



Q & A Session
with
SEND and You



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SGPC and SAY
‘Let’s Learn’
Post-Q&A
(30 Nov 2022)

Question 1

Where can I get information about supported living and housing in South Glos for a 22 year old Young Person (YP) without an Education Health Care Plan (EHCP) ?

In this instance, we can offer signposting about social care assessments and housing for vulnerable adults.

The Care Act 2014 and other laws explains what LAs should and must do when young people are going to be turning 18 and may need adult care and support (See SEND Code of Practice page 52, par 3.52)

Social Care Assessments

It may be worth knowing that “Under the Care Act, the LA must carry out an adult care transition assessment there is significant benefit to a YP or their carer in doing so and they are likely to have needs for care and support after tuning 18.” (See SEND Code of Practice 2015 page 136, para 8.57)

In the case of a YP that has not previously had social care input it may be appropriate to ask for a social care assessment at this point. This can be done by contacting the [Access and Response Team \(ART\)](#).

Other organisations that may be able to offer information, advice and support are:

- The [Carers Support Centre](#),
- [CONTACT - for families with disabled children | Contact](#) or
- [Scope](#).

Housing for vulnerable Adults

There are information available about support to live in your own place and transitioning into housing on the South Gloucestershire website. Transition guidance about preparing for adulthood can be found [HERE](#). Information about living in your own place can be found [HERE](#).



Question 2

A YP who previously had an EHCP that ceased (stopped) is considering going back into education or training. Can they have a new EHCP? If so, how long will the process take?

Yes, they could possibly have a new EHCP. They must make a new request for statutory assessment of their special educational needs and disability (SEND) to the Local Authority (LA) themselves. Alternatively, they could ask their parent or carer to support them to make the request. When YP are 16 years and older, they have a right to represent themselves in all processes about their education and training and wider life. They can fill out the LA's online forms and request an education health and social care assessment. They will have to show the LA that they have or may have special educational needs and disability (SEND) and that they may need an EHCP to meet their special educational provision.

The process is the same as everyone else who is requesting a needs assessment. This means the LA must make a decision whether they will be doing a needs assessment within in 6 weeks of receiving the request from the YP..



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Question 3

What is a 'soft cease' of an EHCP?

There is no such a term, step or process within the law or the statutory guidance when a LA is intending to cease (end) an EHCP. This may be a local area explanation of a local process.

Question 4

Should an EHCP cease because a YP turns 19?

An EHCP must not cease just because a YP is aged 19. Young people with EHC plans may need longer in education or training in order to achieve their outcomes and make an effective transition into adulthood. (see SEND Code of Practice 2015 page 190, para 9.151).

EHCP's may stay in place until age 25.

Like with any other transfer review of an EHCP, the approach should be looking at the current EHCP and consider:

- the progress made against the outcomes,
- the needs in section B and discuss if the description remains accurate, all the other sections of the EHCP, including social care and health needs and
- consider if all the information is accurate.

Question 4 (continued)

The **outcomes** need to be discussed, and consideration whether these have been met, partially met or not met against the progress that was made through the year.

Changing the outcomes to reflect the next phase of education should happen now. Any transition planning and additional support that may need to be in place should be part of the meeting discussion and recommendations from all parties involved.

Where YP are going to move out of education or training into adult services, this should be clear at the annual review meeting.

There are two reasons a LA may cease to maintain (end) and EHCP. The first reason is where an LA is no longer responsible for a child or YP. An example is where the child or YP moved to another area.

The second reason is where a LA determines that it is no longer necessary to maintain the EHCP. Examples of this may be that the YP is no longer going to be in education or training, or, all outcomes on the EHCP has been achieved, the YP is moving into Higher Education. (See SEND Code of Practice 2015 page 202-205, para 9.199-9.210)

The LA must issue a 'rights of appeal' notice and the support in section F of the EHCP must stay in place until the rights of appeal timescale expired. (See [IPSEA advice HERE](#))



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Question 5

How do I appeal a 'refusal to assess' decision?

Background of the process - You would have made a request to your LA for an EHC needs assessment. After 6 weeks of making this request, the LA must give you a decision. The LA must tell you if they continue with a needs assessment or if they disagree to a needs assessment.

Refusal to Assess - When the LA disagrees with your request for a needs assessment, it is commonly called a 'Refusal to Assess' decision. The LA must include the reasons for the decision in the letter.

You have two months to appeal the decision made by the LA from the date of the decision letter. The first step is to consider mediation. The second step is to make an application to the First Tier Tribunal for an appeal. There are specific information and evidence (documents) needed to be able to do this. . It is worth knowing that these type of appeals are paper-based.

[SAY SENDIAS can help with this.](#)