

Somerset SENDIAS

Special Educational Needs and Disability Information, Advice & Support
A free impartial service for children and young people with SEND (aged 0-25),
and their parent carers



A Parent Carer's Guide to the Education, Health and Care (EHC) Process

This leaflet tells you about the Education, Health and Care (EHC) process, including EHC Needs Assessments, EHC Plans and the disagreement resolution and mediation process.

What this leaflet will help with



Meanings of important words are explained at the start of the leaflet.

For more help, advice and support on the information in this leaflet you can contact:

Somerset SENDIAS



01823 355578



Somersetsendias@somerset.gov.uk



www.somersetsend.org.uk

Or go to: **Somerset Local Offer**



Use your search engine to find Somerset Local Offer



GOV.UK

For information on education and children's services
www.gov.uk

Meanings

Important words in this leaflet are explained below:

SEND	Special Educational Needs and Disability.
Child	A child is aged under 16 years of age and under.
Young person	A young person is aged 16 to 25.
Parent carer	<p>A parent carer is someone who has a parenting and caring responsibility for a child or young person. Often, they are a mum or dad but some children and young people are looked after by other people who act as parents.</p> <p>This could be:</p> <ul style="list-style-type: none">• a grandparent• a brother or sister• a carer.
Appendix A	This is the form that parent/carers or young people (aged 16 to 25) use when asking for an Education, Health and Care Needs Assessment.
Education, Health & Care Plan	<p>An Education Health and Care Plan is a document that says what help a child or young person who has SEND should get and how they should get this help.</p> <p>This used to be called a Statement.</p>
Education, Health & Care Needs Assessment	<p>This assessment looks at the extra help a child or young person with SEND might need in their life and education.</p> <p>This includes getting reports from different services that help and support a child or young person.</p>

Educational setting	This includes all early years' providers, schools and colleges which provide education (or training for post-16).
Local authority	<p>This is the group of people who look after things in a local area, like services to support children and young people.</p> <p>Somerset County Council is the local authority responsible for services in Somerset.</p>
SEND Statutory Team	The local authority team that manages the process for Education, Health and Care Plans and other processes.
SENDIAS	An information, advice and support service about special educational needs and disabilities for parent carers, children and young people (aged 0 to 25).
Statement	<p>A document that used to be given to children and young people with special educational needs who needed a lot of support</p> <p>This has been replaced by the Education, Health and Care Plan.</p>
SEND Panel	The group of professional people from education, health and social care who make decisions about Education, Health and Care Needs Assessments and Plans.

Assessment Review Officer	Someone who manages the process for Education, Health and Care Needs Assessments and Plans.
Aspiration	The hopes, wishes or dreams of a child and their parent carer(s), or the young person.
Outcome	An outcome is the way something turns out or the end result.
Personal Budget (within an Education, Health and Care Plan)	This is the amount of money which Somerset County Council sets aside for a child or young person in their Education, Health and Care Plan. Parent carers or young people have a right to know the Personal Budget within an Education, Health and Care Plan.
Direct Payment	<p>This is the payment which may be given to a parent carer for their child, or to the young person, so they can choose and buy the services needed in the Education, Health and Care Plan, instead of getting them from the local authority or health service.</p> <p>An Assessment Review Officer can give you information about this.</p>
Disagreement	A disagreement is when people have a different opinion about something. A disagreement could be between a local authority and a young person or a parent carer.
Disagreement resolution	A way to help try and fix disagreements between people.

Mediation	<p>Mediation is a meeting to help people who disagree about something, like the support someone gets. Mediation helps people to find an agreement.</p> <p>Someone from a mediation service helps with this meeting.</p>
Appeal	<p>An appeal is what someone does when they want to try and change a decision about their SEND needs or their SEND support.</p>
Special Educational Need & Disability (SEND) Tribunal	<p>The Special Educational Needs and Disabilities Tribunal is a court that listens to appeals and decides if a decision should be changed.</p>
Disability discrimination	<p>Disability discrimination can be experienced when someone is treated worse than someone else because of their disability.</p>

Note: in other leaflets, Education, Health and Care Plan may be referred to as EHC Plan or EHCP.

What is an Education, Health and Care Plan?

A child or young person might need extra help in school, college or training to help them learn.

This can include help given to a child or young person with a health need, such as a physical or medical condition, to help them learn.

When a child or young person needs a lot of extra help a legal document is needed to make sure they are given help to learn.

This legal document is called an **Education, Health and Care Plan**.

The views, wishes and feelings of children and their parents, or the young person, must be considered by the local authority.

Questions might be asked about:

- what help your child, or the young person needs
- the school or college your child, or the young person wants to go to
- what your child, or the young person wants to do in the future



A young person aged 16 years or older will be the main person making decisions about their life, including their education, and the help and support they get to prepare them for adult life.

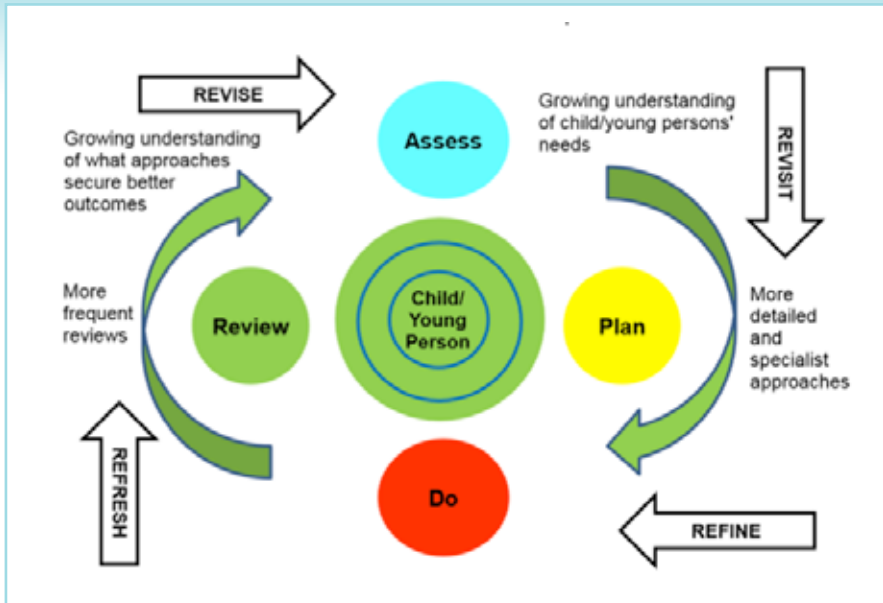
This is based on the Children and Families Act (2014), which says that parental rights under law related to the young person's education will automatically pass to the young person (aged 16 or older).

The young person may want to ask their parent carer(s) to help them with these decisions, but they don't have to if they don't want to.

The Graduated Approach

The Department for Education has set out a process within the SEND Code of Practice (2015) which educational settings should follow to best support pupils with SEND.

This process is known as the Graduated Approach and is based on an Assess, Plan, Do, Review cycle. Early education settings, schools and colleges use the Graduated Approach to take action to remove barriers to learning by putting effective special educational provision in place.



If, following review of the increased levels of support, a child or young person is not making educational progress, an early years' setting, school or college could decide that more specialist support is needed. A school or college may then apply for an **Education, Health and Care Plan**.

Note: a young person aged 18 or older, might need an Education, Health and Care Plan to make sure they can finish their education or training.

Asking for an assessment

To get an Education, Health and Care Plan, an assessment of a child or young person's education, health and care needs must first be carried out by the local authority. This assessment is known as an **Education, Health and Care Needs Assessment**.

Educational settings can ask the local authority for an assessment of a child or young person's needs. Parent carers and young people (aged 16 to 25) can also ask for an assessment.

Ideally, before asking for an assessment, the educational setting, parent carers and/or young person should talk together and agree information that will support the process.

Parent carers can also ask for an Education, Health and Care Needs Assessment for their child or young person by contacting the **SEND Casework Team:**



Somerset Direct

0300 123 2224



SENDassessmenthub@somerset.gov.uk or
SENDreviewinghub@somerset.gov.uk



SEND Inclusion Team

County Hall

Taunton

TA1 4DY

Help and Guidance

If you need help asking for an Education, Health and Care Needs Assessment, Sendias can help.

Sendias can help you to complete a form called Appendix A

- support parent carers or young people (aged 16 to 25) asking for an Education, Health and Care Needs Assessment **and**
- Support children, young people and their parents/carers with preparing for a tribunal.
- Individual information, advice and support to help collate understand and interpret information and help to prepare and support at meetings.

To ask for Impartial, Information, Advice and Support in Somerset contact:

Somerset SENDIAS




01823 355578



Somersetsendias@somerset.gov.uk

Some of the people who could be involved in an Education, Health and Care Needs Assessment

Education 	
School/college SENCO (Special Educational Needs Co-ordinator)	A teacher who makes sure that students with special educational needs or disabilities get the support they need.
Senior Assessment & review officer/ Assessment Review Officer	Someone who manages the process for an Education, Health and Care Needs Assessments and Education, Health and Care Plan.
Educational Psychologist	Someone who has specialist training to look at how a child or young person can be better supported to learn.
Specialist teacher	A teacher who has specialist training and skills in supporting students with SEND.
Occupational Therapist*	A health worker who helps people when they have an injury, illness or disability, to manage daily tasks and activities.
Speech and Language Therapist*	A health worker who provides treatment, support and care for children and young people who have difficulties with communication, or with eating, drinking and swallowing.

Health



General Practitioner (GP)

A doctor who looks after the general health needs of people in a local area.

Paediatrician

A specialist doctor who looks after children and young people.

Physiotherapist

A health worker who helps to improve physical movement for people with an injury, illness or physical disability.

Care



Social Worker

Someone who works for Somerset County Council and helps children, young people and their families to have better lives.

***Note** - these services may come under the education or the health provision in your child's EHC Plan.

What to expect when you ask for an Education, Health and Care Needs Assessment

You should expect to:

- share thoughts and views about your child or young person's needs and the support they need to help them learn and achieve their aspirations. This will be included in the document called Appendix A.
- support your child or young person in sharing their thoughts and views.

If the SEND Panel **agree** to an Education, Health and Care Needs Assessment: lots of people will think about the child or young person's needs and give their views about how to help and support the child or young person.

If the SEND Panel **does not agree** to an Education, Health and Care Needs Assessment or to issue an Education, Health and Care Plan and you do not agree with this decision, you can ask the local authority to rethink its decision. **Somerset SENDIAS** can help you with this.

What information is in an Education, Health and Care Plan?

An Education, Health and Care Plan has 11 sections:

Section A	Child or young person's address details, views and aspirations
Section B	Child or young person's SEND needs.
Section C	Child or young person's health needs.
Section D	Child or young person's care needs.
Section E	Child or young person's short-term targets and longer-term outcomes.
Section F	Child or young person's educational support.
Section G	Child or young person's health support (if they have a Health Care Plan it will be included here).
Section H	Child or young person's social care support.
Section I	Name and type of nursery, school or post-16 setting.
Section J	Personal Budget and any Direct Payments for education.
Section K	List of the advice and information gathered during an Education, Health and Care assessment.

If your child or young person gets an Education, Health and Care Plan the local authority must provide the education and social care support described in the Plan.

Note: Sections B, F and I also sections C and G for social care can be appealed if you do not agree with the information.

How can I get an Education, Health and Care Plan for my child or young person?

The process is shown in the diagram below:

Week 1

Ask for an Education, Health and Care Needs Assessment:
SEND Panel considers information in the request including your views and those of your child or young person.

By week 6

SEND Panel agree (or not) to an Education, Health and Care Needs Assessment.

By week 10

An Education, Health and Needs Assessment is carried out, if agreed by the SEND Panel. The SEND Panel considers reports from the Assessment.

By week 14

The SEND Panel agree (or not) to issue an Education, Health and Care Plan.

Before or at week 18

A draft Education, Health and Care Plan is written by the SEND Casework Team which will be talked over with a child's parent carer(s) or the young person.

Before or after week 20

When everyone agrees (including you and/or your young person) with the draft Plan, a final Education, Health and Care Plan is issued.

Disagreement resolution and mediation services

All local authorities must provide independent disagreement resolution and mediation services.

These services can help young people or their parent carers when they disagree with the local authority or another service providing SEND support. This could include schools, colleges or post-16 provision.

Global Mediation

REPLACING CONFLICT WITH HARMONY

Global Mediation is the independent service providing disagreement resolution and mediation services for young people and parent carers in Somerset.



0800 064 4488



sen@globalmediation.co.uk



www.globalmediation.co.uk

Or go to: **Somerset Local Offer**



Use your search engine to find Somerset Local Offer

What is disagreement resolution?

Disagreement resolution services help people when they do not agree with the support for a child or young person who has SEND.

Everyone involved, for example, parent carer(s) and/or the young person, the school or SEND Reviewing Officer must agree to have disagreement resolution before it can go ahead.

What is Mediation?

Mediation can help young people and their parent carers who are unhappy with decisions made about Education Health and Care Needs Assessments or Plans.



Somerset County Council (the local authority) must tell you or your young person about mediation services and give information about Global Mediation when they have made a decision about your child or young person's Education Health and Care Needs Assessment or Plan.

Mediation process

If you or your young person wishes to make an appeal to the SEND Tribunal, contact Global Mediation first to get advice about the mediation process. You or your young person can then choose to have mediation or not.

Somerset SENDIAS or **Global Mediation** can give you information to help you decide if mediation is a good choice for you.

Appeals

If after considering disagreement resolution and/or mediation you or your young person is still unhappy, an appeal can be made to the SEND Tribunal.

Disability Discrimination

Appeals can also be made about discrimination against your child or young person (because of their disability) by a school or local authority.

Mediation advice is not required if the appeal is about a disability discrimination claim.

Appeals by young people

Young people can make an appeal if they are over 16 years of age and under 25. Young people must also be either:

- in education, for example at a school or college - or trying to get into one
- taking part in an apprenticeship, internship or workplace scheme - or trying to get into one

Appeals can be made by young people (aged over 16 but under 18) in custody e.g. a prison or young offender institution. Young people cannot make an appeal if they are studying at university or trying to get into one.

All appeals must be made within **2 months** of the date of the local authority's decision letter or 1 month from the date of the mediation certificate - whichever is later. **Global Mediation** will provide a mediation certificate if you or your young person choose not to have mediation.

Where can I get more information, advice or support?



HM Courts &
Tribunals Service

HM Courts & Tribunal Service
First-tier Tribunal
(Special Educational Needs and Disability)
1st Floor, Darlington Magistrates Court
Parkgate
Darlington
DL1 1RU



01325 289 350



sendistqueries@hmcts.gsi.gov.uk



www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability



The SEND Tribunal forms for making an appeal are:

Form SEND35 - Education Health and Care appeal form for all 0-25 years.

Form SEND35A - to appeal against B,F I and/or social care and health needs and provision.



May 2019

Working together for equalities

This document is also available in Braille, large print, tape and on disc and we can translate it into different languages.



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