



What do I need to know about...?



Changes to the law on Special Educational Needs

*The law relating to Special Educational Needs changed in September 2014. Instead of Special Educational Needs Statements the Local Authorities will now issue **Education, Health and Care Plans**.*

Special Educational Needs are still within the scope of legal aid. Hence, if you qualify for legal aid, you are likely to obtain free legal advice and representation.

This leaflet is designed to be a practical guide for parents and guardians to help them deal with the issues related to their children's education when they cannot access legal advice.

Key changes

The **key differences** between the old Special Educational Needs Statements and current Education, Health and Care Plans are the following:

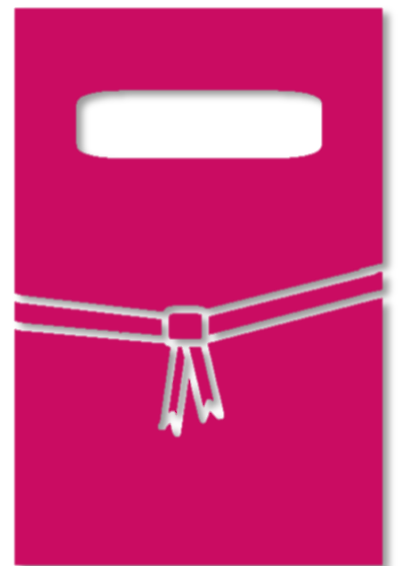
- ✓ The Plan relies on **joint work** of education, health and care services.
- ✓ It is available for young people who are up to **25 years old**.
- ✓ More importance is attached to the **opinions of parents and young people** subject to the assessment of special educational needs. The time limit for producing an EHCP is shortened from 26 to **20 weeks**.
- ✓ The process **strives to be faster** by basing the assessment on the pre-existent data and specialist reports
- ✓ **More support** is to be provided by the school to parents to help them with the assessment process.
- ✓ The parents may have **more say** on the kind of provision their child receives (this involves making a **Personal Budget** available to parents who can decide on how to support the child).



What if my child already has an old Statement of SEN or is in Further Education?

It is expected that **all the children who have a Special Educational Needs Statement will be transferred to an EHC Plan**. Similarly, the students currently receiving support as a result of a Learning Difficulty Assessment and in further education or training who request an EHC Plan should be issued one.

Each Local Authority should have published a Local Transition Plan, describing the transitional arrangements, by June 2014.



Overview of the process



MAKING A REQUEST TO THE LOCAL AUTHORITY

The request can be made by contacting the Local Authority by a child's parent/guardian, a young person if they are over 16 and under 25 years old or a person acting on behalf of the school. (Section 36 Children and Families Act 2014).

IS THE ASSESSMENT NECESSARY?

The Local Authority has 6 weeks from receiving the request to decide if the assessment of the young person's EHC needs is necessary. The Local Authority must consider every request it receives. If the Local Authority believes that a special educational provision might be necessary and is considering an EHC assessment it must notify:

- the young person or the child's parent (who must be informed that they have the right to express written and oral views and submit evidence)
- the health service
- local authority officers responsible for social care or SEN
- the manager of an early years setting (if applicable)
- a head teacher of the school or a principal of a post-16 institution or an equivalent

If the Local Authority decides not to conduct an assessment it must provide the reasons for taking this decision and also contact the persons listed above. If you disagree with this decision you have the right to appeal.

THE ASSESSMENT

In the assessment the Local Authority is supposed to adopt a so-called "person-centred approach". Therefore, it must take account of the young person's and parents' views and consider many different areas of a young person's life.

Personal budget: what is it?



A personal budget is a **sum of money** that the parent/legal guardian may receive from the Local Authority (in form of regular direct payments) to enable him/her to choose who will provide for his/her children's special educational needs. **Therefore, expert support can now be obtained not only from the Local Authority.**

A request for a personal budget from the Local Authority can be made when the EHC Plan is being **prepared or reviewed/re-assessed**. The Local Authority must be satisfied that a legal guardian for the young person can manage a personal budget and that it is spent in such a manner that the young person's needs are adequately met.

The amount of the payments to the parent must be sufficient to cover the provision agreed with the Local Authority.

Certain monitoring and accounting requirements apply.

The Local Authority can refuse to provide a parent with a personal budget.

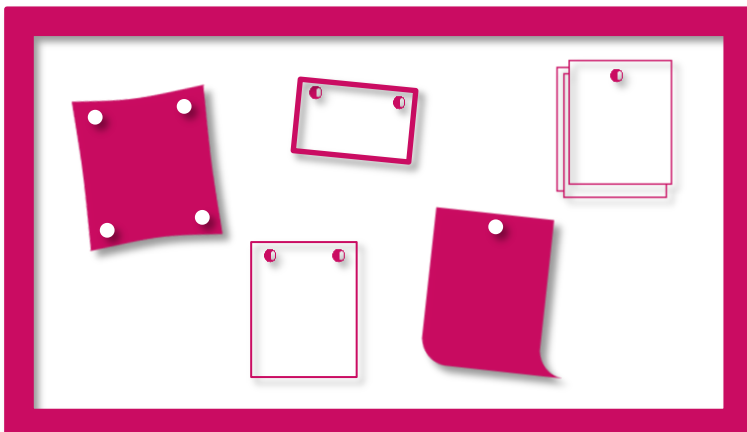
Local Offer

Your Local Authority **must** publish a local offer which specifies the support (or provision) that they expect to be available for the **0 to 25 year-olds** in their area who have SEN or are disabled across **education, health and social care**. This includes the support that the Local Authority sources from **within the borough** and any **external expertise** it provides for its residents. The local offer should **also** detail the support that is available for those **who do not have ECHPs**. The local offer **should not** merely be a directory of various services. It should be responsive to local needs and developed in

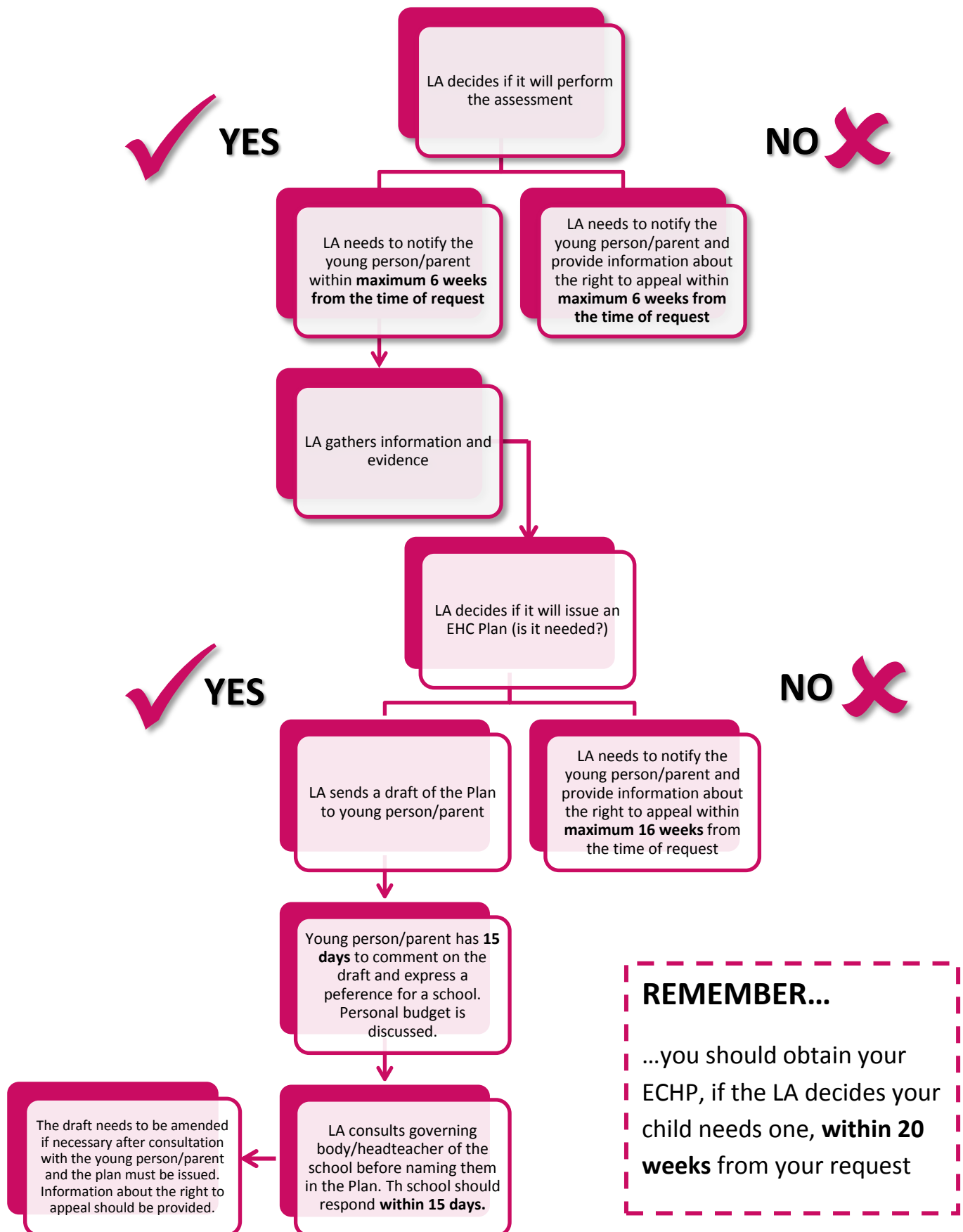
reliance on engagement of young people and their parents.

In summary the local offer should be:

- **collaborative,**
- **accessible,**
- **comprehensive,**
- **up to date,**
- **and transparent.**



Assessment process: the timeline



Education, Health and Care Plans: the principles

An ECHP:

- Should be clear about how the parents' and young person's views have been included in the plan.
- Should be clear, concise, understandable and accessible to young people, parents, providers and practitioners.
- Has to specify the targets for the young person which **must** be **SMART** = **S**pecific, **M**easurable, **A**chievable, **R**ealistic, **T**ime-bound.
- Should show how education, health and care provisions will be coordinated and explain how different provisions contribute to the overall targets.
- Should be forward looking and plan for important points and transitions in a young person's life.
- Should specify a **review date**.

Furthermore:

- The LA **must** have taken into account the evidence it had received.
- Parents may consider an alternative way to receive support (e.g. through a Personal Budget) and assistance should be provided to the parent in considering such alternative solutions.

Education, Health and Care Plans: the structure

EHCPs consist of **12 sections**. Each of them serves a specific purpose and needs to contain the following information.

Section A focuses on the young person.

It details aspirations and interests, young person's history and provides a summary of how to best communicate with the young person. It is written in the first person (i.e. as if the child or young person has written it). Therefore, it needs to be made clear when the young person is being quoted verbatim and when their words are being paraphrased.

Section B focuses on special educational needs.

All of the special educational needs that were identified **must** be included in this section. It may include needs that require health or care provisions as long as they are strictly related to and impact on the educating or training of the young person.

Section C focuses on health needs.

Any health needs that relate to the child's special educational needs (i.e. need to be addressed in order to bolster special educational needs provisions) **must** be included here. Other health needs may also be specified.

Section D focuses on social care needs.

Any social care needs that relate to the child's special educational needs (i.e. need to be addressed in order to bolster special educational needs provisions), and which require a social provision for a young person under **18 years** of age, **must** be included here. Other social care needs may also be specified.

Section E focuses on the projected outcomes (or targets).

There must be a clear distinction drawn between outcomes and provisions which should be included in the next section (F). Timescales for each target should be provided.

Section F focuses on the special educational needs provisions.

Provisions must be detailed and specific, and usually quantified (e.g. type, hours and frequency of support and level of expertise, which elements are covered by a Personal Budget). A provision for each need mentioned in section B must be specified and it must be clear how it will help meet the targets (outcomes). Health and social provisions should also be included if they aim at educating or training. Details must be given as to e.g.: necessary equipment and facilities, modifications to National Curriculum to be made and targets which are supposed to be covered by the Personal Budget.

Section G focuses on health provisions related to the special educational needs.

Section H1 and H2 focuses on social care provisions.

Section I names the school which will provide the education for the young person.

If this is a specific school, a name should be provided. If a specific school is not chosen, the type of school should be named.

Section J focuses on the Personal Budget (if applicable).

The details of the Budget should be set out, together with the amounts and methods of direct payments. It must be specified which, if any, special educational needs are not covered by provisions funded through the Personal Budget.

Section K provides an account of information gathered during the assessment.

The advice and information **must** be set out in appendices to the EHC plan.