

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 intended to ensure that children and young people with an EHC plan receive the support they need. EHC plans are for children and young people who need more support than their school or other setting can provide. The plans can start from a child's birth and continue into further education and training.

The SEND Code of Practice 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. (9.2)

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 available at their school or college. Most children and young people with special educational needs 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 carry out an EHC needs assessment. A few children and young people have such significant difficulties needs that an EHC needs assessment should not be delayed. 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 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. (9.14)

The law states that if your child has or may have special needs and may need provision to be made via an EHC plan, the local authority must conduct an EHC needs assessment. You do not have to prove that an EHC plan is definitely necessary to obtain an assessment, you just have to show it may be necessary. If you think your child needs more help than the school can provide, you can ask for an assessment.

What does an EHC plan include?

The **SEND Code of Practice** 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 coordinated
- 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.

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

Can I request a particular school?

The law says that parents or the young person has a right to request that a particular school, college or other institution is named in the EHC plan. The Local Authority must agree to this request unless:

- it would be unsuitable for the age, ability aptitude or SEN of the child or young person or
- the attendance of the child or young person there would be incompatible with the efficient education of others, or the efficient use of resources

You can find out more about your rights to request a particular school or college in the SEND Code of Practice sections 9.78 to 9.90.

How will I be involved?

The SEND Code of Practice 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. (9.21)

and

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. (9.168)

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.

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 the local authority proposes to cease the EHC plan.

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 special help and the local authority decides the EHC plan should cease

Where does the funding come from?

The local authority is responsible for ensuring that the special educational needs set out in the EHC plan are met and that the special educational provision is made, whatever their funding arrangements or agreements with other service providers. All young people with an EHC plan and all parents of children with an EHC plan can ask for a Personal Budget.

The SEND Code of Practice 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. (9.95)

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

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.

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 the support specified in the EHC plan will be in place. 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.