



EHCP FAQs

1. What is an EHCP?

An EHC plan describes your child's educational, health and care needs, and the help they will get to achieve their ambitions.

It is a legal document drafted and maintained by the local authority, for children and young people whose needs cannot be met by the support that is usually available at our school.

2. Does my child need a diagnosis to get an EHCP?

A diagnosis is not required to secure an EHC plan. It is about the identified needs and whether these can only be met with an EHC plan. Some children and young people with an EHC plan will have a diagnosis and some won't.

Health colleagues are required to provide advice during an EHC needs assessment within six weeks of a request. As the timescale is set in law, you may find that the advice provided (about health needs and provision) may not include a confirmed diagnosis – as this can sometimes take longer to determine. There will be further opportunities to update the EHC plan with new information.

3. Is it only school that can request an EHCP?

Usually a request will be made by the setting (to the local authority). Where there is an educational need, it would be appropriate for a school to apply if it is deemed appropriate. However, as a parent, you have the right to request an EHC needs assessment yourself at any time. If you are considering making an EHCP assessment application, please speak to the SENCo before doing so.

4. How long does it take to apply for an EHCP?

Before a school can apply for an EHCP assessment, sufficient evidence and assessments must be gathered by the school and outside agencies where appropriate. Usually the local authority like to see at least two terms of evidence under 'assess, plan, do, review', however they have the right to vary on these timescales based on the individual case, particularly where there are health needs. Once this evidence has been gathered, the SENCo will make an application. The SENCo will go through this with parents asking them to sign it before submission to the LA. This is a long and detailed document and it can take several weeks once all evidence is in place. Please remember our SENCo cannot solely focus on one application; they will be managing the cases of all SEN pupils within the school at the same time.

Once the application is submitted, the local authority has 6 weeks to decide if they will agree to assess or not. They can decide not to assess for a number of reasons and these will be listed when they write to you. Whilst this can be disappointing, it is important to liaise with the SENCo to establish if it is worth reapplying or if their decision would unlikely change.

If they agree to assess, they will then complete the assessment process. It will go back to the SEN panel and a decision will be made to issue a plan or if a child can have their needs met at SEN support level. All in all, this should take about 20 weeks from the point of the application being submitted to the local authority.

5. Why is social care contacted as part of the process?

The local authority must seek advice from social care as part of the assessment process. Where any related social care needs are identified, these would become part of an EHC plan for a child. Any health or social care provision which educates or trains your child must be included within educational provision (section F of an EHC plan).

6. What if the LA refuse to assess for an EHCP?

The local authority must let you know why they reached this decision and tell you about your rights to mediation and appeal.

7. If an application is made will my child get an EHCP?

An EHC needs assessment will not always lead to an EHC plan.

If the local authority decides an EHC plan is not necessary, they will write to you to explain why and include information about your rights to mediation and appeal. Information gathered as part of the assessment will indicate ways in which the setting can meet your child's needs without an EHC plan.

8. What is a personal budget?

Personal budget information <https://www.leicestershire.gov.uk/education-and-children/special-educational-needs-and-disability/information-and-support/personal-budgets-for-disabled-children-and-young-people>

9. What happens if my child moves to another authority?

If you plan to move to another local authority area you should contact the 'old' and the 'new' local authorities so the support specified in the EHC plan will be in place. The 'new' authority will amend the plan and name the new school or college. This is usually done at the next annual review.

The 'old' local authority must transfer the EHC plan on the day of the move, as long as it has had 15 working days' notice.

10. What happens with the EHCP when my child leaves education?

An EHC plan is only for young people with special educational needs. Training can be considered an educational need, for example an apprenticeship or internship.

If your child is no longer in further education (or training) or moves onto University, the local authority will likely cease the EHC plan at the next annual review.

11. Will the EHCP continue if my child goes to university?

No, EHC plans are only for young people in further education, and will cease when they go into higher education.

12. My child's EHCP says X numbers of hours or equivalent. Will they have 1:1 support for this number of hours?

No. The local authority issue plans based on hours of support, but this is linked to a figure of top up funding. The school determines how best to allocate that funding. That may be through the use of specialist equipment, counselling, learning mentor support, group input, etc.

It can mean that a child works 1:1 with an adult sometimes, with one or two other children, in a small group or within the class with adaptations. There may be times when a child does not need support. The concept is to always foster independence at the right moment, having an adult alongside them all day every day does not allow a child to develop any independence or the social skills which they will need as they get older. It is usually a combination of all of the above and possibly more depending on the individual needs of the pupil.

13. Who do I speak to about my child's EHCP assessment application?

In the first instance please speak to our SENCo if you have any questions or concerns. You can contact Leicestershire SENA assessment service on 0116 305 660 or via <https://www.leicestershire.gov.uk/education-and-children/special-educational-needs-and-disability/where-to-start-with-send/get-help-with-your-childs-progress/contact-the-sena-service>

14. Can you recommend secondary schools for my child?

Unfortunately, we cannot recommend schools to you. We can discuss the type of setting that would be appropriate if your child has an EHCP (i.e. special, alternative or mainstream) but we are not allowed to recommend individual schools. You should contact the schools that you are interested in and visit them where possible to get a feel for the school. Show them your child's EHCP and discuss the SEND support they offer. Also, include your child in discussions about where they may want to go. Ultimately, the final decision rests with the local authority who will decide which provision is appropriate and where.

15. What is mediation?

Mediation can happen when the local authority make a decision around an EHCP (such as not agreeing to assess or issue a plan or not agreeing to a change of placement) and the parent does not agree with that decision.

Mediation is an independent body from the parent and the local authority that meets alongside the two parties to try and come to an agreement. Often mediation is sufficient enough to resolve an issue, but where things are still not resolved there is an option to go to tribunal. This is a legal process and advice should be sought from a solicitor before this point.

School might attend if requested to do so, however it is important to note that we can only present factual information and must remain impartial. Schools cannot request mediation - this must be done by parents. Information on obtaining mediation will be given on any decision letter by the Local Authority. It is entirely the parent's decision if they wish to proceed to mediation or not.

16. What is an annual review?

The annual review is the statutory process of looking at the needs and provision specified in an EHC Plan, and deciding whether these need to change. The local authority has the right to amend or cease a plan based on what is discussed in the review, so hours/support can go down as well as up based on how the child has progressed.

The SENCo will contact you 6-8 weeks before the review date to check everyone can attend and request reports. Sometimes the SENCo will request reports from or for professionals to attend these reviews too. Annual reviews must be completed within 12 months of a plan being issued or the previous review taking place. The school or parent have a right to call an emergency or early annual review if needs have significantly changed and it cannot wait until the scheduled annual review.

17. Who can I talk to about EHCPs?

Please speak to our SENCo if you have any questions about EHCPs. There is also a lot of information on our school website. For independent, impartial advice contact SENDIASS at <https://sendiassleicestershire.org.uk/>