

Education, Health and Care Plans (EHCP)

Frequently Asked Questions



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Glossary of Terms:

EHCP – Education, Health and Care plan

SEN (D) – Special Educational Needs (and/or Disability)

SENCo – Special Educational Needs Co-ordinator

SMART – Specific, Measurable, Achievable, Realistic,
Time-bound

“What is an Education, health and care plan?”

An EHCP is a legal document, which creates duties on local authorities and health services. It is only for children and young people who have Special educational needs and/or a disability. It must include a description of all of the child’s needs as well as all of the special educational provision needed to meet those needs. It must also include SMART outcomes to measure the success of the child or young person’s progress. It may include health and or social care needs and provision where this is appropriate.



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“Are EHC plans the only way to get support for a child or young person in educational settings?”

Most children and young people will not need an EHC plan in order to have their needs met. EHC Plans are for children and young people who have a special educational need or disability and need support over and above that which can normally be provided in settings. Settings are expected to follow the Graduated Approach to identify children with SEN, put in SEN Support for those who need it and review their progress regularly. This should be done together with parents and carers as well as the child or young person. The purpose of SEN Support is to help children achieve the outcomes and learning objectives that have been set for them. All settings have a “best endeavours” duty, meaning they must do everything they reasonably can to meet the child or young person’s SEN needs.



“How will I know if my school is following the graduated approach?”

Where a school has identified that a child needs special educational provision, which is over and above the universal teaching offer, they must let parents or carers know. The school should then follow the Graduated Approach; a continuous four step cycle of “assess, plan, do, review”. This means the school should assess or identify the child’s needs, put a plan in place to help them, carry out that plan and review it regularly (ideally 3 times a year). Parents should always be involved in the planning, assessment and review stages as well as the child/young person where appropriate. The plan, sometimes called an SEN support plan, sets out individual targets (or outcomes) and describes the support needed to meet them.



"Do we have to do three cycles of the Graduated Approach before we can apply for an EHCP?"

The short answer is no, although, the Local Authority will look for evidence that an EHC needs assessment is necessary when a request is made. Local Authorities may set their own criteria to help them decide this, but this should never be used as a 'blanket' policy. Each child or young person's needs should be looked at individually. Evidence of a Graduated Approach over time can be useful in showing that an assessment may be necessary, especially where it shows that little or no progress has been made. The evidence may show that needs cannot be met, despite provision being made. In some cases it will be clear that the nature and extent of the child/young person's needs would need an assessment. In most cases a graduated approach is expected to be followed first.



“How do I know if my child is making progress?”

During the review stage of the graduated approach, parents should be invited to meet with the SENCo to review if their plan has been effective. Individual targets (or outcomes) should be reviewed to see if they have been met. If they have not, there should be discussion about the need for any additional or different support. The child or young person should also be invited to talk about how their support is working.



“How else is my setting supporting children with SEN?”

Schools must publish a SEN Information Report on the school website. This is a document describing how the provision and support for children and young people with SEND is made within the school. The report should include:

- what support and resources the school can offer for different needs
- how the school plans to be inclusive for those with SEND and
- information on how the school works with parents and carers.

Educational settings will usually also have an SEN Policy, which should set clear expectations about how the setting supports those with SEND.



“Can I only get an Educational Psychologist assessment by having an EHC needs assessment?”

No. Educational settings can bring specialists in at any time but especially when a pupil continues to make less than expected progress. This is particularly true if they are not making progress despite SEN Support delivered by appropriately trained staff. Specialists can support educational settings with understanding the needs of a pupil and recommending strategies or resources to help. Specialists may include educational psychologists, advisory teachers, CAMHS or therapists (but this is not an exhaustive list). Any decision to involve specialists should always involve the pupil’s parents.



“Do EHC plans come with additional funding?”

Not necessarily. Schools are given Additional Support Funding (ASF) to meet the needs of children with SEN. Currently, the government suggests that schools use up to £6,000 from their ASF for a pupil with SEN. Schools can choose to spend this money as they think best, to meet the needs of all their pupils with SEN. If a pupil with SEN needs more than £6,000 schools can usually request additional funding from the LA’s high needs block. They do not usually need to have an EHCP for this to happen. The school must use this funding for the individual child. If a pupil has an EHCP, the LA must provide the support written in section F of the plan. If the level of funding from the high needs block is not enough to provide this, the school can sometimes ask for more funding.



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“My child has anxiety. Is an EHC assessment right for them?”

Where a pupil is not making progress or is struggling to attend due to anxiety, schools should carry out assessments to identify any special educational needs or disabilities that the pupil may have. Support should then be put in place. SEN covers a broad spectrum, which includes social, emotional and mental health needs. Where schools identify a child’s mental health as a need, support can be made in a variety of ways. Schools could offer pastoral care, including counselling sessions, or they could involve the support of specialist staff or support services. If, despite this additional support, the pupil is not making progress, it may be appropriate to request an EHC needs assessment.



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“Can I apply for an EHCP or does the school have to?”

Any of the following can apply for an EHC needs assessment:

- Parents and Carers
- Young People over the age of 16 but under 25
- Professionals from Early Years Settings, Schools, College

A parent can apply for an EHC needs assessment independently from the school. It is worth remembering that the local authority will need to ask for evidence from the school or setting (where a child is attending one) in order to decide whether a needs assessment is needed. Therefore, we would always advise joint working wherever this is possible. In addition, anyone else can bring a child or young person who has (or may have) SEN to the attention of the local authority. This is particularly true where they think an EHC needs assessment may be necessary. This should be done with parental or young person consent.



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“My health professional says my child needs an EHCP but the school won’t apply. What can I do?”

Anyone can bring a child or young person who has (or may have) SEN to the attention of the LA, particularly where they think an EHC needs assessment may be necessary. Parents can challenge any professional who suggests this to make the application to the LA themselves. However, parents should also speak with the school to review the support in place and discuss whether their child is making progress. If they are not, an application for an EHC needs assessment might be appropriate.

Remember, an EHCP is only for those pupils whose needs cannot be met within ordinarily available provision in schools.



“What should I send with my EHC needs assessment request?”

When considering a request for assessment the local authority must apply the legal test as set out in The Children and Families Act 2014 section 36(8):

(a) the child or young person has or may have special educational needs, and

(b) it may be necessary for special educational provision to be made for the child or young person in accordance with an EHC plan.

In order to apply the test, they will look at any evidence sent in with the application to consider if the child or young person may have special educational needs. This may include any evidence from health and/or social care professionals working with the child or young person as well as any evidence from the education setting showing support already provided via a graduated approach, where this is available.



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“Is the decision to carry out an EHC needs assessment the same as the decision to issue an EHCP?”

No, these are 2 separate decisions. Firstly, a decision is made by the LA about whether to assess, based on the evidence submitted.

If it is decided that an assessment is needed, all information gathered during the process will be reviewed at the end of the assessment. A further decision, based on this evidence will then be taken about whether a plan (EHCP) is needed.



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“Does an EHCP always come with 1:1 support?”

No. The provision for each child or young person will vary and depends on the individual’s needs. The provision described in the EHCP should be specific and, wherever possible, quantified (stating how much/how often). It should be based on the advice of professionals working with the child or young person, gathered during the EHC needs assessment. Often, a child or young person with a high level of need will require a high level of support. This is sometimes made available in the form of 1:1 support with a Learning Support Assistant or Teaching Assistant. This will all depend on what support will help the child to make progress.



“If my child gets an EHCP will we automatically have the right to a special school place?”

No. Legally, local authorities must provide a mainstream education to children and young people with SEN. Usually an EHCP is needed before a special school place can be considered. There is no right to a special school education, like there is with mainstream. However, parents and young people can ask the Local Authority to consult with a special school of their choice where it is considered that a mainstream setting would not be suitable. This can be when they receive a draft EHCP or an amendment notice updating an EHCP (for example after an annual review). If the chosen school is listed in section 38(3) of the Children and Families Act, the local authority can only refuse to name it if one of the legal reasons for refusal applies. For further information on this topic you may wish to visit:

[Choosing a school/college with an EHC plan | \(IPSEA\)](#)
[Independent Provider of Special Education Advice](#)



“My child won’t manage in secondary school so should I apply early to get it in place before?”

It is understandable that parents worry their child may struggle when they make the transition to secondary schools. However, the legal duties to meet the needs of a child or young person with SEN are exactly the same for secondary and primary schools. You may want to consider a detailed transition plan and can discuss this with the current school. Parents can also check out our [guide to transitions](#). If there is evidence that the child or young person is not making progress and an EHCP may be needed, then parents and/or the school may wish to apply for an EHC needs assessment. Evidence must be on the basis of current need, not predicted/future need.



“What if my EHCP is not issued in the timescales?”

The EHCP process starts from the date that the Local Authority receives a request for an EHC Needs Assessment. Where it has agreed to issue an EHCP the LA must finalise the plan within 20 weeks of the start date. There are some exceptional circumstances where the LA do not need to meet this timescale which are set out in the SEND Regulations 2014, but they must notify you if these apply.

If timescales have been exceeded, you could contact your SEN officer for an explanation in the first instance but may also consider making a complaint. For details about the permitted exemptions to the timescales and how to make a complaint you may wish to visit:

[Complaining when a Local Authority does not send a draft or final EHCP | \(IPSEA\) Independent Provider of Special Education Advice](#)