

West Sussex SEND Information,
Advice and Support Service (SENDIAS)

Education, Health and Care Plans



What is an Education, Health and Care plan?

An Education, Health and Care plan (EHC plan) describes your child's special educational needs (SEN) and the help they will get to meet them. An EHC plan also includes any health and care provision that is needed. It is a legal document written by the local authority and is used for children and young people with high support needs.

EHC plans are for children and young people who need a high level of support. The plans can start from a child's birth and can continue into further education and training.

The SEND Code of Practice (9.2) says:

The purpose of an EHC plan is to make special educational provision to meet the special educational needs of the child or young person, to secure the best possible outcomes for them across education, health and social care and, as they get older, prepare them for adulthood.

Who needs an EHC plan?

EHC plans are for children and young people who have a special educational need or disability that cannot be met by the support that is usually available at their school or college.

Most children and young people with SEN will have help given to them without the need for an EHC Plan. This is called SEN Support.

The purpose of SEN Support is to help children achieve the outcomes or learning objectives that have been set for them.

Some children and young people may not make the progress expected of them even with this help. When this happens the Local Authority should carry out an EHC Needs Assessment.

You or your child's school can ask the local authority to make an EHC Needs Assessment. When this assessment is finished the local authority must decide whether to issue an EHC plan.

The SEND Code of Practice (9.14) says:

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.

You can find more information about EHC needs assessments and how to ask for one in our EHC Needs Assessment leaflet, or on the West Sussex's Local Offer website: www.local-offer.org

What does an EHC plan include?

The SEND Code of Practice 2015 says that EHC plans should:

- be based on decisions made openly, and with parents, children and young people
- describe what the child or young person can do
- be clear, concise, understandable and accessible
- consider how best to achieve the outcomes for the child or young person. They must take into account the evidence from the EHC Needs Assessment.
- specify clear outcomes
- consider alternative ways of providing support if a parent or young person wishes it. This could include having a Personal Budget
- show how education, health and care provision will be co-ordinated and be forward looking – for example, anticipating, planning and commissioning for important transition points in a child or young person's life
- describe how informal support as well as formal support from statutory agencies can help in achieving agreed outcomes
- have a review date.

There is a full list of principles and requirements in the SEND Code of Practice section 9.61. You can find a link to this guidance on the West Sussex's Local Offer website: www.local-offer.org

Every EHC plan must include at least 12 sections, but each local authority can decide how to set these out.

The sections are:

- A:** The views, interests and aspirations of you and your child or the young person.
- B:** Your child's or young person's special educational needs.
- C:** Health needs related to their SEN or to a disability.
- D:** Social care needs related to their SEN or to a disability.
- E:** Planned outcomes for your child or the young person.
- F:** Special educational provision. Provision must be specified for each and every need shown in section B.
- G:** Any health provision required that is related to their SEN or to a disability.
- H1:** Any social care provision that must be made for your child or young person under 18.
- H2:** Any other social care provision required that is related to their SEN or to a disability.
- I:** The name and type of the school, maintained nursery school, post-16 institution or other institution to be attended.
- J:** Details of how any personal budget will support particular outcomes and the provision it will be used for.
- K:** The advice and information gathered during the EHC needs assessment

Where the child or young person is in or beyond year 9, the EHC plan must also include the provision required by your child or young person to help prepare for adulthood and independent living.

You can read the full list of what must be included in each section in the SEND Code of Practice sections 9.62 and 9.63.

You can also find a detailed checklist covering each of these sections on the IPSEA website: www.ipsea.org.uk

How will I be involved?

The SEND Code of Practice 2015 (9.21) says:

Local authorities must consult the child and the child's parent or the young person throughout the process of assessment and production of an EHC plan.

and (9.168):

Reviews must be undertaken in partnership with the child and their parent or the young person, and must take account of their views, wishes and feelings, including their right to request a Personal Budget.

Your views, and your child's views, are really important. The local authority, school or college should help you take part and involve you in decision making. If you would like help to do this please contact the West Sussex SEND Information, Advice and Support Service (SENDIAS) for impartial advice and support. We can also give you information on other sources of help, and on what to do if you do not feel that you have been heard or listened to.

Will there be a review of the EHC plan?

The local authority must review the EHC plan at least once every 12 months. This must be done in partnership with you and your child or the young person, and must take account of your views, wishes and feelings.

The local authority must decide whether to keep the plan as it is, make changes, or cease to maintain it within four weeks of the review meeting. You have a right of appeal if you do not agree with any of the proposals.

For some young people an EHC plan will continue until they are 25. However the plan will stop if the young person:

- goes to university
- gets a job
- tells their local authority they no longer want their EHC plan, or
- no longer needs the EHC plan as they have achieved their education and/or training outcomes, and the local authority is in agreement.

You can find out more about reviews of EHC plans in our Annual Review leaflet, or on the West Sussex Local Offer website: www.local-offer.org

Where does the funding come from?

The local authority is responsible for ensuring that all the needs set out in Section B of the EHC plan are met and that the provision in section F is made. Funding for EHC plans usually comes from a number of sources.

For children in mainstream school some of the funding comes from the school. The local authority may 'top up' this funding from their 'Element 3 funding'. You can find out more on the Local Offer.

Special schools have a standard amount of funding for each pupil. This can also be 'topped up' with Element 3 funding when necessary.

For young people in 6th forms or attending college some of the funding will come from the college budget. This may be 'topped up' by the local authority if the amount of funding needed is more than the 'nationally prescribed threshold'. This is an amount of money that is decided on each year. The West Sussex SEND Information, Advice and Support Service can give you more information on this funding.

All young people with an EHC plan and all parents of children with an EHC plan can ask for a Personal Budget at draft or review stage.

The SEND Code of Practice (9.95) says:

A Personal Budget is an amount of money identified by the local authority to deliver provision set out in an EHC plan where the parent or young person is involved in securing that provision.

Sections 9.110 to 9.118 of the SEND Code of Practice tell you more about what can be included in a Personal Budget.

The West Sussex SEND Information, Advice and Support Service can give you more information on Personal Budgets, including Direct Payments.

What can I do if I am not happy about the EHC plan?

The first step is to contact the school, college or local authority to discuss your concerns.

The West Sussex SEND Information, Advice and Support Service can give you advice and support and explain your options. This may include mediation or going to appeal. You can also find out more in our

'Lodging an Appeal with the SEN and Disability Tribunal' leaflet, or on the West Sussex Local Offer website: www.local-offer.org

What happens if I move to another local authority area?

If you plan to move to another local authority area you should contact the 'old' and the 'new' local authorities so preparation to organise the support and type of placement specified in the EHC plan can begin. The 'new' authority will amend the plan and name the new school or college.

The 'old' local authority must transfer the EHC plan on the day of the move, as long as it has had 15 working days' notice.

Where can I get more information, advice or support?

You can read about Education, Health and Care plans in Chapter 9 of the SEND Code of Practice.

The Local Offer tells you about the local arrangements for special educational provision, including EHC plans.

The West Sussex SEND Information, Advice and Support Service offers:

- information, advice and support to explain the process and to help you take part in EHC Needs Assessments
- advice and support about EHC plans
- information, advice and support to help you take part in reviews of EHC plans
- support to help you find out more about the funding and provision for SEND made for your child
- information, advice and support about Personal Budgets if your child has an Education, Health and Care Plan
- information about other organisations, support groups and information services that may be of help.
- information, advice and support about your rights to make a complaint, consider mediation and appeal to the SEND Tribunal.

How to contact us

Helpline: **0330 222 8555**

By Post: **SEND Information, Advice and Support Service
St James Campus
St James Road
Chichester
West Sussex
PO19 7HA**

Email: **send.ias@westsussex.gov.uk**

Website: **www.local-offer.org/services/7**

SEND = Special Educational Needs and/or Disabilities



The role of the SENDIAS service is to ensure that all parents, children and young people have access to impartial information, advice and support so they can make informed decisions related to their SEND. Any information that is shared with the service is in confidence unless permission has been obtained to share this with other individuals, services and agencies that may be able to help the family with their circumstances. To view our policies, and our privacy notice, please look at the SENDIAS pages on the Local Offer: www.local-offer.org