

Guidance to support the delivery of the Education, Health and Care assessment and planning pathway for the Isles of Scilly.

February 2017

Version 1.1

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1. Introduction

This guidance sets out our approach to the delivery of the **Education, Health and Care (EHC) needs assessment** and planning process that we use on the Isles of Scilly (the local authority). The majority of children and young people with special educational needs and disability will have their needs met within their educational setting but there will also be some who may require an EHC needs assessment in order for us to decide whether it is necessary to make provision in accordance with an **Education, Health and Care plan**.

However, before an EHC needs assessment is started and in most cases, a child or young person will have been identified as requiring special educational needs provision and the appropriate interventions put in place to respond to their SEN. Where a pupil is identified as having SEN, support will take the form of a four-part cycle (the graduated approach) where decisions and actions are revisited, refined and revised to build a better understanding of what supports the pupil to make good progress and to secure good outcomes. Assessments and planning the next steps will always be undertaken in consultation with the parents/carers and where possible, the young person themselves.

In a small minority of cases it may be necessary to initiate an EHC needs assessment ahead of the graduated assessment process. This may occur where a child or young person has been diagnosed with a severe sensory impairment or other impairment which without immediate specialist intervention, beyond the capacity of the school or other provider, would lead to increased learning difficulties.

Our intention is to engage with parents and young people at an early stage where there are concerns about the development or progress of a child or young person and to put in place the right level of support matched to their needs. This is called early help and may lead to an Early Help Assessment where circumstances indicate a multi-agency response and which may avoid the requirement for an EHC needs assessment.

Where an EHC needs assessment is necessary our aim is to ensure that the assessment and planning process will be child/young person centred and:

- highlight the strengths and identify the needs of the child/young person
- reflect the views, wishes and feelings of the child/ young person and their parents
- be aspirational
- focused on outcomes
- bring together the child/young person and parents to agree outcomes together
- co-ordinated with health and care assessments (where possible).
- completed in accordance with statutory timescales

This section should be read in conjunction with:

The SEN Information Report compiled by Five Islands School

<http://www.fiveislands.scilly.sch.uk/send/>

A guide on the support system for children and young people with special educational needs and disability (SEND).

<https://www.gov.uk/government/publications/send-guide-for-parents-and-carers>

The Council of the Isles of Scilly Local Offer

<http://www.scilly.gov.uk/childrens-services/isles-scilly-local-offer>

The Special Educational Needs and Disability Code of Practice: 0-25 years issued by the DfE and DOH (January 2015). Specifically, the section relating to special educational provision in schools p.99)

<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

2. Who is this guidance for?

This guidance is for:

- young people and their supporters
- parents and carers¹ and their supporters
- anyone meeting the needs of the child or young person at SEN support including:
 - staff from educational settings
 - local authority practitioners, including education and social care staff.
 - health practitioners, including paediatricians, therapists and Child and Adolescent Mental Health Service (CAMHS) staff.

¹ In this document parents and carers is used to describe the person/s with parental responsibility.

3. What is an Education, Health and Care Plan?

Since September 2014, there has been a new approach to planning and assessment of support for children and young people with special educational needs (SEN). The Education, Health and Care (EHC) Plan replaces the statement of special educational need. EHC Plans are for children and young people aged 0-25, where there is an identified special educational need, in full time education with significant and complex special educational needs.

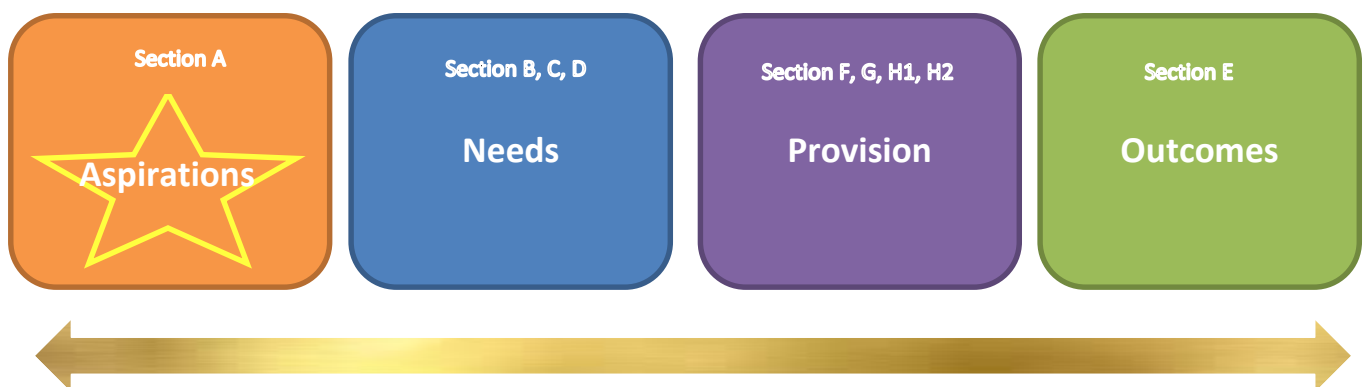
The purpose of the plan is to make special educational provision to meet the special educational needs of the child or young person, to secure the best possible outcomes for them across education, health and social care and as they get older, prepare them for adulthood

This is achieved in a coordinated process involving the child or young person and parents, with professionals across education, health and social care services working together to co-produce an EHC Plan.

An EHC Plan must:

- 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 needs and aspirations. The long term focus should be on preparing for adulthood and the young person being independent, having relationships, being healthy and being in employment.
- specify the provision required and how education, health and care services will work together.

A good quality Education, Health and Care Plan will contain a 'golden thread' (in the words of the Department for Education) that connects the aspirations of the child or young person (or the aspirations of the family for the child) with their needs, provision and outcomes.



3.1 Definition of SEND

To understand what we mean by Special Educational Needs and Disability (SEND), the SEND Code of Practice provides a definition which states that SEN is where a child or young person has a learning difficulty or disability which calls for special educational provision to be made for him or her. A child of compulsory school age or a young person has a learning difficulty or disability if he or she:

- has a significantly greater difficulty in learning than the majority of others of the same age, or
- has a disability which prevents or hinders him or her from making use of facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions.

Many children and young people with SEN may also have a disability as set out under the **Equality Act 2010**. While this is often the case, not all children or young people with a disability also have SEN. However, in both cases schools, early year's settings and local authorities (and other institutions) have a legal duty to ensure they do not discriminate for any reason arising from the child or young person's SEN and/or disability, which includes making reasonable adjustments to the provision of services, admissions arrangements and physical access.

3.2 SEN Support

Each educational setting on the Isles of Scilly should provide high quality teaching that is differentiated, personalised and age appropriate for all children and young people, including those who are having their needs met at SEN support².

Where a child or young person has been identified and assessed to have special educational needs and disability (SEND) they will receive targeted and additional support in school or the early years setting with the purpose of removing barriers to learning. This is known as **SEN support**. The pupil and parents will be given clear information about the nature of the support and interventions so that they can be involved in planning next steps.

SEN support will take the form of a four stage cycle where the impact and effectiveness of actions taken to support the child or pupil will be revised and refined and progress against agreed outcomes is recorded. This is known as the **graduated approach** and the information gathered will provide the evidence that we will want to review if an EHC needs assessment is requested.

The school or setting may consider involving a specialist for advice on effective support or interventions and this can be initiated at any point. Specialist involvement will be essential where, despite evidence based SEN support the child or pupil continues to make little or no progress or where they continue to work at levels substantially below those expected of children/pupils of similar age.

² See p 25 and chapters 5, 6 and 7 of the SEND Code of Practice

Sometimes, in addition to SEN support for an individual child, the Early Help process can help co-ordinate cross-agency support for the family and signpost them to the right services to match their needs. Where a child receiving SEN support is part of a Team Around the Child, outcomes relevant to the child will also be recorded in their Individual Education Plan (IEP) and reviewed termly.

4. When should a request for an EHC needs assessment be made?

SEN support begins when a child receives support that is additional to or different from the school's core offer. This is also the case for a young person who may have a learning difficulty or disability which calls for special educational provision to be made for them that is additional or different support from what is usually available to young people of the same age in a mainstream college.

Where a child or young person is receiving SEN support in either a school or college the effectiveness of the support and its impact on the child/young person's progress should be reviewed regularly. Schools will have set out types of special educational provision they provide within their SEN Information Report³. Post-16 further education colleges, sixth form colleges 16-19 academies and independent specialist colleges, approved under Section 41 of the Children and Families Act 2014 have a duty to use their best endeavours to secure the special educational provision that the young person needs. However, for school age children and young people in a post-16 setting, school or college, the guidance on when to consider requesting an EHC needs assessment is the same and begins with accurate information that evidences SEN support and its impact which indicates that:

- despite the school having taken relevant and purposeful action to identify, assess and meet the SEN of the child or young person, the child or young person has not made expected progress
- the educational provision required to meet the needs of an individual pupil exceeds the nationally prescribed threshold

Where this is the case, the parent or young person and the Special Educational Needs Coordinator (SENCO) will meet together with the Educational Psychologist and other professionals involved with the child/young person, to evaluate the impact of the support and interventions and consider the next steps. From this discussion it may be concluded that the SEN provision should be changed in light of the pupil's progress and development or a decision to ask the local authority to conduct an EHC needs assessment with the agreement of the parents/carers or young person, will be made.

³ This is set out in the Five Islands School SEN Information Report - <http://www.fiveislands.scilly.sch.uk/send/>

5. How to request an EHC needs assessment

To make a request for an EHC needs assessment on the Isles of Scilly a '**Request for initiating an Education, Health and Care needs assessment**'⁴ should be completed. In addition to this the child or young person, with the help of their parents or key worker, if required, should complete '**My Hopes, Dreams and Aspirations**', appropriate for the age of the child/young person, and submitted with the request form with supporting evidence that may include:

- A EYFS summative assessment
- A recent IEP or Student Passport
- Medical letter or diagnosis report (where relevant)
- Speech and language or occupational therapy report
- Social care statutory plan (where existing)

This is not an exhaustive list, there may be additional information that you wish to submit that you feel will help inform the SEN panel in making a decision. Importantly, the views of the parent(s), carer or young person (if they are over 16, at the end of compulsory school age and below 25) are essential. If they wish to submit their views separately or would appreciate support from the Cornwall Parent Partnership Service they can be contacted on: <http://www.cornwallpps.org.uk/> . Alternatively, the Isles of Scilly Local Offer has full details.

It is also important to emphasise that the decision to request an EHC needs assessment should be done in collaboration with the parents and the young person. Information supplied on the request form should be discussed with the parent and young person and their permission to share additional reports for inclusion in the request should be obtained.

When completed the request form, any additional supporting evidence, the child and parent's views should be sent to the following address:

Senior Officer: Children
Children's Services
Council of the Isles of Scilly
Town Hall
St. Mary's
Isles of Scilly
TR21 0LW

The **SEN Panel** will make a decision whether there is sufficient evidence to warrant the initiation of an EHC needs assessment within 6 weeks of the request being received and accepted as being complete. We will endeavour to give a decision sooner if all the relevant information has been provided by the parent, young person, school or early years setting. It is therefore essential that the person responsible for completing the form submits all the evidence that they wish to be considered.

⁴ Guidance notes and a check-list for completing a request for an EHC needs assessment is available as an Annex to this document.

If the SEN panel determine that an EHC needs assessment is necessary, we will communicate the decision to the child's parent or to the young person and the school or setting. We are not required to undertake an EHC needs assessment for a child or young person if this has already been completed within the last 6 months.

From the date when we agree to carry out an EHC needs assessment we have a total of 20 weeks to finalise an EHC plan if this is the agreed outcome.

6. Who can request an EHC needs assessment?

The following people have a specific right to ask the local authority to conduct an EHC needs assessment for a child or young person age between 0-25:

The child's parent or guardian

In the case of a parental request, or a request by a Social Worker in respect of a child in care, the parent or guardian should write a letter to the Senior Officer in Children's Services requesting an EHC needs assessment, and provide the evidence to show why they think an EHC needs assessment is necessary. On the receipt of such a request, we will ask the school or early years setting where the child or young person is on roll, to provide information. It is essential that the school or early years setting provides this information within the specified timescale, even if the setting does not endorse or agree with the parental request. It should be noted that all requests are treated in the same way and there is no advantage to the request being submitted by the parent.

Parents should always be informed that they may contact the Cornwall Parent Partnership Service, which provides impartial advice and support to help parents to understand the process and to make their views known.

A young person

In the case of a young person requesting an EHC assessment they must be over 16 (from the end of compulsory school age) and under 25 years of age. There is a presumption that they will be engaged in education, training or an apprenticeship. If the young person with SEND has recently left an education, training or an apprenticeship placement and intends to return to education they may still request an EHC needs assessment to establish what support they may need in order to make a success of a fresh start in education. To request an EHC needs assessment they must write a letter to the Senior Officer for Children's Services describing their SEN, where they attended school or college and what support they have received in their education. Additionally, they should include any current reports from professionals in education, health and care that are relevant to the request. It is helpful (but not essential) for the parent or carer of the young person to endorse the request and include their views.

School or early years setting request

A request for an EHC needs assessment by a school or early years setting is usually submitted by the SENCO acting on behalf of the school or setting. This will ideally be with the full knowledge and agreement of the parent. It is expected that parents are involved from the beginning of the SEND process and the child or young person in receipt of SEN support agrees to the outcomes to be achieved. Where the child or young person has not

made expected progress despite the school taking relevant and purposeful action, the school, in conjunction with the parents may consider making a request for an EHC needs assessment.

Other people who may also request an EHC needs assessment for a child or young person.

In addition, anyone else can request an EHC needs assessment for a child or young person where they think it may be necessary. This could include, for example, foster carers, health and social care professionals, early years practitioners etc. Where a request is made on an individual basis such as this it will usually be because of specific concerns and should be done with the knowledge and, where possible, agreement of the child's parent or the young person.

The purpose of an EHC needs assessment is to ascertain whether the child or young person:

- has Special Educational Needs that are long term (lasting over a year) severe and complex and has possible SEN related social care and/or health needs
- has SEN that has not responded to sustained, relevant and purposeful measures taken by the educational setting and external agencies
- needs SEN provision which cannot reasonably be provided within the delegated resources available to mainstream educational settings
- needs an EHC plan to ensure that their needs are met.

7. How do we decide if an EHC needs assessment is necessary?

7.1 What criteria do we use?

The Local Authority will carry out an EHC needs assessment for children and young people who have SEN and may also have social care and/or health needs when there is clear evidence that:

- their SEN are long term, severe and complex
- **and** the child or young person has not made expected progress despite the sustained, relevant and purposeful measures taken by the educational setting and external agencies; using the graduated approach.
- **and** the necessary SEN provision cannot reasonably be provided within the resources normally available to mainstream educational settings⁵.

⁵ In this document educational settings is used to describe: early years settings, schools and colleges

Very occasionally the above evidence is not available but an EHC needs assessment needs to take place. For example, this could be when the child/young person suddenly acquires severe and complex needs as a result of an illness or accident⁶.

The following criteria has been developed as a guide to helping the moderating panel decide if it is necessary to carry out an EHC needs assessment. The criteria are based on the four broad areas of need set out in the 0-25 SEND Code of Practice (Paras 6.28 – 6.35). These are:

Communication and interaction

- Speech, Language and Communication Needs (SLCN)
- Autistic Spectrum Disorder (ASD)

Cognition and learning

- Specific learning difficulty (SpLD)
- Moderate learning difficulty (MLD)
- Severe learning difficulty (SLD)
- Profound and multiple learning difficulty (PMLD)

Social, emotional and mental health

- Code of Practice Para 6.32- 6.33

Sensory and/or physical

- Visual impairment (VI)
- Hearing impairment (HI)
- Multi-Sensory impairment (MSI)
- Physical disability (PD)

Some children and young people have needs that fit into one discrete area, some have needs that span two or more areas and for a small number of children and young people the precise nature of their need may not be clear.

When requesting an EHC needs assessment, there are general and specific indicators for each broad area of need that must be present plus additional indicators that may be also be present and evidenced.

In exceptional circumstances, it is possible for a combination of slightly less severe special educational needs to have a cumulative effect on a child or young person's educational progress. In this case an EHC assessment may be considered if the cumulative effect calls for SEN provision which cannot reasonably be provided within the resources normally available to the child or young person's setting.

⁶ see 9.16 p146 SEND Code of Practice

1. Communication and interaction

Children and young people with speech, language and communication needs (SLCN) have difficulty in communicating with others. This may be because they have difficulty expressing themselves, understanding what is said to them and/or they do not understand or use the social rules of communication. They may have difficulty with one, some or all of the different aspects of speech, language or social communication at different times of their lives. Children and young people with ASD, including Asperger's Syndrome, are likely to have particular difficulties with social interaction, communication and imagination which can impact on how they relate to other people.

Need specific criteria Communication and Interaction (Children 0-16)	
General indicators which must be present	
<p>Rate of progress (developmental progress in the early years) is of constant concern, despite receiving relevant and purposeful intervention over time</p> <p>and</p> <p>the gap between his/her speech language/communication skills and that of peers continues to widen</p> <p>and</p> <p>assess, plan, do, review cycle has been used, over a time, to identify rate of progress and plan provision</p> <p>and</p> <p>differentiated provision has not resulted in expected progress towards learning and/or developmental outcomes (EY goals)</p> <p>and</p> <p>access to additional assessment, advice and/or support over time from relevant specialist teams or services which has been acted upon</p>	
Specific indicators which must be present	Additional indicators which may be present
<p>Communication and Interaction</p> <p>In the Early Years - progress, as recorded on the Early Speech and Language Development Chart, indicates a significant developmental delay, at least 1 year behind at 24 months, at least 2 years behind at 48 months.</p> <p>In the Early Years and School</p> <p>a speech and language therapist has identified</p> <ul style="list-style-type: none"> - severe language disorders affecting vocabulary, phonology and - a range of <i>significant and complex</i> communication difficulties including expressive and receptive language, semantics and pragmatics 	<p>Displays emotional and/or social difficulties that are a barrier to his/her learning, or the learning of the group, despite the implementation of an individualised behaviour support programme including appropriate modifications to the learning environment</p> <p>and/or</p> <p>speech and language difficulties affect self-esteem, social skills and relationships</p> <p>and/or</p> <p>involvement from a wider multidisciplinary team is required to plan and monitor progress</p>

<p>and/or</p> <p>the child/YP has been diagnosed with a condition such as Fragile X or Autistic Spectrum Disorder which:</p> <ul style="list-style-type: none"> - presents with <i>frequent and intense</i> social interaction difficulties and - <i>severely</i> impacts curriculum access e.g. severe difficulties in following instructions, highly atypical behaviours, significant resistance to changes in routines, highly inappropriate social behaviour leading to social isolation or in the EY act as a barrier to accessing the setting. 	<p>and/or</p> <p>requires additional support from Social Care where the child/young person's disability has a substantial or critical impact on the quality of the child/young person's life</p> <p>and/or</p> <p>information from health and/or social care professionals indicates continuing health care needs or that a continuing health care needs assessment is necessary.</p>
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2. Cognition and learning

Children and young people with cognition and learning difficulties learn at a slower pace than their peers, even with appropriate differentiation. Learning difficulties cover a wide range of needs, including:

- moderate learning difficulties (MLD)
- severe learning difficulties (SLD) - associated mobility and communication difficulties and support is needed in all areas of the curriculum
- profound and multiple learning difficulties (PMLD) - severe learning difficulties as well as a physical disability or sensory impairment
- specific learning difficulties (SpLD) - one or more specific aspects of learning present as in dyslexia, dyscalculia or dyspraxia.

Need specific criteria -Cognition and Learning (Children 0-16)
<p>General indicators which must be present</p> <p>Rate of progress (developmental progress in the early years) is of constant concern, despite receiving relevant and purposeful intervention</p> <p>And</p> <p>The gap between attainment and that of peers continues to widen</p> <p>And</p> <p>The assess, plan, do, review cycle is in place</p> <p>And</p> <p>Differentiated provision has not resulted in expected progress towards learning outcomes or Early Learning Goals</p> <p>And</p> <p>There is access to additional assessment, advice and/ or support over time from relevant specialists.</p>

Rate of progress (developmental progress in the early years) is of constant concern, despite receiving relevant and purposeful intervention over time

and

the gap between attainment and that of peers continues to widen

and

assess, plan, do, review cycle has been used, over a period of time, to identify rate of progress and plan provision

and

differentiated provision has not resulted in expected academic and social progress (EY goals).

and

access to additional assessment, advice and/or support over time from relevant specialist teams or services which has been acted upon.

Specific indicators which must be present

Cognition and Learning

In the EY the progress check at age 2 indicates that there is a concern the child may have a developmental delay

Foundation Stage 1 at or below 18 - 24 months

Foundation Stage 2 at or below 24 - 30 months

and

progress towards the Early Learning Goals is significantly slower than for other children of the same age (development is assessed as 'emerging' in one or more prime areas of learning at the end of the EYFS)

In school

Attainment in key areas of the curriculum is well below age-related expectations

Key Stage 1 at or below P4 – P5

Key Stage 2 at or below P5 – P6

Key Stage 3 at or below P6 – P8

Key Stage 4 at or below P8

and

has significant difficulties with most aspects of learning, for example:

- _ acquiring concepts
- _ developing & applying learning skills
- _ processing & retaining information
- _ generalising learning, concepts, skills
- _ acquiring specific skills

Additional indicators which may be present

Displays emotional and/or social difficulties that are a barrier to his/her learning, or the learning of the group, despite the implementation of an individualised behaviour support programme and appropriate modifications to the learning environment

and/or

involvement from a wider multidisciplinary team is normally required to plan and monitor the progress

and/or

requires additional support from Social Care where the child/young person's disability has a substantial or critical impact on the quality of the child/young person's life

and/or

information from health and/or social care professionals indicates continuing health care needs or that a continuing health care needs assessment is necessary.

and/or

has a diagnosed condition which may severely affect cognition and learning over time for example Down's Syndrome.

3. Social, emotional and mental health

Children and young people with social, emotional and/or mental health difficulties may become withdrawn or isolated or display challenging, disruptive or disturbing behaviour. These behaviours may reflect underlying difficulties such as anxiety or depression, self-harming, substance misuse, eating disorders or physical symptoms that are medically unexplained. Other children and young people may have disorders such as attention deficit disorder (ADD), attention deficit hyperactive disorder (ADHD) or attachment disorder (AD).

Schools and colleges should have clear processes to support children and young people, including how they will manage the effect of any disruptive behaviour so it does not adversely affect other pupils. Follow the link

<https://www.gov.uk/government/publications/mental-health-and-behaviour-in-schools--2>

for the DfE guidance Mental health and behaviour in schools.

Need specific criteria -Social, emotional and mental health difficulties (Children 0-16)	
General indicators which must be present	
<p>Rate of progress (developmental progress in the early years) is of constant concern, despite receiving relevant and purposeful intervention over time</p> <p>and</p> <p>the gap between social development and that of peers continues to widen</p> <p>and</p> <p>differentiated provision has not resulted in expected progress towards learning and/or developmental goals.</p> <p>and</p> <p>assess, plan, do, review cycle has been used, over a period of time, to identify rate of progress and plan provision</p> <p>and</p> <p>access to additional assessment, advice and/or support over time from relevant specialist teams or services which has been acted upon</p>	
Specific indicators which must be present	Additional indicators which <i>may</i> be present
<p>Social, emotional and mental health difficulties</p> <p>Displays emotional and/or social difficulties which are barriers to own learning or that of the group e.g. emotional and behavioural difficulties of considerable duration and frequency in a variety of situations in the EY setting/school and at home</p> <p>and</p> <p>clear evidence that an individualised behaviour support programme has been implemented (outlining outcomes and interventions) and of appropriate modifications to the learning environment</p>	<p>Requires additional support from Social Care because disability has a substantial or critical impact on quality of life</p> <p>and/or</p> <p>information from health and/or social care professionals indicates continuing health care needs¹⁰/ or that a continuing health care needs assessment is necessary.</p> <p>and/or</p>

<p>and little measurable improvement despite a carefully designed series of interventions involving outside agencies</p> <p>and a wider multidisciplinary team plans and monitors the progress</p> <p>If a child/young person has a recognised medical condition (including a mental health condition) schools are expected to provide effective support to enable them to access and enjoy the same opportunities at school as other pupils.</p>	<p>the child has a diagnosed condition significantly affecting their social, emotional and mental health e.g. Attachment disorder, ADHD, Foetal Alcohol Syndrome, Tourette's Syndrome, Obsessive Compulsive Disorder, elective mutism, eating disorders, depression, bi-polar disorder.</p>
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4. Sensory and/or physical needs

Some children and young people require special educational provision because they have a disability which prevents or hinders them from making use of the educational facilities generally provided. These difficulties can be age related and may fluctuate over time. Many children and young people with vision impairment (VI), hearing impairment (HI) or a multi-sensory impairment (MSI) will require specialist support and/or equipment to access their learning, or rehabilitation support. Children and young people with an MSI have a combination of vision and hearing difficulties.

Need specific criteria Sensory and/or physical needs	
General indicators which must be present (Children 0-16)	
<p>Rate of progress (developmental progress in the early years) is of constant concern, despite them receiving relevant and purposeful intervention over time</p> <p>and</p> <p>the gap between his/her physical/sensory development and that of peers continues to widen</p> <p>and</p> <p>assess, plan, do, review cycle has been used, over a period of time, to identify rate of progress and plan provision</p> <p>and</p> <p>differentiated provision has not resulted in expected progress towards learning and/or developmental outcomes (EY goals)</p> <p>and</p> <p>access to additional assessment, advice, equipment and/or support over time from relevant specialist teams or services which has been acted upon</p>	
Specific indicators which must be present	Additional indicators which may be present
<p>Evidence of physical disability and/or sensory impairment that is complex, severe and long-term</p> <p>And</p> <p>clear evidence from a specialist that the level of need is above that which is provided at SEN support</p> <p>and/or</p> <p>has an individual healthcare plan, drawn up in partnership with parents and relevant healthcare professionals</p> <p>If a child/young person has a recognised medical condition, schools are expected to provide effective support to enable access to the same opportunities at school as other pupils</p>	<p>Adaptations made to the school environment (in response to the Equality Act 2010)</p> <p>and/or</p> <p>associated social, emotional and/or mental health difficulties and/or involvement from a wider multidisciplinary team is normally required to plan and monitor progress</p> <p>and/or</p> <p>requires additional support from Social Care because disability has a substantial or critical impact on quality of life</p> <p>and/or</p> <p>information from health and/or social care professionals indicates the child has continuing care needs or that a</p>

	continuing care needs assessment may be necessary and/or has a degenerative condition
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Further criteria for young people in further education, training or apprenticeships relating to all areas of need

General indicators which must be present	All areas of need
<p>The young person must be in Further Education or training or apprenticeship and it is clear that their chosen route is appropriate and the young person’s rate of attainment against their study programme is of constant concern despite relevant modifications and interventions over time and assessments show that the young person is unable to access Further Education, an apprenticeship, internship, vocational training or other post 16 course without high levels of additional support and assessment and revision of the use of assistive technology and aids has not enabled progression or greater independence and the vocational curriculum and/or physical learning environment has been made significantly different but additional learning and/or mobility support is required and additional strategies and support have been provided, reviewed and modified over a period of time and the young person has accessed additional assessment, advice and/or support over time from relevant specialists and this has been acted upon and the young person’s study programme, care and/or health support requires significant revision as a result of a progressive or acquired disability and assessments administered over time by the educational practitioner and external professionals, together with discussions at reviews, indicate that an EHC assessment may be necessary as the basis for supporting or determining an appropriate future further educational programme. or A young person acquires SEN through illness or accident, or has an existing condition that requires increasing support as they get older</p>	
Specific additional indicators which must / may be present	
Communication and interaction	
<p>The young person has: severe language delay or impairment has been diagnosed by a speech and language therapist and/or severe language disorders affecting vocabulary, semantics, phonology and language organisation and/or a range of significant and complex communication difficulties and/or severe social communications difficulties which present as frequent and intense social interaction difficulties that act as a barrier to accessing the academic and social curriculum.</p>	
Cognition and learning	
<p>The young person has: significant delay in reasoning and application skills and/or substantial difficulties within the social context of the study programme placement and requires constant monitoring and a high level of additional support and/or</p>	

complex cognitive difficulties that act as a barrier to progressing on a study programme despite interventions from relevant agencies

and/or

a condition which severely affects cognition and learning.

Social, emotional and mental health

The young person displays high levels of emotional and challenging behaviour

and/or

social difficulties which consistently and excessively create barriers to their learning

and/or

that of their peers and evidence that despite the implementation, over time, of an individualised behaviour/risk management programme and additional pastoral and learning support the young person still displays the above needs

and

there is intervention from a wider multi-disciplinary team.

And

multi-disciplinary assessment indicates an additional high level of support is required

Sensory and/or physical needs

The physical and learning environment has to be significantly different

And

additional mobility support is needed

and

the physical learning environment familiarisation planning has evidenced the need for greater prolonged support

and/or

assistive technology and differentiated materials have been implemented but evidence shows no progression or greater independence/self-study.

and/or

the young person experiences significant and progressively increasing barriers as the result of sensory or physical difficulties

and/or

the young person has a physical disability and/or sensory impairment that is complex, severe and long-term

and/or

the young person has a degenerative and potentially life limiting condition which has a significant impact on independence, well-being and access to education.

7.2 Who is involved in decision making?

The decision whether or not to start an EHC needs assessment is made by a panel of professionals who have experience of working with vulnerable children and young people with SEND.

The panel will comprise:

- Senior managers from the Local Authority
- An Educational Psychologist
- A SENCO or Head teacher
- A Senior Social Worker

In addition, depending on the needs of the child or young person, we may also ask a relevant Health Professional or Advisory Teacher for their opinion on whether it is appropriate to initiate an EHC needs assessment.

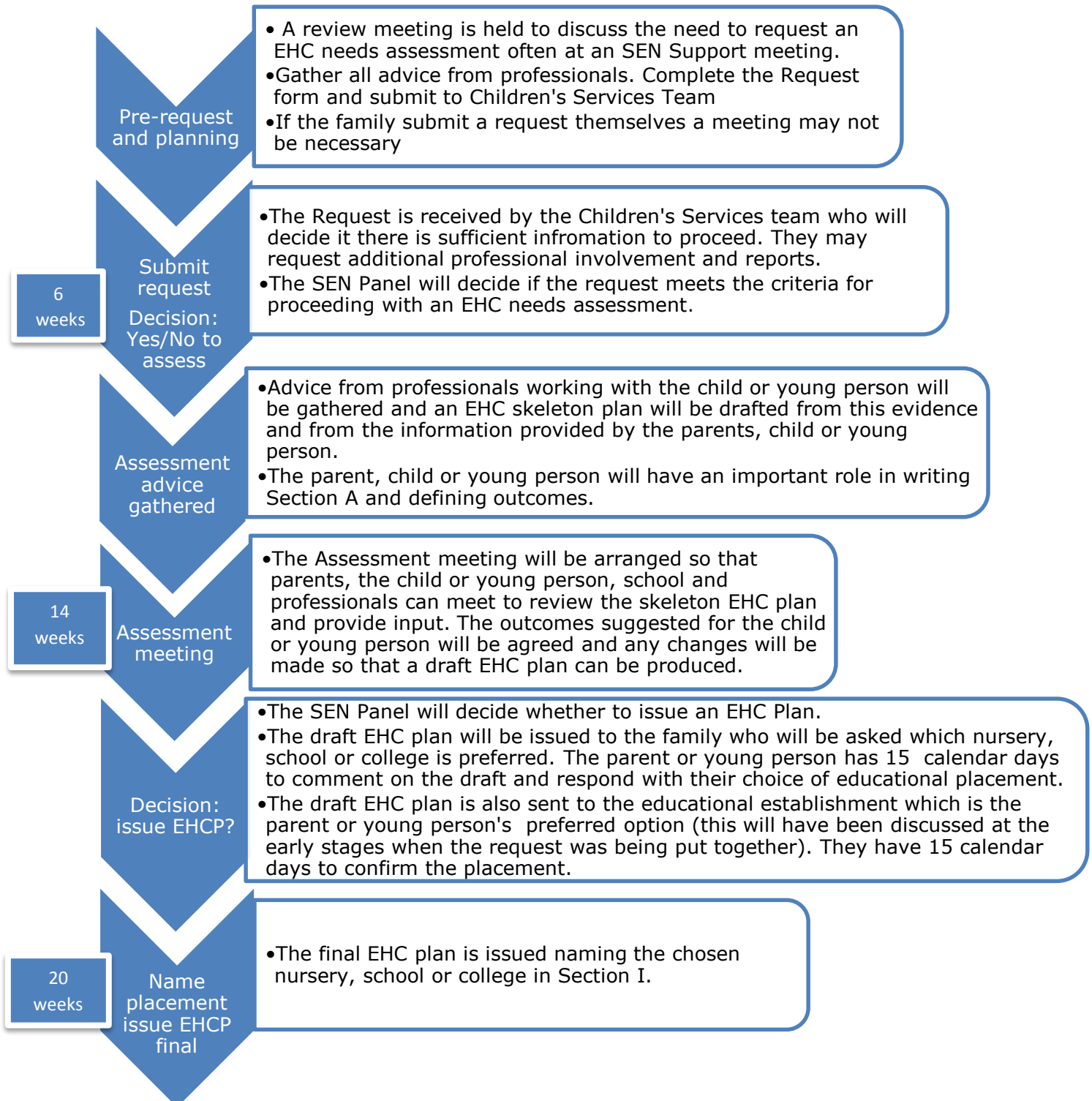
The panel will carefully consider all the supporting evidence submitted with the request including the parent's views and in conjunction with the indicators set out in the specific needs criteria. Plus, the extent to which interventions over time have impacted on the child or young person's attainment and rate of progress. Taking all these factors into consideration, the panel will make a decision on which they are all agreed and this will be communicated to the parent or young person in writing.

We will make a decision to conduct an EHC needs assessment within 6 weeks of receiving a complete and well evidenced request. If the request to assess is declined, the parent or young person will be contacted and the reasons for the decision explained. This will be confirmed in writing in a letter explaining the decision and what should happen next to ensure the right support is in place. This may include a recommendation to review the child or young person's Individual Education Plan (IEP), or equivalent, and signpost the parent and/or lead professional to additional sources of support available on the local offer.

8. The EHC assessment process

The EHC Timeline

Set out below are the key stages in the EHC assessment process from Request to an EHC Plan.



8.1 Professionals involved in the EHC assessment

Before an EHC needs assessment is started and in the majority of cases, the child/young person will be receiving SEN support. This means their needs will have been identified by the class or subject teacher and SENCO as requiring special educational provision and parents will have been informed that special educational provision is being made to provide support to achieve the agreed outcomes. The involvement of educational specialists may be sought at any point but importantly in successive cycles of SEN support to advise and provide support for staff and parents. Other professionals from health and social care may also be involved with a child where there are other circumstances that may be contributing to the child/young person's difficulties in school. This multi-agency team will share concerns about the child/young person's progress with parents/carers and consider, in the light of the evidence gathered from assessments and the impact of interventions, when it is appropriate to proceed to making a request for an EHC needs assessment.

The Special Educational Needs Coordinator

The Special Educational Needs Coordinator (SENCo) in school is a named teacher who has strategic overview of the school's SEND policy and has day to day responsibility for the practical implementation of the policy by all teaching and support staff.

The SENCo must either hold or be working towards the National Award in Special Educational Needs Co-ordination.

The SENCo is responsible for the daily implementation of the SEN policy and the specific provisions made to support pupils with SEN including those with Education Health Care Plans. They should ensure the school keeps the records of all pupils with SEN up to date.

The SENCo will work with the head teacher and the governing body to ensure the school's responsibilities are met under the Equality Act [2010] with reference to reasonable adjustments and access arrangements. They will also work with the head teacher and governing body to advise on the deployment of the school's delegated budget, other resources, and the graduated approach to providing SEN support to ensure the needs of pupils are met.

The SENCo works closely with, and is a key point of contact for, parents, other educational establishments, educational psychologists, health and social care professionals and independent and voluntary bodies. They will be aware of the Local Offer and provision within it and must be able to work with other professionals to provide a supportive role to families to ensure pupils with SEN receive appropriate support and that the teaching is of a high standard.

The SENCo will also liaise with possible providers of the next stage of education for a child with Special Educational Needs (SEN) and ensure both they, and their parents, are informed of options to plan a smooth transition.

The SENCo will provide professional guidance to colleagues and where looked-after children have SEN, the SENCo will liaise with the designated teacher

For the Early Years further advice is commissioned from Cornwall's Early Years' SENCo

The Educational Psychologist

The Educational Psychologist (EP) who works with the Isles of Scilly School is commissioned from the Cornwall Educational Psychology Service. Visits to the school are made on average 2-3 times per school term. The EP works in collaboration with school staff and other key agencies who are involved, to assess the needs of children and young people using a range of different approaches. They will plan together with parents and staff the appropriate intervention to meet the assessed need and then provide support with reviewing the impact of additional intervention. Cornwall EP service is solution focused in approach and looks to build on what works via consultation with those who know the child or young person best.

If after at least 3 cycles of intervention following the assess, plan, do, review model, where each cycle is adapted, more frequently reviewed and draws on specialist expertise, the child/young person is not making adequate progress, the school may apply for an EHC needs assessment. If this is agreed by the Isles of Scilly Children's service, the EP will provide psychological advice to contribute to this.

The Paediatrician

The Paediatrician will be asked to provide specific medical advice to families and young people in support of the assessment of special educational needs. They are normally the gate keeper to further diagnostic pathways. They may liaise with the Local Authority and school SENCo where there is reason to believe that a child or young person may have a special educational need. They can be involved at any stage of the process for help or advice on the best way to support a student with SEN or disabilities.

They will liaise with the Designated Medical Officer

The Social Worker

Children's Social Care on the Isles of Scilly will help co-ordinate any Early Help work that your family may be involved with arising as a result of your child's disability. They must secure social care provision under the Chronically Sick and Disabled Persons Act (1970) which has been assessed as being necessary to support a child or young person's SEN and which is specified in their ECH plan.

Where children or young people with SEN or disabilities also have a child in need or child protection plan, the social care team should ensure the statutory timescales for assessments and reviews are met and that any assessments are aligned with the EHC needs assessments wherever possible. (Working Together to Safeguard Children)

The Speech and Language Therapist

Referrals to the Speech and Language Therapist are usually made through the Health Visitor. The Speech and Language therapist will work closely with the family, school and early year's staff to provide advice and support to facilitate the development of the child's speech and language.

Speech and language assessments and advice is also available for older children but the thresholds for access are significant.

8.2 What happens at the Assessment Meeting?

The purpose of the meeting is to focus on Sections E (Outcomes) and F (SEN Provision) of the skeleton EHC Plan ensuring that needs, provision and outcomes are clearly linked, challenging and personalised to the child. Usually the skeleton EHC plan has been sent to parents and the professionals ahead of the meeting so everyone has had a chance to read it and consider if any changes or additions are required.

Provision will have been proposed in the written advice from professionals (in most cases) and this can be discussed at the meeting (hence often professionals will not need to attend the meeting). The meeting should ensure that there is a 'golden thread' running through the skeleton EHC plan, from Aspirations (Section A) through Strengths and Needs (Section B, C, D) to Provision (Section F, G, H1 and H2) and Outcomes (Section E).

The meeting will primarily focus on identifying and agreeing the outcomes and making sure that they are specific, measurable, attainable, realistic and timely (SMART). Outcomes are defined as "the benefit or difference to be made to the child or young person as the result of the intervention (i.e. provision)". Provision should be identified for each need specified and should support the child in reaching the defined outcomes. This will be supported by the professional's reports.

During the meeting updates to the skeleton plan will be made in bold type on the plan so that when the draft EHC plan is sent out everyone can see the changes that were agreed.

After the Assessment meeting the SEN Panel meet again to decide whether the draft EHC plan should be issued as a statutory plan.

If panel decide that an EHC Plan should be issued, the parents will be informed in writing and will receive the draft EHC Plan. The letter will ask them to respond within 15 calendar days with their comments and their preferred educational placement. They also have 15 calendar days to request any final changes to the draft EHCP.

8.3 What happens when an EHC Plan is not necessary?

In a very small number of cases the EHC needs assessment may identify that the child or young person's needs can be met through the Local Offer or through SEN Support (in other words the local authority does not believe that additional resources are needed to top up provision that is available through the educational setting or generally accessible services). In this case a decision will be taken to issue Feedback rather than an EHC Plan. This feedback is intended to summarise the outcome of the EHC needs assessment process, which should help the school or other educational setting with putting the right SEN support plan in place. The parents or young person and all professionals involved will be informed of this decision in writing. This must be within 16 weeks of the date that the initial request for an EHC needs assessment was received.

Where a decision not to issue a statutory plan is made the child's parent or young person can request a meeting with the Local Authority's Senior Officer with the SENCO and Educational Psychologist to discuss the decision and how provision will be arranged and

how support from universal, specialist or targeted services can be accessed without the need for an EHC plan.

In this case the letter will also contain details of what to do if the parents or young person do not agree with the decision and details of the mediation and tribunal service.

9. How do we check if an EHC Plan is working? – Annual Review

EHC Plans should be used to actively monitor children and young people's progress towards their outcomes and longer term aspirations. The EHC Plan must be reviewed by us at least every twelve months and reviews must focus on the child or young person's progress towards achieving the outcomes specified in the EHC Plan. The review must also consider whether these outcomes and supporting targets remain appropriate.

Annual Reviews will also:

- Review the special educational provision made for the child or young person to ensure that it is being effective in ensuring access to teaching and learning and good progress.
- Review the health and social care provision made for the child or young person and its effectiveness in ensuring good progress towards outcomes.
- Consider the appropriateness of the EHC Plan in the light of the child or young person's progress during the previous year or changed circumstances and whether changes are required including any changes to outcomes, enhanced provision, changes of educational establishment or whether the EHC Plan should be discontinued.
- Set new interim targets for the coming year and where appropriate, agree new outcomes.
- Review any interim targets set by the early years setting or school.

Reviews must be undertaken in partnership with the child and their parent/carer or the young person, and must take account of their views, wishes and feelings, including their right to request a Personal Budget.

10. Personal Budgets

10.1 What is a 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. It can include funding from education, health and social care, including that provided under Section 17 of the Children Act 1989.

There is a similar requirement to set out personal budgets for young people over 18 with eligible care and support needs under the Care Act 2014.

A request for a personal budget will be judged on its individual merits; families with children with additional needs, whether diagnosed or undiagnosed have the right to ask for an assessment.

There are three different types of personal budget:

- **A personal social care budget:** for additional and individual support at home and when out and about. The budget could include funding to provide a statutory short break or family support (see our short breaks statement by following the link: scilly.gov.uk/ShortBreakpolicy.pdf)
- **A personal health budget:** for children with complex, long-term and/or a life-limiting condition/s; children who are supported through 'Continuing Care' funding and to help with equipment costs or other health services.
- **A personal SEN budget:** for children with more complex learning support needs that cannot be met by the school's existing funding for learning support.

There are four ways in which a personal budget can be delivered:

- **direct payments** – where individuals receive the cash to contract, purchase and manage services themselves.
- **an arrangement** – whereby the local authority, school or college holds the funds and commissions the support specified in the plan (these are sometimes called notional budgets)
- **third party arrangements** – where funds (direct payments) are paid to and managed by an individual or organisation on behalf of the child's parent or the young person.
- a **combination** of the above.

10.2 Who can have a personal budget?

Parents of a child with an EHC plan can request a personal budget either during the drafting of an EHC plan or once the plan has been issued and is under review. A young person with an EHC plan can ask for their own personal budget after the end of the school year in which they become 16.

You do not need to have an EHC plan to get personal budgets for social and health care, but once you have an EHC plan, or one is being prepared, you can request budgets for all three areas of support. You must have an EHC plan to get a personal budget for special educational provision.

You do not have to request a personal budget if you would prefer not to have one.

Sometimes the Local Authority or the health authority may not agree to a personal budget. If we refuse a personal budget for special educational provision, we must tell you why. You cannot appeal to the Special Educational Needs and Disability Tribunal over this refusal.

10.3 What can they be used for?

Personal budgets can be used only to fund the support set out in an EHC plan to achieve the outcomes specified in the plan. This must be agreed by the Local Authority for

education and care support, and by the health authority for the health provision. In addition to the funding identified through the EHC assessment process, some parent/carers may want to use a reasonable amount of their personal available resources, e.g. time or funds, to help meet the outcomes identified in their child's EHC plan, for example extended family support.

A personal budget for educational provision cannot cover payment for a place at the school or college. A personal budget can include any top up funding (known as Element 3 funding). It can also include support that is managed by the school or college but only if the Headteacher or principal agree.

A personal budget can include a direct payment if it is agreed that this is the best way to manage part of the personal budget.

Direct payments can be used for special educational provision in a school or college only if the school or college agree. Local authorities can refuse a direct payment for special educational provision if it would make things worse for other children and young people with an EHC plan, or if it would be an inefficient way to pay for services.

11. Arrangements for resolving disagreements

Young people/parents carers have the right to appeal if the decision is made not to carry out an EHC needs assessment.⁷ The first step is for the young person/parent/carers is to meet with an officer of the local authority to discuss the decision.

If an agreement cannot be reached, then a formal mediation meeting is available to parents. Mediation is provided by trained and accredited advisers independent of the local authority and health at no financial cost to parents/carers.

More detailed information about accessing mediation accompanies the letter saying that a decision not to assess has been made.

A request for mediation must be made within 2 months of the date of the decision notice by the local authority.⁸

Educational settings do not have a formal right of appeal. The local authority always wishes to engage with educational settings to discuss how a child/young person's needs can be met and how needs and provision can be evidenced when an EHC needs assessment is requested.

12. Who can support young people and parent/carers?

The Code of Practice (Chapter 2 p30) describes the impartial information, advice and support that must be available to young people /parents/carers throughout the EHC assessment and planning process.

The local authority commissions a local organisation to provide a SEND Information, Advice and Support Service (SENDIASS) for parents and young people.

Further information about this service can be found at www.cornwallsendiass.org.uk

⁷ See SEND Code of Practice 11.44 p259

⁸ Further information re disagreement resolution can be found in chapter 11 p244 of the SEND Code of Practice

13. Glossary of terms

Annual Review of an EHC plan: Every child with an EHC plan must have a review at least annually. If a child is under 5 years old reviews must be six monthly. The purpose of the review is to bring together the views of everyone who helps the child/young person, to review how well the outcomes in the EHC plan are being achieved and to make recommendations to the local authority about whether the EHC plan should be maintained, amended or ceased.

Disagreement resolution: Disagreement resolution is distinct from mediation in that the former applies more widely than mediation and covers matters including the 'best endeavours' duty on schools to carry out their education, health and care duties for children and young people with SEN. Disagreement resolution arrangements can be accessed whether the child or young person has an EHC plan or not. Local authorities have a duty to make disagreement resolution services available to parents and young people and it must be delivered by an independent provider. In Cornwall and the Isles of Scilly this service is provided by [globalmediation](#). Parents and young people can also access informal support in resolving disagreements through the local impartial Information, Advice and Support Service which in the Isles of Scilly is provided by Cornwall and the Isles of Scilly Special Educational Needs Disability Information Advice and Support Service [cornwallsendiass](#).

Early Years Foundation Stage (EYFS): The foundation stage is a framework for children up to the age of five, setting out seven key areas of learning around which activities should be based. It begins when children reach the age of three when many children attend an early education setting. All schools and Ofsted registered early years providers must follow the EYFS, including child-minders, preschools, nurseries and school reception classes. The foundation stage continues until the end of the reception year and is consistent with the National Curriculum. It prepares children for learning in Year 1, when programmes of study for Key Stage 1 are taught.

Education, Health and Care needs assessment: for some children and young people it is necessary for the local authority to decide whether to make special educational provision through an Education, Health and Care (EHC) plan. The EHC needs assessment will gather advice and information from the child's parents or the young person and across education, health and care domains. This information will be drafted into an EHC plan after which time a decision will be made whether to issue a statutory EHC plan or whether the child or young person's SEN can be supported without a plan from within the resources available in the educational setting.

Education, Health and Care plan (EHC plan): An EHC plan 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 that requires special educational provision to be made for them. It is drawn up by

the local authority following the EHC needs assessment. The timescale for completion of an EHC plan is 20 weeks although there are a few circumstances where it is reasonable for this to take a little longer.

Equality Act 2010: The Equality Act places duties all public bodies including maintained nurseries and schools not to discriminate against, harass or victimise disabled children and young people. They must promote equality of opportunity and foster good relations between disabled and non-disabled children and young people. This means they must make reasonable adjustments, including the provision of auxiliary aids and services for disabled children and remove barriers to learning that may cause them to be put at a substantial disadvantage.

The Graduated Approach: The graduated approach is a model of action that SEN support should take the form of a four-part cycle where earlier decisions and actions are revisited, refined and revised with a growing understanding of the pupil's needs. With successive cycles support will become more detailed, there will be more frequent reviews and increasing specialist expertise brought to bear on the difficulties that a pupil may be experiencing.

Individual Education Plan (IEP): An IEP is a planning document which describes a pupil's short term learning targets, any necessary teaching arrangements and/or additional provision required to enable the pupil to make progress. It should identify strengths as well as areas for development and include the desired outcomes. It describes the arrangements made to regularly monitor and review the pupil's needs and progress. It is what a pupil will need that is additional to and different from the daily provision to support their learning and development.

Local Offer: All local authorities in England are required to set out what provision they expect to be available across education, health and social care for children and young people in their area who have SEN or are disabled, including those who do not have Education, Health and Care (EHC) plans. Local authorities must consult locally on what provision the Local Offer should contain. This information should be easy to understand, factual, jargon free and accessible. It should be well signposted and well publicised so local authorities have opted to set out their local offer on their webpages with hyperlinks to providers of services.

Mediation: Mediation arrangements are specifically linked to decisions about EHC needs assessments and plans. There are two pathways for going to mediation. Firstly, where a parent or young person wishes to go to mediation about matters which can be appealed to the Tribunal. For this route the parent or young person must first contact a mediation adviser before registering an appeal with the exception that if the appeal is solely about the name of the school or institution named in the plan or the fact that no school is named, there is no requirement to contact a mediation adviser. The second route to mediation is about the health and social care elements of an EHC plan. Further information about mediation can be obtained on the Isles of Scilly local offer website [isles-scilly-local-offer](https://www.isles-scilly.gov.uk/local-offer/).

SEN Panel: The SEN Panel is composed of professionals from education, health and social care who meet to make decisions relating to the EHC needs assessment and plan process. The Panel will consider requests to assess for an EHC needs assessment, whether to adopt a draft EHC plan as a statutory plan, requests for independent, alternative or specialist placements and funding requests. The timing and dates of the SEN Panel are dependent on the nature of the request(s) and so will occasionally have 'virtual' members contributing to the decision making process.

SEN Support: SEN Support is any provision that is different from or additional to that normally available for pupils of the same age.

Special Educational Needs Coordinator (SENCO): The SENCO is a qualified teacher with a specialist qualification in SEN. The SENCO has day-to-day responsibility for implementing the school or setting's Inclusion or SEN policy and co-ordinating provision for children with SEN. They provide professional guidance to colleagues and work closely with staff, parents and other agencies to ensure that pupils with SEN receive appropriate support and high quality teaching.

Special Educational Provision: Special educational provision is provision that is different from or additional made generally for children above the age of two in mainstream schools and maintained nursery schools. Special educational provision is support for children and young people with SEN or disabilities to get the help they need to make progress.