

## Final Plan

When you are happy with content of the draft EHC plan the LA can then issue a final plan.

Where changes suggested have not been agreed the LA may still proceed to finalise the plan. The parents or young person has a right to appeal to the tribunal and will be given the details of time limits and the requirement to consider mediation. SENDIASS can offer advice and support as necessary.



## Who has the duty to deliver what is in an EHC Plan?

The Local Authority has the legal duty to ensure that the educational provision written on an EHC Plan is made. This duty can never be delegated to a school or college whatever funding arrangements are in place.

The duty to provide any Health provision written on the EHC plan is with the local health commissioning body, usually the Clinical Commissioning Group (Dudley CCG).

It is also the LA's duty to provide the social care provision in an EHC plan if it is the result of an assessment under social care legislation.

## For more information contact:

### Dudley SEND information, advice and support service

For referrals email [dudley.sendiass@dudley.gov.uk](mailto:dudley.sendiass@dudley.gov.uk)

Service telephone number 07900 161363

Website: <http://dudleysendiass.org.uk/>



## Education, Health & Care Plans How to check a draft EHC Plan

**Dudley special educational needs and disability information, advice and support service (SENDIASS)**

- Free
- Impartial
- Confidential

## What is an Education, Health & Care Plan?

- An EHCP is a formal legal document which replaces Statements of Special Educational Needs and Section 13a Learning Difficulties Assessments for Children & Young People with SEN.
- An EHC plan describes a child or young person's special educational needs and the special educational provision they will get to meet those needs. An EHC plan also includes any health and social care provision that is required. This is to secure the best possible outcomes across education, health and social care and as they get older, prepare them for adulthood. It is a legal document written by the LA and is used for children and young people from 0-25 years, with high support needs.
- An EHCP can only be issued after a child or young person has gone through the process of an EHC needs assessment. At the end of this process Dudley LA will make a decision either to issue an EHC plan or not.
- If the LA has decided not to issue an EHC plan, the parents/young person will be informed in writing of the reasons. This notification must take place at the latest within 16 weeks of when the initial request for an EHC assessment was brought to the LA's attention. The LA should provide feedback collected during the EHC needs assessment process to help inform how future outcomes sought for the child or young person can be achieved without an EHC plan in place. The parents/young person has a right to appeal the decision to the Special Educational Needs & Disability Tribunal (Dudley SENDIASS can offer support).
- The local authority will write a draft EHCP using the information from the assessment to:
  - Establish and record the views, interests and aspirations of the parents and child or young person
  - Provide a full description of the child or young person's special educational needs and any health and social care needs
  - Establish outcomes across education, health and social care based on the child or young person's needs and aspirations
  - Specify the provision required and how education, health and care services will work together to meet the child or young person's needs and support the achievement of the agreed outcomes

## Advice and Information

**K**

- The advice and information gathered during the EHC needs assessment must be attached (in appendices). There should be a list of this advice and information. (paragraph 9.62 SEN Code of Practice 2014).



## What is a personal budget or a direct payment?

When an EHC needs assessment is being carried out or when an EHC plan is being reviewed, a parent or young person can request a personal budget for educational provision for a child or young person. The LA are obliged to consider the request.

The personal budget is a notional amount of money that would be needed to cover the cost of making some of the special educational provision specified in the EHC plan.

You can ask the LA to identify elements of the personal budget which you can receive as a direct payment allowing you to commission and pay for some of the provision in the EHC plan yourself.

But if the special educational provision is to be delivered in a school or college then the Head Teacher or Principle can disagree to a direct payment being made.

Any social care provision which must be made for a child or young person under 18 resulting from section 2 of the Chronically Sick and Disabled Persons Act 1970.

**H1**

- The EHC plan must specify services and can include:
  - o Practical assistance in the home
  - o Assistance in travelling to facilities
  - o Provision of meals at home or elsewhere
  - o Facilitating the taking of holidays

Any other social care provision reasonably required by the learning difficulties or disabilities which result in the child or young person having SEN.

**H2**

- This will include any adult social care provision being provided to meet a young person's eligible needs (through a statutory care and support plan) under the Care Act 2014.

### **Placement**

- This will be left blank in a draft EHC plan but the final EHC plan will name and type of the school, maintained nursery school, post-16 institution or other institution to be attended by the child or young person and the type of this institution (or, where the name of a school or other institution is not specified in the EHC Plan, the type of school or other institution to be attended by the child/young person).

### **Personal Budget**

- The details of how the personal budget will support particular outcomes, the provision it will be used for including any flexibility in its usage and the arrangements for any direct payments for education, health and social care. The special educational needs and outcomes that are to be met by any direct payment must be specified.
- Any amount of money specified in this section must be enough to secure the provision specified.



### **What should I do when I receive my draft EHC plan?**

- The LA will give you notice that you have 15 days to consider the contents of the draft EHC plan. You will be able to express your views, ask for more information or changes, either in writing or by requesting a meeting with the case officer. You have the right to request that a particular school or other institution is named in the final plan. You can phone the case officer and request extra time to allow you to look at the draft.
- The LA must send all the appendices containing the advice and information gathered during the EHC needs assessment with the draft plan.
- Read all the professional advices, this information will have been used to write the draft plan.
- You can contact Dudley SENDIASS who can offer extra advice and support and attend any meetings with you.

### **The Education, Health & Care Plans should be:**

- Person centred - put the views of the child/young person at the heart of the plan.
- Outcomes focussed - the definition of an outcome is the benefit or difference made to an individual as a result of an intervention.
- Clear, concise, understandable and accessible to parents, children, young people and professionals.
- Specific - the law requires that provision is specified with no vagueness or ambiguity.

## An EHC plan must include the following sections:

### Section

The views, interests and inspirations of the child and parents or the young person.

Information can include:

- A**
- Details of the child or young person's history including play, health, schooling, independence, friendships, further education and future plans including employment. Also a summary of how to communicate with the child or young person.

The child or young person's special educational needs.

- B**
- All of the child/young person's special educational needs must be specified if a child/young person needs health or social care provision that educates or trains them then the 'need' must be specified in this section.

The child or young person's health needs which are related to their Special Educational Needs (SEN).

- C**
- Any health needs which may need health care. But any health issues which may/are an educational need must be in Section B.

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

The outcomes sought for the child or the young person. This should include outcomes for adult life.

- E**
- A range of outcomes over varying timescales covering education, health and care as appropriate. EHC plans for young people over 17 should clearly identify which outcomes are education and training outcomes as these will determine when a plan can be ceased.
  - The arrangements for monitoring progress towards these outcomes.

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

- All the special education provision required for each and every need in Section B to support the child/young person in education and training should be specified. This may include hours and frequency of support and the level of expertise.
  - Speech and language therapy should be included here.
- F**
- Any equipment, staffing arrangements and curriculum modifications.
  - From Year 9 and beyond provision required to assist the preparation for adulthood and independent living.
- **The Local Authority has a legal duty to ensure any provision set out in Section F is made and delivered. The provision should normally be quantified in terms of the type, time allocation and frequency of support and who is delivering it.**

Any health provision reasonably required by the learning difficulties or disabilities which result in the child or young person having SEN. Where an Individual Health Care Plan is made for them, that plan should be included.

- G**
- The health care provision must facilitate the development of the child/young person to achieve the best possible health outcomes.
  - Once specified here the provision must be secured by the relevant health commissioning board. But only provision 'reasonably' required must be included here.
  - Health care provision may include physiotherapy and occupational therapy, a range of nursery support, specialist equipment, wheelchairs and continence supplies.