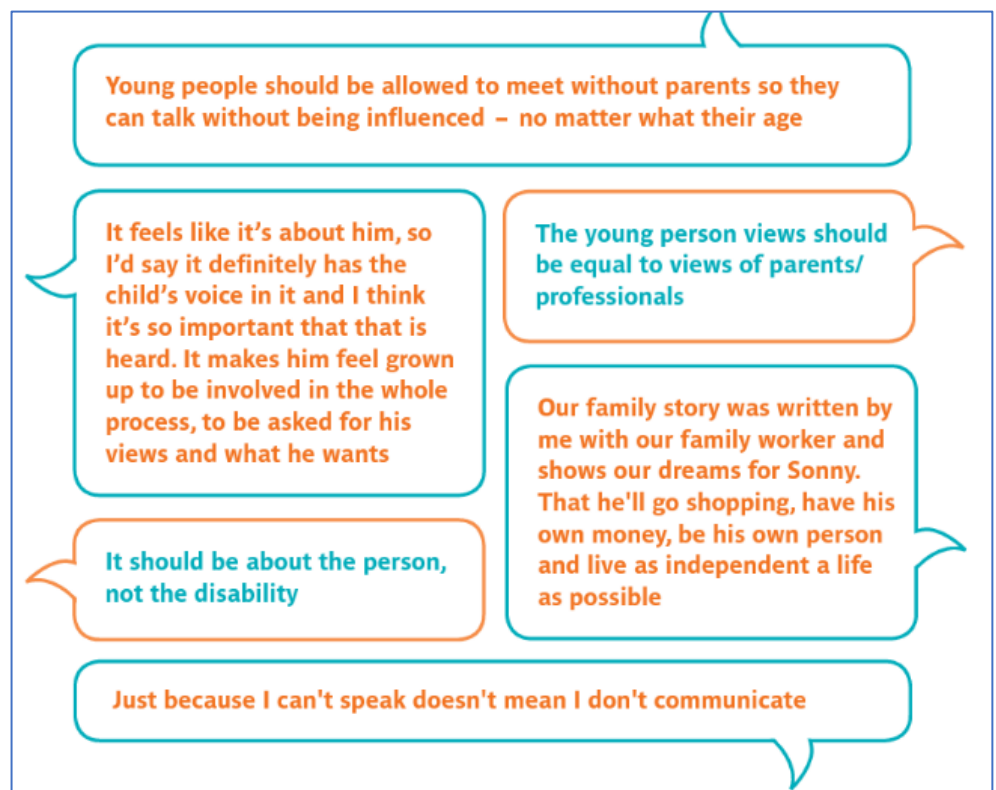
### The voice of the parent(s)/carer(s)

The views, interests and aspirations of the child or young person's family is required to be included.

This could include:

- Details about the child or young person's aspirations and goals for the future (but not details of outcomes to be achieved). When agreeing the aspirations, consideration should be given to the child or the young person's aspirations for:
  - paid employment;
  - volunteering;
  - independent living; and
  - community participation.
- Details about play, health, schooling, independence, friendships, further education and future plans including employment (where appropriate).
- A summary of how to communicate with the child or young person and engage them in decision-making.
- The child or young person's history.

If written in the first person, the plan should make clear whether the child or young person is being quoted directly, or if the views of the parents or professionals are being represented.



## Section B: Special educational needs

All of the child or young person's identified special educational needs ("SEN") must be specified (section 37 of the Act). This section will include clear and specific, bullet pointed areas of identified SEN of the child or young person against each of the four areas of need:

- Cognition & Learning
- Communication & Interaction
- Social, emotional & mental health difficulties
- Sensory and/or physical needs

Needs will be identified and evidenced by educational professionals. It is important that only needs appear in this section, as the LA are required to identify specific provision which meets each identified need in section F, to meet specific and measurable outcomes (section E). It's important to note that explicitness is important and doesn't reflect negatively on the child or young person.

Identification of needs should be the result of the education, health and care needs assessment and of assessments carried out by practitioners, including teachers and the SENCo.

### Examples:

'James finds it extremely difficult to engage with other children or to make friends with his peers.'

'Sophie has dyspraxia. This condition impacts on the following areas of her learning:

- Handwriting and using tools such as compasses, rulers and cutlery;
- Keeping focused in class and following instructions; and
- Recalling what she has learnt and using it in new situations.'

## Section C: Health Needs related to SEN

This section must clearly and simply describe need, including the practical implications of any health condition or impairment on the different areas of the child or young person's life.

Where a child or young person is not known to health services and there is no evidence of a relevant health need, this will be clearly articulated.

Example:

'Mary has a hearing loss that is moderate in both ears at mid to low frequencies and profound in both ears at high frequencies. She wears post aural (behind the ears) hearing aids but her hearing levels are unstable. This means she can often miss important information and this impacts on her interactions with her peers and family at home and in the nursery.'

## Section D: Social Care Needs related to SEN

This section must clearly and simply describe needs relating to social care.

Where a child or young person is not known to social care and there is no evidence of a social care need, this will be articulated.

Information about social care needs may come from a range of people: they could be teachers, youth workers or an allocated social worker.

When requesting social care advice, relevant information that has already been collected about the child or young person's social care needs and outcomes should be passed on to the social care professional providing the advice.

### Examples:

'Emma (11 years old) has extremely limited mobility, as described in the health needs. This means that she faces significant challenges in joining in with social activities of her choosing, including family outings and holidays.'

## Section E: Educational outcomes

This section must contain the outcomes sought for the child or the young person. There should be outcomes relating to a young person's aspirations and each of their areas of identified need. For older children, from year 9 at the latest, this should also include outcomes for adult life. The provision required in order to support achievement of each planned outcome will be detailed in section F (see below).

EHC plans must specify the outcomes sought for the child or young person. EHC plans should be focused on education and training, health and care outcomes that will enable children and young people to progress in their learning and, as they get older, to be well prepared for adulthood. EHC plans can also include wider outcomes such as positive social relationships and emotional resilience and stability. Outcomes should always enable children and young people to move towards their long-term aspirations of volunteering, employment, higher education, independent living and living their best life!

Outcomes should be:

- S** Specific
- M** Measurable
- A** Achievable
- R** Realistic
- T** Time bound

### For example:

'By the end of KS2, Jenny will use her visual timetable to independently transition from a class based to non-class-based activity or session.'

'From 18, Zak will be able to go to the local pub and order a pint independently.'

'By the end of year 9, Sam will manage his own personal amplification equipment (hearing aids, cochlear implants and radio aid) in a variety of settings.'

'By the end of KS1, Mo will identify simple emotions, responding positively to calming and comforting strategies of others when distressed or anxious.'



## Section F: Special Educational Provision

Section F contains details of the special educational provision required in meeting all of the needs specified in Section B of the EHC Plan. Special educational provision is any educational or training provision that is more than, or different from, what children or young people of the same age generally receive.

The provision set out in the EHC plan must be detailed and specific and will be identified because of assessment and reports written by professionals, including teachers and SENCOs.

### Examples:

'Joe will receive a 30-minute session twice a week focussing on developing his social use of language. The sessions will be delivered by a teaching assistant with between one and three other children. The session programme will be developed under the direction of a Speech and Language Therapist who will train the TA in delivering the sessions.'

'A Teaching Assistant will spend 15 mins with Katya (Y4 PMLD) every morning to support her in choosing between 2 simple options presented through the 'Choices Card' system. The emphasis will be on ensuring that Katya understands the outcome of her choices.'

The provision detailed in section F must be made by the LA and this would usually be within a mainstream school or academy. Where concerns are raised about provision, detailed in the EHCP, not being made by a setting, the LA will work with the child or young person, their family and the setting to provide support and challenge in order that it is fully made.

## Section G: Health Care Provision

Section G will detail any health provision reasonably required by the learning difficulties or disabilities which result in the child or young person having SEN. As per section F, this section will set out exactly what is going to be provided, by who and how often, as well as when it will be reviewed.

### For example:

'Natalie (5 years old) will have a sleep management strategy put in place to address her sleep problems. The strategy will be developed by a Specialist Health Visitor (SHV), working with Natalie's parents, following an initial two-hour assessment. Weekly follow-up support to Natalie's parents will be provided by the SHV via telephone in 30-minute blocks. Natalie's paediatrician will review the success of this programme at her bi-annual reviews.'

## Section H1/H2: Social Care Provision

H1 will contain any social care provision required from social services under the Chronically Sick and Disabled Persons Act 1970.

H2 will contain any other social care provision reasonably required by the learning difficulties or disabilities which result in the child or young person having SEN.

This will include any adult social care provision being provided to meet a young person's eligible needs (through a statutory care and support plan) under the Care Act 2014 or provision not otherwise covered.

As with sections F and G, this section will set out what will happen, how often it will be available and when it will be reviewed.

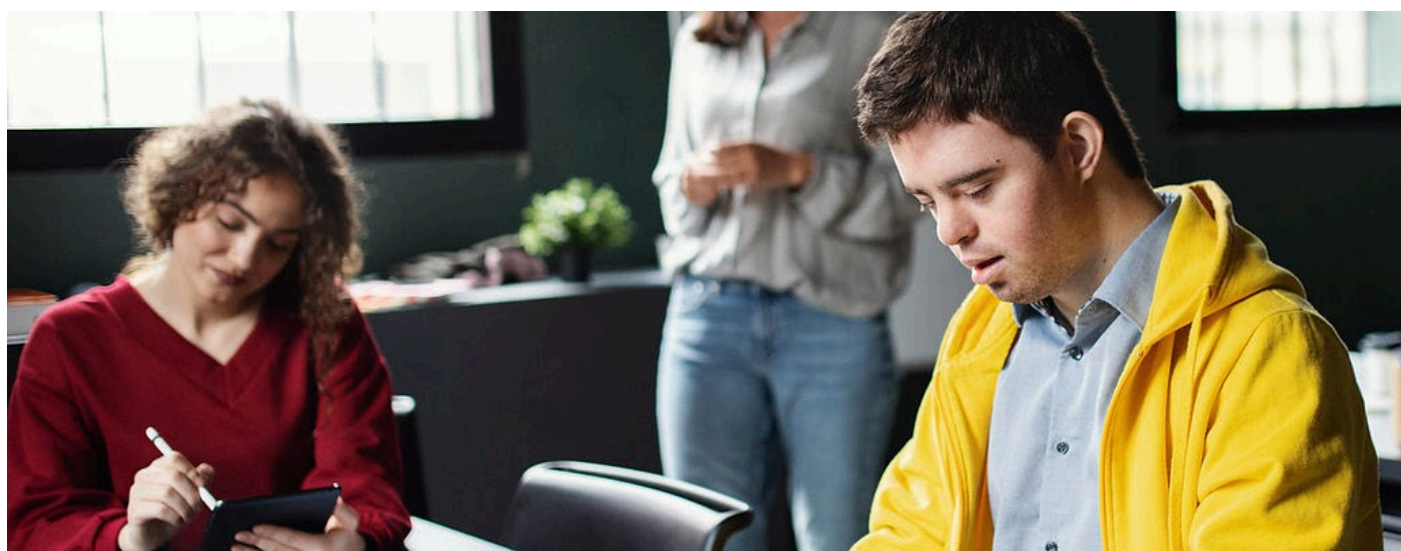
### **For example:**

'Tatra (13 years old) will have a block of seven consecutive nights at the local residential short breaks provider to allow her parents to have a holiday. These short breaks will be available twice in this calendar year and should be taken approximately six months apart. This provision will be reviewed in 12 months' time.'

## Section I: Name of school or type of placement

The educational setting will be named in section I once agreed and consultation has been completed. If Electively Home Educated, that will be stated in this section.

If Educated Other Than At School this section will be left blank.





## Section J: Personal Budgets and Direct Payments

Normally, the LA will make provision by providing the necessary funding to the school or college attended by the child or young person, for them to deliver the educational support needed. However, it is also possible for the LA to consider making a payment to the parent, the young person or another nominated person so they can organise the provision themselves. This is called a direct payment.

The LA is obliged to consider identifying a personal budget for educational provision only if a parent or carer requests it when the LA issue a draft EHC plan following an EHC needs assessment or when reviewing an EHC plan.

For the parent or young person to request a direct payment, the LA must first identify a personal budget.

If you do request a personal budget from the LA, you can at the same time ask the LA to identify which elements of the personal budget which you could then receive as a direct payment. This is an actual amount of money that you would receive so that you could commission the provision in the EHC plan yourself.

The LA can refuse to make a direct payment if they don't believe the person receiving the payments would be capable of managing the money, or if they do not believe it would be used in an appropriate way. They can also refuse where it would negatively impact other services provided by the LA, or if it would not be an efficient use of resources.

Where the provision proposed to be replaced by a direct payment takes place in a school or college setting, the consent of the head teacher or principal of the named school or other institution is required. If they do not consent then the LA will be unable to make a direct payment.

If the LA refuse to identify a personal budget or make a direct payment, you cannot appeal against that decision but you can ask them to review it.

## Section K: Advice and Information (Appendices)

The advice and information gathered during the EHC needs assessment must be attached (in appendices). There should be a list of this advice and information.



## Annual Reviews

Northumberland local authority must complete the first review of your child's EHC plan within 12 months of the EHC plan being finalised. Subsequent reviews must be completed within 12 months of the previous review. If you are a young person with an EHC plan, then the LA must comply with the same deadlines and carry out the same process set out below.

The following steps **must** take place in an annual review:

- Your LA must consult with you (and with the school or institution being attended if there is one) about the EHC plan, and take account of your views, wishes and feelings.
- An annual review meeting must take place to discuss the EHC plan.
- Information must be gathered from you as well as from professionals about the EHC plan, and then circulated two weeks before the meeting.
- After the meeting a report of what happened must be written and sent to everyone who went to the meeting or provided information to be discussed.
- After the meeting the LA reviews the EHC plan.
- The LA must notify you of its decision within four weeks of the meeting.

All of these steps – not just the meeting – must be followed in order for an annual review to be completed. [Click here](#) to view an Annual Review checklist, produced by IPSEA.

## School placement process – learners with an EHCP

A parent/carer or young person has a right to request any of the following types of school or college:

- A maintained school or nursery (mainstream or special)
- An Academy (mainstream or special)
- An institution in the Further Education sector
- A non-maintained special school
- A section 41 school (independent special schools which have been approved by the Secretary of State under section 41 of the Children and Families Act ("CAFA") 2014.)

### Mainstream settings:

Section 33 CAFA 2014 says that a child or young person with an EHC plan **must** be educated in a mainstream setting unless:

- it is against the wishes of the child's parent or the young person; or
- it is incompatible with the provision of efficient education for others and the LA shows that there are no reasonable steps that it could take to prevent the incompatibility.

The degree or complexity of a child/young person's needs or disabilities, and the suitability of mainstream, is not a reason in law for refusal of mainstream. This is an important right. The LA cannot send a child or young person to a special school when it is not what a family or the young person wants.

It is important to note, however, that this is a right to mainstream education but not necessarily a right to a particular mainstream school.

A child or young person will most usually transition into a new setting in September, at the start of a new academic year. There are rare instances in which a request for a sooner transition is made. This will be carefully considered by a LA panel of professionals in the best interests of the child or young person.

## **After a request for a mainstream setting is made:**

An LA, before naming a school, must consult:

- (a) the governing body, proprietor or principal of any school or other institution the authority is considering having named in the plan, and
- (b) if that school or other institution is maintained by another LA, that LA.

(Section 39(6) CAFA 2014.)

The LA will give the setting 15 days to respond, before considering the response and determining the next steps, with the family and/or child or young person. The response will be communicated to you by your SEN Team Caseworker.

## **Special schools:**

Special schools are for children and young people who have a significant barrier to learning, possibly with other challenges and diagnoses. A parent can only request a place at a special school or specialist college if they have an education, health and care (EHC) plan.

The decision to request a place in a special school for a child or young person is a big one. Where a parent/carer would like to discuss a potential special school place, it is recommended that you contact your child or young person's EHCP Officer. They are experienced and knowledgeable and can offer advice.

Our special schools usually already have the maximum number of children or young people on roll. This means in-year admissions are very unusual. Most admissions take place in September when older pupils leave.

You can request a special school or specialist college to be named in an EHC plan. This can be done when it is being written, or when it is being reviewed at an annual review, or at an early review (see 'requesting an early review' section within the 'Annual Review' chapter).

## **SEND Placement Review and Transition Commissioning (SPRTC) Panel**

On requesting a special school, your child or young person's paperwork will be allocated a place at SPRTC Panel. The Panel meet monthly, although sometimes more frequently due to the high volume of cases to be considered. Your request will be considered by the panel before the end of the term following your request (for example, if you request a special school place for a child during the Autumn Term, you will hear an outcome before the end of the Spring Term).

The panel is led by the LA and consists of a number of professionals and LA representatives, including the Head of School Organisation and Resource, Head of SEND, Head of Commissioning, SEND commissioning and Place Planning Officer, SEND Team Manager, Educational Psychologists and the Deputy Head of the Virtual School.

The panel has been developed to ensure that consideration of requests is consistently robust. Attendees will review all relevant paperwork, including the request itself and supporting evidence which demonstrate why a mainstream setting is unable to take reasonable steps to make provision.

## **Post-16: Commissioning Panel**

At 16, a commissioning panel will support a learner and their parent(s)/carer(s) preferred next steps in education and toward supported internship or employment as appropriate.

### **Communicating outcomes of panel and next steps:**

- The relevant SEN Team Caseworker will contact the parent/carer and SENCo via email or phone to inform of the outcome of panel and next steps. Outcomes will be communicated within 5 working days of the panel meeting.
- Where The Panel determines that the appropriate school is a maintained Special School or academy within Northumberland, the SEND Commissioning Officer will consult with the school (and the parental preference school, if they are not the same), and request that a response is received within 15 days.
- If the identified school and/or parental preference school communicate they are unable to meet the needs of a child or young person, they must inform the SEND Commissioning Officer of the specific reasons for that decision to enable The Panel to assess whether the given reasons are valid and therefore whether additional support to enable the school to offer a place could be appropriate.
- Where The Panel determines that the appropriate school is an independent specialist provision, the Commissioning and Relationship Development Officer will seek to commission a place.

### **Independent settings:**

Parents have the right to request any of the settings listed under 'School placement process – learners with an EHCP'. However, it is possible to ask for a place at an independent setting.

Where requesting an independent setting, the LA will have regard for the principle of educating a child or young person in accordance with the wishes of parent(s)/carer(s) and will consider the request's compatibility with the provision of efficient education, efficient use of resources and/or the need to avoid unreasonable public expenditure.

When asking for an independent setting as part of their representations on a draft EHC plan, the onus is on the parent(s)/carer(s) or child/young person to prove that:

- none of the schools the LA is offering can meet the child or young person's needs, and/or
- the cost of the placement will not constitute unreasonable public expenditure.

### **Out of county settings:**

Northumberland local authority will look for schools that can meet your child's needs inside its area. If requesting a setting outside of Northumberland, you will need to show that the preferred setting can meet the needs in your child's EHCP.

You will also need to prove that no other school in the local authority could provide the support in your child's EHCP. However, the local authority may make an exception if:

- you live near the border of another local authority and
- the new school is nearer than other schools in your local authority area

## Education otherwise than at school (EOTAS)

A parent/carer may feel no setting would be appropriate and may not wish to request any setting when receiving the draft EHC plan.

Section 61 of Children and Families Act 2014 allows an LA to arrange for some or all special educational provision to be made otherwise than in an early years, school, or post 16 setting, if it agrees it would be inappropriate for provision to be made in such a setting.

Whether it is appropriate or not will depend on all the facts, including the:

- child's background and medical history;
- particular educational needs;
- facilities that can be provided by a school;
- facilities that could be provided other than in a school;
- comparative cost of the possible alternatives to the child's educational provisions;
- child's reaction to education provisions, either at a school or elsewhere;
- parents' wishes; and
- any other particular circumstances that apply to a particular child.

A parent/carer must show, with evidence, why education in any setting would not be appropriate if an EOTAS package is requested.

If some provision would be appropriate in a setting, this setting will be named in section I of the EHC plan. Section F should detail all of the provision to be delivered in the setting as well as otherwise than in the setting.

If it would be inappropriate for any provision to be delivered in a setting, section I of the EHC plan will be blank and section F will clearly describe the special educational provision. Any Personal Budget arrangements would be included in Section J.

## Refusal of a request:

The local authority can refuse the request for a specific school if:

- The setting is unsuitable for the age, ability, aptitude or special educational needs ("SEN") of the child or young person; or
- The attendance of the child or young person would be incompatible with the provision of efficient education for others; or
- The attendance of the child or young person would be incompatible with the efficient use of resources.
- (or, for an independent school which is not on the Section 41 list, the attendance of the child or young person would be incompatible with the provision of efficient instruction or training and the avoidance of unreasonable public expenditure).

In these instances, your SEN Team Caseworker will contact you, sharing next steps as well as details of your right to appeal the decision made.

Your EHCP coordinator will share minutes from the meeting with you to explain why an offer has not been made. A SEND Advisor may get in contact with you and the current setting, where it has been identified that support may be required to make effective provision.

If it's agreed that a special school is appropriate, but that the one requested is refused due to one of the above reasons, Panel will have identified appropriate settings and your SEN Caseworker will discuss alternative options with you.



## Discontinuing an EHCP

Northumberland LA may decide to cease to maintain an EHC plan at any time, but we will only do so on certain grounds:

- If the LA is no longer responsible for the child or young person; or
- If it is no longer necessary to maintain it.

These are the only legal reasons for ceasing to maintain an EHC plan (they are set out in section 45 of the Children and Families Act 2014).

The LA would no longer be responsible if:

- the young person has taken up paid employment (excluding apprenticeships);
- the young person has started higher education (university);
- a young person aged 18 or over has left education and no longer wishes to engage in further learning;
- the young person has turned 25; or
- the child or young person has moved to a different LA.

Situations in which an EHC plan would no longer be necessary could be because the child or young person no longer needs the provision set out in the EHC plan (because their needs have changed). For a young person over 18, the LA will have regard to whether the educational or training outcomes in the EHC plan have been achieved. If they have not, that is an indication that the special educational provision should continue.

The LA will not cease to maintain the EHC plan simply because the young person is aged 19 or over.

## Appealing a decision

If a parent/carer or young person disagrees with a decision the local authority has made about a child or young person's education, health and care (EHC) needs or plan, it is recommended that they speak with their named EHCP Officer in order to resolve the concern or disagreement.

Opportunity for mediation, organised by an independent mediator, is available if the disagreement remains unresolved.

A parent/carer or young person can appeal to the Special Educational Needs and Disability Tribunal if you disagree with a decision the local authority has made about a child or young person's education, health and care (EHC) needs or plan and both discussion and mediation have been unsuccessful in resolving disagreement.

A parent/carer or young person can appeal if the local authority:

- refuses to carry out an EHC assessment or reassessment;
- refuses to issue an EHC plan;
- Issues or amends an EHC Plan but you disagree with Section B (special educational needs), Section F (special educational provision) or Section I (placement);
- Decides not to amend an EHC Plan after Annual Review;
- decides you or your child does not need an EHC plan any more.

A parent/carer or young person also have the right to appeal against the health and social care sections of the EHC plan (Sections C, D, G and H) when appealing sections relating to special educational needs, special educational provision and/or placement (Section B, F and I).

## Who can appeal

In most cases, you must talk to a mediation adviser before you appeal.

You can appeal as either:

- someone with parental responsibility for a child, or as their foster parent or carer
- a young person

You may be able to get help preparing your appeal from the following:

- [Check if you can get legal aid.](#)
- [Independent Parental Special Education Advice \(IPSEA\)](#)
- The Northumberland Information, Advice and Support Service

## Further information and guidance

Note: The contents of this guidance document include wording created and published by IPSEA and The Council for Disabled Children.

[The Children and Families' Act 2014](#)

[The SEND Code of Practice 2014](#)

[The Education Act](#)

[Independent Provider of Special Education Advice - IPSEA](#)



SEND local offer  
**NORTHUMBERLAND**