

Education, Health and Care (EHC) needs assessment procedures

A guide for parents and carers

***Children and young people with special educational needs
and disabilities***

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Introduction

At some time in their school lives, some children or young people will have special educational needs (learning and/or behavioural). For a very small number of these children and young people the local authority may have to undertake an Education, Health and Care (EHC) needs assessment. This guide aims to help you to:

- understand what special educational needs (SEN) are
- understand what an EHC needs assessment is
- understand what schools, colleges, Hampshire County Council and other professionals should do to help
- play a full part in your child's education, and
- understand what your rights are.

It is essential that you are involved with your child's education because you know your child better than anyone else does.

Most children and young people with SEN will have all of their needs met from the resources and arrangements available in early years settings, mainstream schools and colleges. There is a step-by-step process of assessment, identification and response called the *graduated approach*, explained by the model on page 3.

Early years settings, schools and colleges place great importance on early identification of special educational needs so that they can help children and young people as quickly as possible. If your child is identified as having SEN, his/her key worker/teacher should consult you and take account of the guidance in the *Special Educational Needs and Disability (SEND) Code of Practice: 0 to 25 years..*

SEN support - the early years setting, school or college must tell you when it first starts giving additional or different help to your child because he/she has special educational needs. Arrangements for helping your child, such as extra adult support or small group work will usually be written down in a personal plan which will be discussed with you.

Your child's key worker/teacher/tutor and the Special Educational Needs Co-ordinator (SENCo) or Area Inclusion Co-ordinator (INCo) obtain support from specialists outside the early years setting, school or college so that they can provide help over and above the arrangements made with the setting. You will be kept involved and informed by the setting about your child's progress and arrangements to meet his/her needs. This might involve advice from an educational psychologist, specialist teacher adviser or other relevant specialists such as the school doctor, children and families support worker or speech and language therapist. Direct involvement with your child by an educational psychologist and other specialists might be suggested.

From the beginning there is a need to record and review what is being done to help your child and you should be involved from the very start of the process.

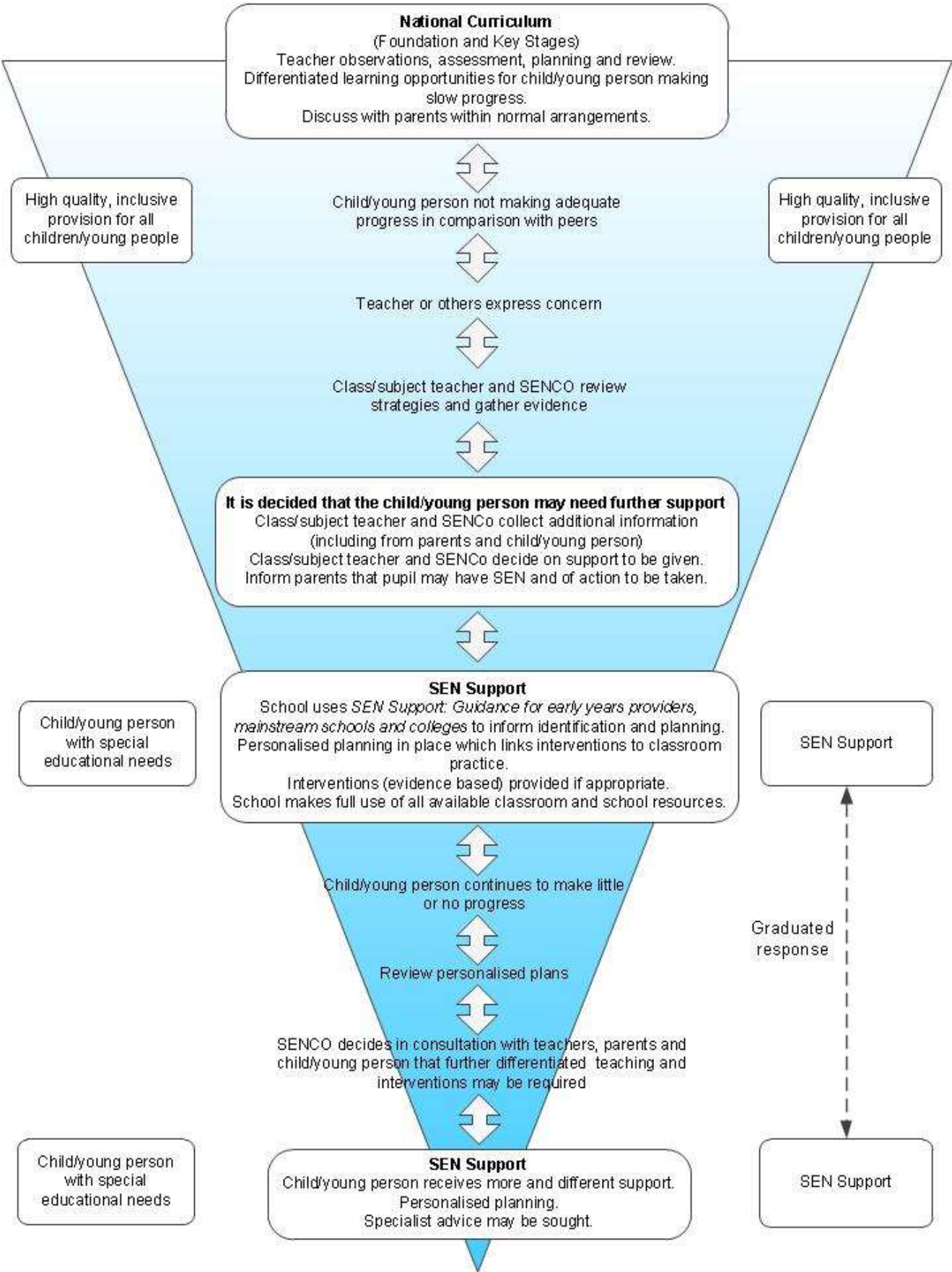
This early process of identification and assessment is of great importance for those children and young people who may require an EHC needs assessment.

The local authority is responsible for children and young people whose educational needs cannot be met fully from arrangements normally made in mainstream settings. These children and young people have complex and long term learning difficulties which

require either extra resources in the mainstream setting or may require placement in specialist resourced provision in a mainstream school or a special school. For these children and young people, it is our duty to carry out an EHC needs assessment so that we can identify clearly the special educational provision required to meet their special educational needs which may lead to an EHC plan being issued.

The way we assess is laid down in the *Children and Families Act 2014*. The *SEND Code of Practice*, gives practical guidance on how to identify and assess children and young people's special educational needs.

Special Educational Needs (SEN): graduated approach – model of assessment and identification



What is an EHC needs assessment?

An EHC needs assessment is a very detailed review. Its purpose is to find out, exactly what your child's special educational needs are and to identify the special help your child might need.

In most cases, the EHC needs assessment is requested by the early years setting, school, college or by you. Staff will have discussed your child's progress in detail with you and a series of personal plans will have been used. The local authority has to decide whether or not an EHC needs assessment should be undertaken and you will be advised of the reasons for the decision.

How does the local authority know that an EHC needs assessment is needed?

Decisions are made on the basis of the information and evidence provided and the circumstances of each individual child.

The early years setting, school or college will be asked to state clearly the reasons for the request and submit written information which will include:

- your recorded views (Our Story) and, where appropriate, those of your child (My Views) on the graduated approach to assessment and any action and support to date
- copies of personal plans indicating the approaches adopted, the monitoring arrangements followed, reviews and educational outcomes
- evidence of health checks and any relevant medical advice offered to the early years setting, school or college
- evidence of the involvement of other external professionals with relevant specialist knowledge
- information relating to any involvement of Social Care.

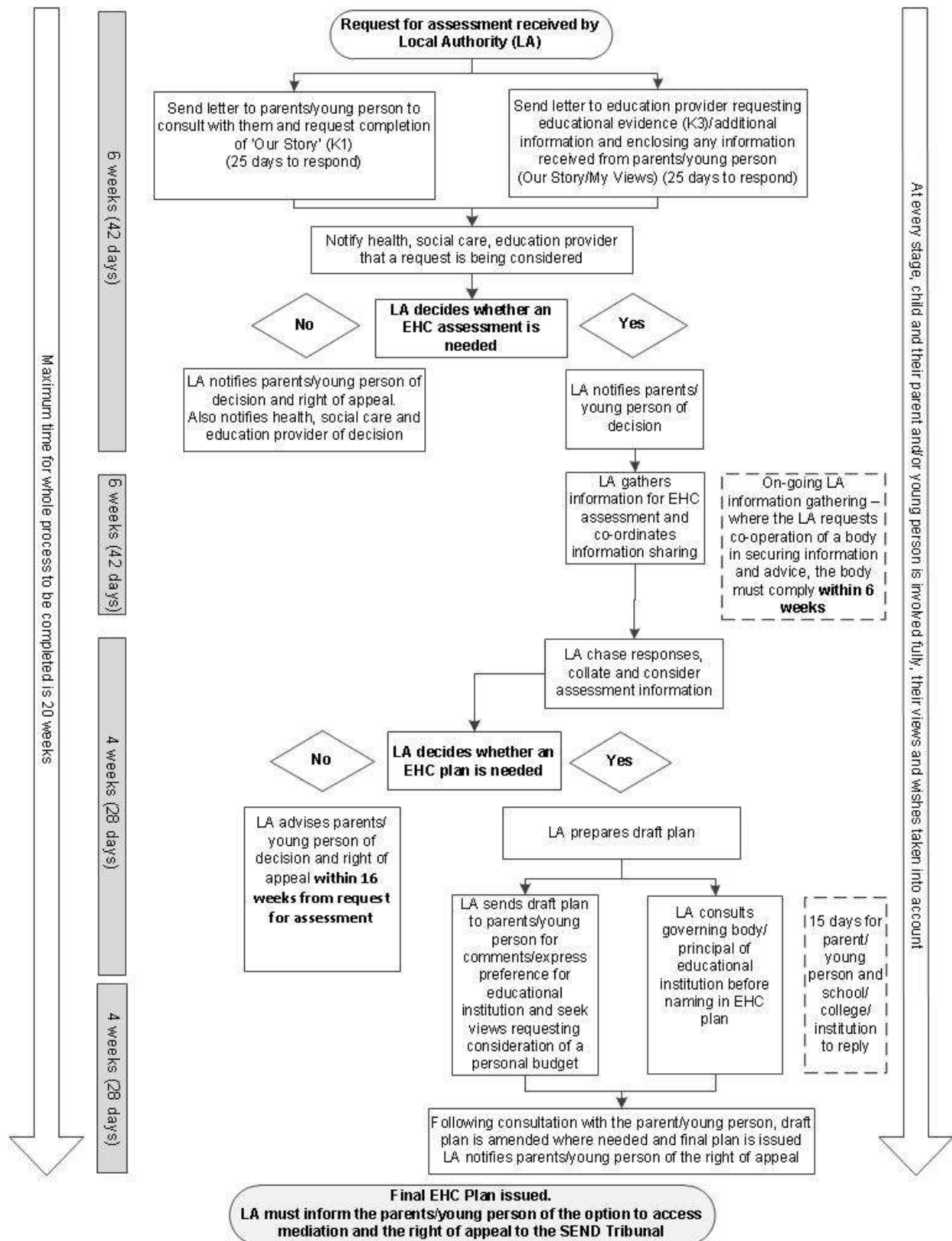
An EHC needs assessment will be carried out if we believe that it is necessary to determine your child's special educational provision rather than the setting determining this on its own.

How long does the assessment take?

It is in the interest of your child that his or her special educational needs are assessed thoroughly and quickly. This will make sure that his or her needs are met as soon as possible. The whole process, from proposing to make an assessment to the sending of a final EHC plan, should usually take no longer than 20 weeks. You can help by replying quickly whenever you are contacted. A diagram showing timescales is shown on the following page.

The time limits for making an EHC needs assessment and plan

There are some exceptions to this timetable, when the process will take longer than 20 weeks. If it seems that this is likely, we will tell you the reason for the delay.



What happens during an EHC needs assessment?

The *SEND Code of Practice* sets out in detail the procedures for assessing a child's or young person's special educational needs. The key stages are:

- request for assessment
- proposal to assess
- EHC needs assessment
- completion of assessment
- issue of draft EHC
- issue of final EHC plan.

The process of an EHC needs assessment is explained in greater detail on page 7.

Who can I contact for information and support?

Support4SEND (formerly Parent Partnership Service)

The local authority must arrange for a child or young person and his or her parent to be provided with information, advice and support. Support4SEND provides confidential and impartial advice, information and support to parents/carers of children and young people with special educational needs and disabilities throughout Hampshire. Their service is available to all families for whom special educational needs play a part. Their service offers:

- a confidential helpline for parents/carers
- general information on special educational needs
- help for parents/carers to express their views
- support through the EHC needs assessment process. (In Hampshire, Independent Support is available from Parent Voice and Support4SEND).
- help to complete forms and to understand complex documents and reports
- home visits and support at meetings
- access to a volunteer Independent Parental Supporter (IPS).

Telephone 01962 845870, email enquiries.support4send@hants.gov.uk or visit www.hants.gov.uk/support4send.

Independent Support

Independent support is an additional targeted service available to parents and young people during the EHC needs assessment process. Once the local authority decides an assessment should go ahead or when you receive a letter about transferring from a statement of SEN to an EHC plan you can request support from an Independent Supporter. They will offer impartial advice and guidance during the assessment process.

In Hampshire Independent Support is available from Parent Voice and Support4SEND. All Independent Supporters will receive national independent training commissioned by the Independent Support Programme.

If you are going through the assessment process to transfer your child's statement of SEN to an EHC plan or applying for an EHC plan for the first time and you need additional support please call 0300 303 8604 or email independentsupport@roseroad.org.uk to discuss this.

Can everyone have an Independent Supporter?

There are a limited number of Independent Supporters and a large number of transfers and new applications in Hampshire. Independent Support will be targeted at those who require specific support throughout the full statutory process. Parent Voice and Support4SEND will aim to provide telephone support and group workshops to enable families to better support themselves if an Independent Supporter is not available.

How is this different to what is already provided by Support4SEND?

Independent Support is specifically targeted and will last for the duration of EHC needs assessment. It is an additional resource to assist families through the changes. Support4SEND will continue to provide impartial information advice and support on special educational needs before and after the process and Parent Voice will continue to provide information, advice and signposting over and above the provision of Independent Support.

Let's look at the process of an EHC needs assessment in more detail

Request for assessment

You or your child's school or college can request an assessment as can a young person over the age of 16 but under the age of 25. In addition, anyone else can bring a child or young person who has (or may have) SEN to the attention of the local authority.

Proposal to assess

As soon as the request is received a letter will be sent to you outlining what the proposed assessment will involve and giving you the name of an officer in the SEN Service who can provide assistance. This person is known as the *Named Officer*. You can also have access to impartial information advice and support.

There is a period of 25 days for you to send in comments on our proposal to assess. Within six weeks we will decide whether or not to proceed with the assessment and inform you by letter of the decision and the reasons for it. If we decide not to carry out an assessment you will have the right of appeal to the First-tier Tribunal (SEN and Disability). Details about the appeal process, Support4SEND and access to mediation and disagreement resolution services are given on page 6 and pages 17-18.

EHC needs assessment

If the local authority decides an assessment should go ahead, you can request support from an Independent Supporter.

We request written reports from:

- parents (in addition to your own comments you can include any independent written advice you have obtained)
- your child
- early years setting, school or college (headteacher/principal, SENCo and teachers)
- Health care professional
- educational psychologist
- social care
- any other relevant people (eg specialist teacher adviser, speech and language therapist, physiotherapist, occupational therapist etc)
- where a child or young person is in or beyond Year 9, advice and information in relation to provision to assist the child or young person in preparation for adulthood and independent living.

You can attend any examination or assessment of your child.

Completion of assessment

The information and advice gathered will help us to decide whether or not to issue a draft EHC plan.

If we decide not to issue a draft EHC plan, we will inform you in writing, providing copies of all reports and advising you of the right to appeal to the First-tier Tribunal (SEN and Disability). If, after you have looked at all the information, you are unhappy about the outcome and would like to discuss matters further, we will be pleased to meet with you. Details about the Tribunal, Support4SEND and access to mediation and disagreement resolution services are given on page 6 and pages 17-18.

What if we decide not to issue an EHC plan?

After the assessment, we may decide that your child's needs can be met by a local mainstream placement, or other provision, without the need for an EHC plan.

We will have learned a great deal about your child's needs as a result of the EHC needs assessment and we will use this information to draw up notes to guide school/college special educational needs planning for your child.

These notes will set out the reasons for our decision not to make an EHC plan. We will send you copies of all the advice we received during the EHC needs assessment. The notes, and that advice, will provide you with reasons for the decision. It would be helpful if you could agree to this information being passed on to the early years setting, school or college to help your child's key worker/teacher decide how best to help him or her in the future.

Issue of a draft EHC plan

If we think an EHC plan is necessary, we will inform you in writing, providing copies of all the reports and a copy of the draft EHC plan. You have 15 days from receipt of the draft EHC plan to let us have your views.

- If you accept the content, you return an agreement slip and let us know which school or college you would like your child to attend. You will have been sent information about schools and colleges both in your area and nationally.
- If you are not happy about the content, you can either write, telephone or meet with your Named Officer to discuss your concerns.

There are a number of opportunities, at this stage, to request meetings to discuss the draft EHC plan and the evidence on which it is based. Again, we would aim to reach agreement with parents wherever possible, taking full account of your views.

Issue of a final EHC plan

If you agree with the EHC plan, then the arrangements described in the EHC plan will be made.

If you still disagree with the special educational provision written in the final EHC plan, then you have the right of appeal to the First-tier Tribunal (SEN and Disability) about certain aspects of the EHC plan. Details about the grounds for appeal and the process involved, Support4SEND and access to mediation and disagreement resolution services are given on page 6 and pages 17-18.

What is an EHC plan?

An EHC plan is a document that sets out your child's needs and all the special help he or she should have. We make an EHC plan when we decide that all the special educational help your child needs cannot reasonably be provided within the resources normally available to the mainstream setting. These resources can include staff time and special equipment.

An EHC plan is set out in sections:

Section A - The views, interests and aspirations of the child and his or her parents or the young person.

Section B - The child or young person's special educational needs (SEN).

Section C - The child or young person's health needs which are related to their SEN.

Section D - The child or young person's social care needs which are related to their SEN or to a disability

Section E - The outcomes sought for the child or young person.

Section F - The special educational provision required by the child or young person.

Section G - Any health provision reasonably required by the learning difficulties or disabilities which result in the child or young person having SEN.

Section H - Any Social Care provision reasonably required by the learning difficulties or disabilities which result in the child or young person having SEN.

Section I - The name and type of the school, maintained nursery school, post 16 institution or other institution to be attended by the child or young person.

Section J – Personal Budget.

Section K – Appendices to the plan.

With the EHC plan, you will receive copies of all the advice we obtained from you and from others during the EHC needs assessment. These form the appendices to the EHC plan.

What sort of delays can occur?

The normal timescales are described earlier in this booklet, but the process may take longer than 20 weeks if:

- the assessment period covers school/college summer holidays
- you are unable to respond quickly when you are contacted
- exceptional personal circumstances affect your family
- you leave Hampshire for four weeks or more during the EHC needs assessment period
- the evidence collected indicates that other people need to be contacted
- you ask for more time to provide information for the assessment, eg to obtain independent reports
- you miss an appointment for your child to be examined or assessed
- Health or Social Care had no previous knowledge of your child
- you request more than one meeting to discuss the draft EHC plan.

How can I contribute to the assessment?

The assessment of your child's special educational needs should be seen as a partnership between you, those contributing advice and us. You should be closely involved in every step of the assessment process, and actively encouraged to participate in your child's assessment, wherever possible. There are several ways in which this can happen:

- You will be invited to contribute to the assessment by writing down your thoughts about your child. This is known as *Our Story*. Guidelines on how you might complete this will be provided. If you prefer, you can talk to somebody about your child and a written summary will be agreed with you. Your contribution is valuable as there is much helpful and relevant information about your child known only to you. If you feel you may have difficulties in completing your contribution, please contact Support4SEND.
- If you wish, you can include reports which have been produced privately for you by people who have a particular interest in your child's special educational needs.
- You should be aware that we will provide copies of any reports you submit to all the other people contributing to the assessment. Likewise, you will receive copies of all the reports written.
- During the process of assessment, your child may be asked to attend interviews or examinations. You have a duty to make sure your child is available for these appointments. Before such an interview or examination takes place you should be advised of:
 - the time and place

- its purpose
- the name of someone who can provide further information.

In addition, you should be asked if you have any information which you would like to provide which might be helpful.

- You have the right to be present at any assessment interviews if you wish. Sometimes this is not a good idea as it may be distracting for your child, but sometimes your presence will be essential. Whether or not you are present at the actual interview, you may wish to discuss the outcome with the person who conducted it.
- You may request a meeting to discuss the draft EHC plan if you are concerned about the content of any of the reports or recommendations being made. Such a meeting should be seen as an opportunity to obtain further information, seek clarification or put across a different point of view. You may wish to bring a friend, a relative or your Independent Supporter to meetings for support.

Your right to be fully consulted

It is vital that you are kept informed of what is happening at each stage of the assessment.

In families where English is not the first language, we would wish to help by offering translations of documents in your home language.

You have the right to:

- make a request to the local authority for an EHC needs assessment
- be informed of the local authority's proposal to carry out an assessment
- be given information about the assessment procedures
- access an Independent Parental Supporter
- information and advice from Support4SEND
- access an independent disagreement resolution service
- be given the name of a local authority officer from whom further information can be obtained (the Named Officer)
- make representations about the proposal to start an EHC needs assessment within a period of not less than 25 days
- be notified of the local authority's decision of whether or not to proceed with the assessment and be informed of your right to appeal against a decision not to assess
- provide a written contribution to the assessment
- be informed of the local authority's decision not to make an EHC plan, and to appeal about this decision. If, on the other hand, it is decided that an EHC plan might be appropriate, you also have the right to receive a draft EHC plan of special educational needs. You can make representations within 15 days of receiving this document and you can also request a meeting with your Named Officer, and any other person who contributed to the assessment

- state a preference for a school or college or make representations for your child to attend a non-maintained special school, independent school or college
- receive a copy of the final EHC plan
- be fully informed of your rights of appeal to the First-tier Tribunal (SEN and Disability)
- be informed of any decision to amend or cease to maintain the EHC plan, to make representations within 15 days of receiving notice of such decisions and to receive a final decision within eight weeks
- request that an alternative mainstream school be named in Section I of the EHC plan.

Is my child involved in the assessment?

Although we have stressed the importance of partnership with parents as a key part of the assessment process, it should not be forgotten that your child also has feelings and views which should be taken into account. Clearly the degree to which your child can communicate his or her views will vary with his or her age and ability but, where possible, shared discussions about the future can prove very valuable. If your child needs help to give his or her views, please consult the school or college who will be able to advise about those best placed to offer support.

Do I have a choice about my child's school or college?

You have a right to request a particular school, college or other institution of the following to be named in your child's EHC plan:

- maintained nursery school
- maintained school and any form of academy or free school (mainstream or special)
- non-maintained special school
- further education or sixth form college
- independent school or independent specialist colleges (where they have been approved for this purpose by the Secretary of State and published in a list available to all parents and young people)

This can be the place where he or she already attends.

We will provide you with details of the schools and colleges in the area when we send you the draft EHC plan. We will also send you details of independent schools and independent specialist colleges approved by the Secretary of State.

If you suggest the name of one of the types of education provider listed above, we must name the provider in the EHC plan unless:

- a) It would be unsuitable to your child's age, ability or aptitude or to his or her special educational needs, or
- b) the attendance of your child at the education provider would be incompatible with the provision of efficient education for the children with whom he or she would be educated or the efficient use of resources.

If you think that your child should attend a non maintained early years provider, an independent school or an independent specialist college not on the Secretary of State's list, you can suggest the name of an education provider and tell us why you think that placement should be named in your child's EHC plan. Your suggestion will be considered carefully but you should be aware that the local authority is under no duty to comply with your suggestion, although we do our best to ensure that children and young people are to be educated in accordance with the wishes of their parents, so far as that is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure.

Deciding which school or college you would like your child to go to is an important matter and you will need all the information and advice available. We will try to help.

Before we make the final EHC plan, we can arrange a meeting with you to discuss your wishes. You can ask to see policies on special educational needs to make sure you know what they can offer and you can visit a number of schools or colleges if you wish to. We will send you full details of how you can make your views known to us. Remember that you can take a friend, a relative or your Independent Supporter with you when you visit or meet us.

You may like to take the opportunity to visit a number of schools during the assessment process in order to develop your understanding of possible options if a final EHC plan is issued. When you receive the draft EHC plan, we may suggest one or two settings for you to visit. You may also want to talk to other parents through local voluntary organisations and parents' groups. In reaching a final decision about the placement, we will keep you fully informed and will always explain our reasons.

We have a duty to ensure that children and young people with special educational needs, including children and young people with EHC plans, are educated in mainstream schools or colleges. You may indicate that you do not want your child to be educated in a mainstream school or college. If you do not do so, we will ensure that your child is educated in a mainstream school or college except where this would be incompatible with the efficient education of other children or young people and there are no reasonable steps that the local authority or the setting can take to prevent the incompatibility. Where your choice of a particular school or college cannot be met, but an alternative mainstream placement would be appropriate, we will name that alternative school or college. However, if the two conditions set out on the previous page cannot be met in any mainstream school or college, we will ask you to look at a special school placement or an alternative arrangement.

You may express a preference for a special school or college. If you do so, we no longer have the duty to secure a mainstream placement. Special schools and colleges take children and young people with particular types of special educational needs. Some mainstream schools and colleges have specialist resourced provision for particular needs. For example, they may have specialist teaching and facilities for pupils with hearing difficulties or physical disability.

If you live close to the Hampshire border the nearest appropriate school or college for your child may be in the area of a neighbouring local authority. Before naming that school or college in your child's EHC plan, we must consult the other local authority and the school or college. Provided the two conditions set out on the previous page are met, we will support the placement.

It is increasingly unusual for us not to be able to make provision for a child or young person in a school or college in Hampshire or in a neighbouring local authority school or college but, where this is the case, we will recommend a placement in a non-maintained or independent special school or college with which we have a close working relationship. You will be sent details of suitable schools or colleges.

You should be aware that during the course of your child's assessment, schools or colleges will be suggested to you as possible placements. You must appreciate that the final decision regarding suitable educational provision for your child cannot be made until all the information is gathered and evaluated. Therefore, although individual schools or colleges may be raised during discussions with you, this does not mean that they will be considered appropriate to meet your child's needs, nor that there is any undertaking by those who provide advice on your child's needs to place your child in a particular school or college.

Sometimes we are asked to support a residential placement for a child or young person. We will do this if one of the following criteria is met:

- your child needs highly specialist educational provision which is available only in a small number of establishments nationwide
- the overall needs of your child are best met by a co-ordinated plan of support which is agreed by, as appropriate, Health, and the local authority's Social Care and SEN Service
- Hampshire's own specialist provision is too far from your home to make daily travel possible
- Hampshire's own specialist placements are full and it is necessary to find an appropriate placement further afield.

Parents are asked to note that the SEN Service does not provide respite facilities for families. If this type of support is needed, your Named Officer will be pleased to advise you on how to contact Social Care.

Transport to school or college

Families of children and young people with special educational needs or disabilities often live several miles from their education setting. If your child has an EHC plan, you may be eligible for help with transport arrangements and costs. Your Named Officer will be able to advise.

Confidentiality

The EHC plan and its reports should not be disclosed without your child's consent except for certain statutory purposes, or in your child's educational interests. Statutory purposes would include appeals, and our duty to provide information to Social Care for the purposes of the Disabled Persons Act 1986. The child's or young person's educational interests would include the provision of information to schools or colleges, to professionals contributing to an assessment, and to another local authority in the event of you moving to another part of the country.

The arrangements for keeping EHC plans must ensure, as far as is reasonably practicable, that unauthorised persons do not have access to them.

How long does an EHC plan last?

Your child may have an EHC plan for his or her whole school and college career, or for just a part of it. Through the annual reviews of your child's EHC plan, we may decide that your child can continue to make good progress with the extra help that the school or college can provide within the resources generally available. We may then talk to you about ceasing to maintain your child's EHC plan.

Annual Reviews

The EHC plan must be reviewed at least once a year. This is normally arranged by your child's school or college. Information and advice in the form of written reports will be forwarded to you in advance of the annual review meeting. The review should check that the provision detailed in the EHC plan is meeting your child's needs. You are encouraged to attend the annual review meeting where comments from you, the school or college staff and other people working with your child, are discussed. If practicable, your child should have the opportunity to produce his/her own report and participate in the meeting. For all children and young people in special schools, one of the purposes of the annual review is to consider if a placement in a mainstream school or college is possible and appropriate. Following the annual review meeting, a report will be written which will be circulated to all those people who have been involved in the annual review process. Having received the report the local authority will review the EHC plan and decide whether or not to accept the recommendations. The local authority will send you a letter advising you of the outcome.

Further details will be sent to you at least two months before the first annual review meeting.

Can changes be made to the EHC plan?

An annual review may result in amendments to your child's EHC plan. For example, amendments may be made if:

- your child's needs have changed significantly
- your child has to move to a different setting, for instance on transfer from primary to secondary school.

You will always be asked what you think before any amendments are made. Annual reviews will not always lead to amendments of your child's EHC plan, but amendments are most likely to be made after an annual review.

We will inform you of any amendments we are thinking of and the reasons for them. You have the right to tell us what you think within 15 days. We will always consider your views before we decide to make any amendments. We must tell you of our decision within eight weeks of suggesting an amendment.

When your child is due to move from primary to secondary school, it is very important that we all think very carefully about the secondary school your child should attend. The discussions at the Year 5 annual review meeting will be of particular importance.

You also have the right to ask the local authority to change the name of the school or college in your child's EHC plan to that of an alternative school or college.

If you disagree with the content of the final revised EHC plan or a refusal to change the name of the school or college to an alternative school or college you have the right to

appeal to the First-tier Tribunal (SEN and Disability) Details of the Tribunal, Support4SEND and access to mediation and disagreement resolution services are given on page 6 and pages 17-18.

Ceasing to maintain an EHC plan

Under some circumstances a child or young person no longer requires an EHC plan. For example, the additional provision made available to a young child experiencing significant learning difficulties may no longer be needed if the child has progressed so that the school or college can now make provision without any additional help from the local authority. The proposal to cease to maintain the EHC plan would be discussed with you at the annual review meeting. No decision would be taken without you having the opportunity to have your views carefully considered. If you disagree with the decision you have the right to appeal to the First-tier Tribunal (SEN and Disability). Details of the Tribunal, Support4SEND and access to mediation and disagreement resolution services are given on page 6 and pages 17-18.

Can I ask for my child to be assessed again?

Even if your child has an EHC plan, you have the right to ask for a further EHC needs assessment. We must agree, as long as:

- your child has not been assessed in the last six months; and
- we consider that another EHC needs assessment is needed.

We will decide whether a further assessment is needed in the same way we first decided to assess your child. In particular, we will consider whether there have been any significant changes in your child's life or special educational needs. We will tell you of our decision and reasons for it. If you disagree with that decision, you can appeal to the First-tier Tribunal (SEN and Disability). Details of the Tribunal, Support4SEND and access to mediation and disagreement resolution services are given on page 6 and pages 17-18.

What happens if I move out of Hampshire?

If you are going to move somewhere else in the country, you should inform the school or college and your Named Officer in the SEN Service. You should talk to us, and your new local authority, about your child's needs and the best way of making sure they continue to be met.

When you move, we will send your child's EHC plan to your new local authority. The new local authority will then make sure that your child receives all the special educational help set out in the EHC plan. Within six weeks of receiving your child's EHC plan, your new local authority should tell you when they will review the EHC plan and whether they are going to carry out a new EHC needs assessment of your child.

If your child goes to a fee paying school of any kind, the new local authority must pay any fees which were paid by us, until they change the EHC plan. Remember you have a right to tell the local authority what you think before they make any change. Remember too, that if you disagree with any amendment to the EHC plan, or with the decision to cease to maintain, that the local authority makes, you have a right to appeal to the First-tier Tribunal (SEN and Disability).

Children under five years of age

The local Health Service must tell you if your child has, or is likely to have, special educational needs. After discussion with you, we will be informed. The Health Service also has a duty to tell you about any voluntary groups which might help you and your child.

Young people over 16 years of age

We must maintain EHC plans for young people over 16 up until they are 19 and exceptionally up to the age of 25 if they stay in education. The SEN Post 16 team have a particular role to play in ensuring the participation and progression of young people with SEN aged 13-19. Contact details can be found on page 20.

Suggestions and complaints about Hampshire County Council services

We would like to know what you think about our services and to receive any suggestions you may have for improvements. In the first instance, please contact the person who provided the service to discuss your views. Alternatively, you may wish to contact Support4SEND.

First-tier Tribunal (SEN and Disability)

Support4SEND can offer impartial information advice and support about making an appeal and preparing your case.

The First-tier Tribunal (SEN and Disability) is an independent body that hears parents' appeals against local authority's decisions on EHC needs assessments and EHC plans.

The Tribunal is made up of three people, one of whom will chair the meeting and he or she will be a solicitor. The other two will between them have experience of special educational needs and local government.

You can attend the Tribunal and representatives from voluntary groups or your independent parental supporter may be able to go with you. You can also ask professionals who know your child to speak on your behalf, if necessary, at the Tribunal.

The Tribunal will look at the evidence and will make a final decision. In reaching this decision, the Tribunal may consider how our actions compare with the guidance set out in the *SEND Code of Practice*. If we have not followed the Code, the Tribunal will not necessarily say that our decision was wrong. However, it will expect us to explain why we have not followed the code's guidance and show that we were acting in the child's or young person's interests.

You have the right to appeal if you are dissatisfied with any of the following decisions or actions:

- we decide not to carry out an EHC needs assessment requested by you or the early years setting, school or college
- following the EHC needs assessment, we decide not to issue a EHC plan
- you remain dissatisfied with the special educational needs identified, the provision specified or the placement named in the final EHC plan
- we don't name a school or college in Section I

- we refuse your request to substitute the name of a different school or college for the name of the school or college already recorded in Section I of the EHC plan
- we amend the EHC plan
- we decide to cease to maintain the EHC plan
- we refuse your request for a further assessment
- we decide not to change the EHC plan after a further assessment.

For Hampshire parents, the Tribunal hearing may be in London or held more locally. Please see contact details on page 20.

Decisions of the Tribunal are binding on the local authority.

Local mediation and disagreement resolution services

If you wish to make an appeal then you usually have to do so within two months of the date of the letter which informs you of the decision you wish to appeal against although there may be extra time depending on the involvement of a mediation service. You usually have to get a certificate to show that you have considered mediation before you can make an appeal and further details about how to get a certificate are available on the local offer website www.hantslocaloffer.info. Mediation is free and the local authority will pay reasonable expenses as set out in regulations. You can appeal without a mediation certificate if you disagree only with the education provider named on the plan.

You can also ask for mediation and disagreement resolution services in relation to special educational needs in some circumstances which fall outside the jurisdiction of the Tribunal Service. Advice is available through Support4SEND (see contact details on page 19).

How long do I have to appeal?

It is important that the appeal procedure does not delay any special help your child needs. For this reason, you have to apply to the Tribunal no later than two months after receiving our final decision letter. Only in exceptional cases will it be possible to extend the time limit.

You can find out more about the Tribunal in the booklet *How to appeal against a SEN decision* available from the First-tier Tribunal (SEN and Disability) (please see page 19 for further details).

Complaint to the Secretary of State

You have the right to complain about the local authority to the Secretary of State for Education (under sections 496 and 497 of the Education Act 1996) if you consider that we are acting, or proposing to act, unreasonably or have failed to carry out one of our duties under the Education Acts, including our SEN duties.

Further information

- **SEND Code of Practice: 0 to 25 years (2015)**, Department for Education and Department of Health available from www.gov.uk
- **How to appeal against a SEN decision – a guide for parents**, Tribunals Service (SEND) available from:
www.gov.uk/special-educational-needs-disability-tribunal/appeal-to-tribunal
- **Hampshire's Local Offer** www.hampshirelocaloffer.info
- **The SEN Service** provide a wide range of information on special educational needs covering:
 - general information on special educational needs and where to get help
 - information on the EHC assessment
 - what happens at an annual review and after a review
 - transition planning
 - funding for SEN in mainstream schools.

There is also information on specific special educational needs including:

- autistic spectrum disorders
- physical disabilities
- specific learning difficulties
- speech, language and communication needs
- visual impairment.

Please visit www.hants.gov.uk/sen-home.

Contacts

Support4SEND (formerly Parent Partnership Service)

Children's Services Department
Hampshire County Council
Elizabeth II Court North, 4th Floor
The Castle
Winchester
SO23 8UG

01962 845870

enquiries.support4send@hants.gov.uk

www.hants.gov.uk/support4send

Mediation and disagreement and resolution services

Please contact Support4SEND for further details on mediation and disagreement and resolution services (contact details above) or visit Hampshire's Local Offer at www.hantslocaloffer.info.

Parent Voice

0300 303 8603 www.parentvoice.info

Hampshire Independent Support Service

0300 303 8604 independentsupport@roseroad.org.uk

First-tier Tribunal (Special Educational Needs and Disability)

1st Floor, Darlington Magistrates' Court

Parkgate

Darlington

DL1 1ZD

01325 289350

www.gov.uk/special-educational-needs-disability-tribunal

SEN Service

Children's Services Department

Hampshire County Council

The Castle

Winchester

SO23 8UG

0300 555 1384*

childrens.services@hants.gov.uk

www.hants.gov.uk/sen

Social Care (Children's Services)

Call 0300 555 1384*, email childrens.services@hants.gov.uk or visit

www.hants.gov.uk/childrens-services

Social Care (Adult Services)

Call 0300 555 1386*, email adult.services@hants.gov.uk or visit

www.hants.gov.uk/adult-services

*Calls to 0300 numbers are included in call packages, or charged at the same rate as 01 and 02 numbers. Costs may vary depending on your telecoms provider and whether you are calling from a landline or mobile. Further information about call charges can be found at www.ofcom.org.uk.

Voluntary organisations

ACE Education Advice

Advice line: 0808 800 5793 www.ace-ed.org.uk

Action on hearing loss

0808 808 0123 (freephone)

Textphone: 0808 808 9000 (freephone) www.actiononhearingloss.org.uk

ADDiSS (Attention Deficit Disorder Support Service)

020 8952 2800 www.addiss.co.uk

Afasic (Association of all speech impaired children)

Helpline 0845 355 5577 www.afasic.org.uk

Asthma

Helpline 0800 121 62 44 www.asthma.org.uk

BDA (British Deaf Association)

0207 697 4140 www.bda.org.uk

British Dyslexia Association

Helpline: 0333 405 4567 www.bdadyslexia.org.uk

CASE (Campaign for State Education)

www.campaignforstateeducation.org.uk

CDC (Council for disabled children)

0207 843 1900 www.councilfordisabledchildren.org.uk

Contact-a-Family

Helpline 0808 808 3555 (freephone) www.cafamily.org.uk

Coram Children's Legal Centre

Advice line 0808 802 0008 (freephone) www.childrenslegalcentre.com

CSIE (Centre for Studies on Inclusive Education)

0117 353 3150 www.csie.org.uk

Disability Rights

www.disabilityrightsuk.org

Down's Syndrome Association

0333 1212 300 www.downs-syndrome.org.uk

Dyslexia Action

www.dyslexiaaction.org.uk

Dyspraxia Foundation

Helpline 01462 454986 www.dyspraxiafoundation.org.uk

Epilepsy Action (British Epilepsy Association)

Epilepsy Helpline 0808 800 5050 (freephone) www.epilepsy.org.uk

Epilepsy Society (National Society for Epilepsy)

General enquiries 01494 601300

Helpline 01494 601400

www.epilepsysociety.org.uk

Family Lives

Helpline: 0808 800 2222 (freephone) www.familylives.org.uk

HACSG (The Hyperactive Children's Support Group)

01243 539966 www.hacsg.org.uk

HPCN (Hampshire Parent/Carer Network)

01962 832580 www.hpcn.org.uk

Home-Start

www.home-start.org.uk

IPSEA (Independent Parental Special Education Advice)

General advice line: 0800 018 4016

Tribunal helpline: 0845 602 9579

www.ipsea.org.uk

Mencap

Mencap Direct: 0808 808 1111 www.mencap.org.uk

NASEN (National Association for Special Educational Needs)

01827 311500 www.nasen.org.uk

National Autistic Society

Autism Helpline: 0808 800 4104 www.nas.org.uk

National Portage Association

www.portage.org.uk

NDCS (National Deaf Children's Society)

Helpline 0808 800 8880 (freephone)

Minicom Helpline 0808 800 8880

www.ndcs.org.uk

Network '81

Helpline 0845 077 4055 www.network81.org

Parent Voice

0300 303 8603 www.parentvoice.info

Phab (Physically handicapped and able bodied)

www.phab.org.uk

Pre-School Learning Alliance

www.pre-school.org.uk

RNIB (Royal National Institute for the Blind)

Helpline: 0303 1239999 www.rnib.org.uk

SCOPE

Helpline 0808 800 3333 (freephone) www.scope.org.uk

SENSE (National Deaf-Blind and Rubella Association)

0300 330 9256 or 020 7520 0972

Texphone 0300 330 9256 or 020 7520 0972

www.sense.org.uk

Shine (Spina bifida, Hydrocephalus, Information, Networking, Equality)

01733 555988 www.shinecharity.org.uk

Young Minds

020 7089 5050 www.youngminds.org.uk

For information on other national/local support groups and voluntary organisations, contact Support4SEND on 01962 845870 or email enquiries.support4send@hants.gov.uk.

Local Councils of Community Services and Voluntary Services

Basingstoke Voluntary Services

01256 423816 www.voluntaryservices.com

Community Action Fareham

01329 231899 www.farehamaction.org.uk

Community Action Hampshire

01962 854971 www.action.hants.org.uk

Community First Havant & East Hampshire (HEH)

0300 500 8085 www.cfheh.org.uk

Community First New Forest

01425 482773 www.cfnf.org.uk

Community First for Portsmouth

01962 857591 www.community1st.org.uk

Gosport Voluntary Action

023 9258 3836 www.gva.org.uk

Hart Voluntary Action

01252 815652 www.hartvolaction.org.uk

One Community (Eastleigh)

023 8090 2400 www.1community.org.uk

Rushmoor Voluntary Services

01252 540162 www.rvs.org.uk

Southampton Voluntary Services

023 8022 8291 www.southamptonvs.org.uk

Test Valley Community Services (Romsey)

01794 519998 www.tvcs.org.uk

Test Valley Community Services (Andover)

01264 362600 www.tvcs.org.uk

Winchester Area Community Action

01962 890066 www.waca.org.uk

For information on other national/local support groups and voluntary organisations, contact Support4SEND on 01962 845870 or email enquiries.support4send@hants.gov.uk.

Glossary of terms

Academy mainstream school (primary and secondary)

Independently managed, all ability school set up by sponsors from business, faith or voluntary groups in partnership with the Department for Education and the local authority. Admissions are co-ordinated by Hampshire County Council.

Academy special school

Independently managed special school set up by sponsors from business, faith or voluntary groups in partnership with the Department for Education and the local authority. Admissions are co-ordinated by Hampshire County Council.

Annual review

The review of an EHC plan which the local authority must make within 12 months of issuing the EHC plan and within 12 months, and not less than 6 months, of the previous review.

Area Inclusion Co-ordinator (INCo)

Early years and childcare settings also receive support from an Area Inclusion Co-ordinator, whose role is to work with the settings to ensure all children, whatever their needs, can be included in a full range of activities and learning experiences.

Assessment

This involves building a picture of your child's abilities, difficulties, behaviour, his/her special educational needs and the support required to meet those needs. An EHC needs assessment is a formal procedure which involves the collection of information from as many people as possible who have detailed knowledge about your child. This may lead to the issue of an EHC plan.

Community school

Maintained by Hampshire County Council as the local authority.

Community special school

A school for children and young people with special educational needs, maintained by Hampshire County Council.

Curriculum

The curriculum is all of the learning opportunities that a school offers. The National Curriculum is described later in the glossary.

Differentiation

Amendment or alteration to a programme of study within the National Curriculum that sets achievable targets/goals for individual children.

Disagreement resolution

This is a statutory service commissioned by local authorities to provide a quick and non-adversarial way of resolving disagreements between parents or young people and bodies responsible for providing education, whether the child or young person has an EHC plan or not, or health and social care in relation to EHC assessments and plans. Disagreement resolution services can also be used in cases of disagreement between

local authorities and health commissioning bodies during EHC needs assessments, the drawing up of EHC plans or the reviewing of those plans.

Early years setting

Providers who receive government funding to deliver early education including maintained mainstream and special schools, maintained nursery schools, independent schools, non-maintained special schools, local authority daycare providers such as day nurseries and family centres, other registered daycare providers such as pre-schools, playgroups and private day nurseries, local authority Portage schemes and accredited childminders working as part of an approved National Childminding Association network.

Early Years Support

When the early years practitioner who works day-to-day with the child or the Area Inclusion Co-ordinator (INCo) identify that a child has special educational needs together they provide interventions that are additional to or different from those provided as part of the setting's usual curriculum offer and strategies. A personal plan will usually be written.

The early years practitioner who works day-to-day with the child and the Inclusion Co-ordinator may also be provided with advice or support from outside specialists (such as educational psychologists, specialist teacher advisers, etc), so that alternative interventions or additional, or different strategies can be put in place.

Educational psychologist (EP)

A person, with a degree in psychology, training and experience in teaching and a further degree in educational psychology. An educational psychologist, employed by the local authority, will give advice and support to teachers and parents on how a child's or young person's needs can be met.

Federation

This term describes when two or more schools have a formal agreement to share governance arrangements and work together to raise standards.

First-tier Tribunal (Special Educational Needs and Disability)

An independent body which has jurisdiction under section 333 of the Education Act 1996 for determining appeals by parents against local authority decisions on EHC needs assessments and EHC plans. The Tribunal's decision is binding on both parties to the appeal. The Tribunal also hears claims of disability discrimination under the Equality Act 2010.

Foundation school

A school maintained by Hampshire County Council but the governors are responsible for admissions. Trust schools are included in this category.

Free school

A new type of all ability state funded independent school, free from local authority control.

Graduated approach

A model of action and intervention in early years settings, schools and colleges to help children and young people who have special educational needs. The approach recognises that there is a continuum of special educational needs and that, where necessary, increasing specialist expertise should be brought to bear on the difficulties that a child or young person may be experiencing.

Independent school

A school that is not maintained by a local authority and is registered under section 464 of the Education Act 1996. Section 347 of the Act sets out the conditions under which an independent school may be approved by the Secretary of State as being suitable for the admission of children with EHC plans.

Inclusion

Educating children and young people with special educational needs, together with children and young people who do not have special educational needs, in mainstream schools and colleges, wherever possible. Ensuring that children and young people with special educational needs engage in the activities of the school or college together with the other children and young people.

Independent supporter

A person recruited locally by a voluntary or community sector organisation to help families going through an EHC needs assessment and the process of developing an EHC plan. This person is independent of the local authority and will receive training, including legal training, to enable him or her to provide this support.

Personal plan

Short term targets for achievements set, reviewed and evaluated by the school or college with parents and child or young person with copies made available to parents.

Learning difficulties

A child or young person has learning difficulties if he or she finds it much harder to learn than most children or young people of the same age, or has a disability which prevents them from making use of educational facilities provided for children or young people of the same age.

Learning support assistant (LSA)

A widely used job title for an assistant providing inschool support for children and young people with special educational needs and/or disabilities. An LSA will normally work with a particular child or young person providing close support to the individual child or young person and assistance to those responsible for teaching him or her. Some assistants specialising in SEN may also be known by titles other than LSA as these matters are decided locally. LSAs are one of a group of assistants coming within the broader Department for Education classification of 'teaching assistant'.

Local authority

Local government body responsible for providing education and for making EHC needs assessments and maintaining EHC plans.

Local Offer

Information about provision available across education, health and social care for children and young people in the local area who have SEN or are disabled, including those who do not have Education, Health and Care (EHC) plans.

Mainstream school

An infant, junior, primary or secondary school which makes educational provision for a local area but which is not designated as a special school. Some mainstream schools may, however, have a specialist resourced provision.

Maintained school

A state school, which may be under local authority control or may be voluntary aided or voluntary controlled.

Mediation

This is a statutory service commissioned by local authorities which is designed to help settle disagreements between parents or young people and local authorities over EHC needs assessments and plans and which parents and young people can use before deciding whether to appeal to the First-Tier Tribunal about decisions on assessment or the special educational element of a plan. Mediation must be offered to the parent or young person when the final plan is issued, but they are not able to appeal to the Tribunal about the health and social care aspects of the plan.

Named local authority officer

An officer of the Children's Services Department who will deal with your child's case. This is usually the Principal Special Needs Officer.

National curriculum

This sets out a clear, full and EHC needs entitlement to learning for all pupils, setting out what should be taught and setting attainment targets for learning. It also determines how performance will be assessed and reported. The national curriculum is taught in a way that meets the needs of individual pupils, eg setting goals that are achievable.

Non-maintained special school

A non-profit-making special school which charges fees. Most non-maintained special schools are run by charities or charitable trusts.

Occupational therapist

A person who advises about aids and adaptations that may help your child.

Paediatrician

Doctor specialising in the needs of babies and children.

Support4SEND (formerly Parent Partnership Service)

Provides impartial advice and information to children with special educational needs or disabilities, their parents, and young people with special educational needs or disabilities. The service offers neutral and factual support on the SEN system to help children, their parents and young people to play an active and informed role in their education and care.

Personal Budget

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. The funds can be held directly by the parent or young person, or may be held and managed on their behalf by the local authority, school, college or other organisation or individual and used to commission the support specified in the EHC plan.

Physiotherapist

Employed by the local health service to help people who have physical disabilities. They can help your child with exercises and provide specialist equipment.

Portage

Home based educational support for pre-school children with special educational needs. Portage home visitors work in partnership with parents and carers, helping parents and carers to help their child through learning activities within the home.

Psychiatrist

A doctor who helps people who have difficulties with the way they feel or behave. Child psychiatrists specialise in helping children and young people.

SEND code of practice: 0-25 years

A national guide from the Department for Education to early years settings, schools, colleges and local authorities about the help they can give to children and young people with special educational needs and disabilities. Early years settings, schools, colleges, local authorities and health services must have regard to the code when they are involved with a child or young person with a special educational need and/or disability.

SEN Support

When a class or subject teacher identify that a child or young person has special educational needs they provide interventions that are additional to or different from those provided as part of the school's or college's usual differentiated curriculum and strategies. A personal plan will usually be written.

When the class or subject teacher and the SEN Co-ordinator are provided with advice or support from outside specialists (such as educational psychologists, specialist teacher advisers, etc), so that alternative interventions, or additional or different strategies can be put in place. The SEN Co-ordinator usually co-ordinates support although day-to-day provision continues to be the responsibility of class or subject teacher.

School medical officer

A doctor who monitors your child's health to ensure that it does not stop him or her from learning. The medical officer may do regular check-ups on your child if he or she has a physical, sensory or medical problem.

Special Educational Needs (SEN)

A child or young person has special educational needs if they have a learning difficulty or disability which requires special educational provision to be made for him or her.

SEN Co-ordinator (SENCo)

A qualified teacher in a school or maintained nursery school who has responsibility for co-ordinating SEN provision. In a small school, the headteacher or deputy may take on this role. In larger schools there may be a team of SENCOs. Other early years settings in group provision arrangements are expected to identify an individual to perform the role of SENCO and childminders are encouraged to do so, possibly sharing the role between them where they are registered with an agency.

SEN funding formula for mainstream primary and secondary schools

All maintained schools including mainstream academies, receive a budget allocated at the beginning of the financial year, from 1 April each year.

The school's allocation for all children, including those with special educational needs, is based on the number and age of the children within the school.

In addition, for the majority of children with SEN, further resources are allocated through the SEN Notional budget for mainstream schools. A child identified by the school as having SEN is regarded as having high needs. It is for each school to determine how to appropriately meet children's needs.

Additional support is provided over and above the normal staffing arrangements within the school based on the funding delivered by the school's core budget share.

Where a child with high needs requires additional support over and above that normally available in school, the school is required to fund the first £6,000 of their additional provision. These children will have been assessed as requiring EHC plans.

For children with EHC plans whose needs require additional support over this level specific funding is provided as a top-up. The top-up will be paid from the centrally retained resource held by the local authority on behalf of schools for additional support over and above £6000 only where this has been assessed for children with EHC plans and determined by the local authority.

The funding formula uses data and information about low attainment and deprivation. The factors have been decided by the Department for Education under the Government's new funding reforms which came in to place from April 2013.

The use of the low attainment and deprivation data and information will identify a profile of need for each school, which can then be used for the allocation of available funds on an annual basis through the SEN Notional budget.

All types of need are covered by this funding model which results in the allocation of a sum of money which is part of the whole school budget. This can be used to address the needs of children, in any category, as identified, assessed and prioritised by the school.

SEN Post 16

The SEN Post 16 team work with schools and colleges to support young people with learning difficulties and/or disabilities. They also work with local commissioned services to support young people with learning difficulties and/or disabilities, up to the age of 25, to help them make the best possible transition into Adult Services. The team have specialist personal advisers (SENPAs) to work with young people with complex learning difficulties and/or disabilities, and their families who live in Hampshire.

Special educational provision

Special educational provision is provision that is different from or additional to that normally available to pupils or students of the same age, which is designed to help children and young people with SEN or disabilities to access the National Curriculum at school or to study at college.

Specialist resourced provision

Additionally funded provision for particular types of special educational needs in mainstream schools, eg for children with hearing impairment, physical disability, or visual impairment.

Specialist teacher adviser (STA)

Employed by the local authority to provide specialist advice to schools for children and young people with physical disabilities, visual impairment, hearing impairment and specific learning difficulties.

Special school

A school which is specifically organised to give help to children and young people with special educational needs.

Speech and language therapist (SaLT)

A person who helps children and young people who have language difficulties or speech problems.

Education, Health and Care plan (EHC plan)

A legal document that details the education, health and social care support that is to be provided to a child or young person who has SEN or a disability. It is drawn up by the local authority after an EHC needs assessment of the child or young person has determined that an EHC plan is necessary, and after consultation with relevant partners agencies.

Education, Health and Care (EHC) needs assessment

A very detailed assessment of the child or young person's special educational needs and/or disability which may lead to an EHC plan.

Trust school

A local authority maintained foundation school supported by a charitable trust.

Voluntary schools

Originally set up by voluntary bodies, such as the Church of England or Roman Catholic Church, but with most of their running costs now funded by Hampshire County Council. (**Voluntary aided** schools are responsible for their own admissions. **Voluntary controlled** schools follow Hampshire County Council's admission policy.)

(Extracts from Glossary of terms, *SEND Code of Practice: 0 to 25 years*, DfE / DoH)

You can download this leaflet at www.hants.gov.uk/sen or request a hard copy by contacting childrens.services@hants.gov.uk or 0300 555 1384.

For a copy of this leaflet in another language or format (eg large print or in an audio format) please contact
**0300 555 1384, childrens.services@hants.gov.uk or
Textphone 0300 555 1390.**

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