

INFORMATION SHEET



making a difference
to the lives of people with
severe learning disabilities

For families: Getting an Education, Health and Care Plan (England)

Important Information:

- **For family carers living in Wales and Northern Ireland,** children and young people with severe learning disabilities and behaviour described as challenging would be given a **Statement of Special Educational Needs** rather than an Education, Health and Care Plan. For more information on Statements of Special Educational Needs, please see our information sheet: '[Getting a Statement \(Wales and Northern Ireland\)](#)'.
- **For family carers living in Scotland,** children and young people with severe learning disabilities and behaviour described as challenging would be given a **Co-ordinated Support Plan** rather than an Education, Health and Care Plan. For more information please contact the charity Enquire. Website: www.enquire.org.uk / Helpline: 0845 123 2303.

This information sheet is for family carers of children and young people with severe learning disabilities and behaviour described as challenging living in **England**.

It explains the changes to the Special Educational Needs and Disabilities system including:

- The new assessment process
- The process of writing Education, Health and Care plans (EHC plans)
- What should go into an Education Health and Care plan
- Preparing for adulthood
- Personal Budgets
- The local offer
- Information about ways to resolve disagreements.

These changes were made on the 1st September 2014 following the introduction of a new law called the Children and Families Act 2014. Throughout this information sheet the term child is used to refer to children, young people and adults for simplicity.

All our information sheets are available to download free of charge because we believe that money should not be a barrier to getting the information you need, when you need it.

The CBF relies on the support of our friends and colleagues to continue to provide free resources to families.

Please see below for details of how to support us.

The new Special Educational Needs and Disabilities system

Education, Health and Care plans (EHC plans) have replaced Statements and Learning Difficulty Assessments for children age 0-25. In this new system, a child's education, health and care needs will be assessed together.

You have the right to a real say in decisions that affect your child. You should have access to impartial information, advice and support and know how to challenge decisions you disagree with.

Education, Health and Care needs assessments

Children with severe learning disabilities will have needs that clearly require an Education, Health and Care (EHC) needs assessment and plan. The Local Authority should start the process without delay.

An EHC plan brings your child's education, health and social care needs into a single, legal document. The purpose of an EHC plan is to:

- provide special educational support to meet the special educational needs of your child
- secure the best possible outcomes for your child across education, health and social care
- prepare your child for adulthood as he/she gets older

Requesting an EHC needs assessment

As a family carer, you have the right to ask a Local Authority to conduct an education, health and care needs assessment for your child if they are aged between 0 and 25.

Your Local Authority has up to **six weeks** to decide whether to carry out the assessment. During that time, they will ask you and others – such as your child's school or nursery for information to help them make that decision.

The assessment process

The Local Authority should consider seeking advice from all the education, health and social care professionals who have been involved with your child and you can ask them to consider advice from particular professionals. These may include:

- *Education staff* e.g. nursery staff, teachers, Educational Psychologist,
- *Physical health professionals* e.g. GP, Paediatrician, Physiotherapist
- *Other health professionals* e.g. Clinical Psychologist, Psychiatrist, Speech & Language Therapist, Occupational Therapist
- *Social care professionals* e.g. Social Worker, Care Manager, Support Workers

If your Local Authority decides that an EHC plan is not needed after their assessment, they must tell you within **16 weeks** of the date they received the request for an assessment.

Education and Health Care plans

Content of EHC plans

An EHC plan **must** include the sections shown in the table in **Appendix A**. Each section **must** be separately labelled from each other using the letters A - K.

The sections do not have to be in any particular order and local authorities can choose their format, as long as all the sections are individually labelled.

Also, where the child or young person is in year 9 or above, the EHC plan must include (in sections F, G, H1 or H2 as appropriate) the support required by the child or young person to help them prepare for adulthood and independent living. For example, support they would need to find a job, to get a house or to take part in their community.

Aspirations (section A) are long term aims (such as employment) which the Local Authority should be helping a child to work towards. However, the Local Authority are not responsible for whether or not they are achieved. Outcomes (section E) are the benefits or difference made to a child as a result of an intervention, for example better communication skills. The success of interventions should be judged against the outcomes.

The draft EHC plan

You will be sent a draft plan by the Local Authority **without** the name of the school or college. You will have 15 days to comment on the draft and you can ask for a meeting to discuss it. You will be asked to request the school you want at this point.

The school or other setting must be able to meet the needs of your child for it to be named in the final EHC plan.

Your Local Authority will then send you the final plan. This must be within **20 weeks** from the request for the EHC needs assessment.

The Local Authority and health service must provide the special educational support in section F of the plan and the health support in section G. This should help your child to meet the outcomes that you have jointly identified and agreed.

Reviewing your child's EHC plan

Your Local Authority must review your child's EHC plan at least every **12 months**. They must invite you to a meeting and must work with you and your child to review the plan. They must ask you what you think and what you want to happen next.

The new system applies to a much wider age-range of children and young people up to the age of 25. This is important when a young person wants to stay in education and there is clear evidence to show that they need special educational support. This support can help them to achieve the education and training outcomes that move them closer to employment, for example, an Independent Living Skills course.

See Appendix B for timescales for an EHC Needs assessment and plan.

Preparing for adulthood

Services should work together and support you to help your child prepare for adulthood, such as going to college, independent living, being involved in their community and being as healthy as possible in adult life. As children become young adults, it is important that they are given opportunities to take more control over their lives.

EHC plans can continue until your child is 25 but will stop for a number of reasons. These reasons include if your child leaves college or a review meeting reveals that your child has achieved the educational goals written in the plan and so no longer needs additional special educational help.

Carrying out an adult care transition assessment for young people aged 18 and over with SEN or disabilities may benefit some young people. **For further information about preparing for adulthood please refer to the Challenging Behaviour Foundation's ['Planning for the Future'](#) information pack.**

Personal Budgets

You are entitled to request a Personal Budget if your child has an EHC plan, or is assessed as needing a plan. The Personal Budget is the amount of money needed to meet your child's assessed needs.

You can use a Personal Budget to buy Local Authority services or to find another organisation which can provide the support necessary to meet your child's assessed needs. A Direct Payment allows you to take the Personal Budget as cash to arrange the support yourself. For example, you could use it to recruit support workers who have relevant expertise around challenging behaviour and who can help at a time that suits your family. You (or your representative) will need to agree this with your Local Authority. A Personal Budget can only be used for agreed provision in the EHC plan.

The Local Offer

Every Local Authority must develop an information directory of education, health and social care services in their local area for children, young people and families who have SEN or disabilities. This is called "The Local Offer". The Local Offer should detail any organisations which provide support around challenging behaviour and local families should be consulted as the Local Offer is developed.

Challenging or disagreeing with decisions

You may not always agree with a decision that has been made about your child's support. You should first raise this with the authority or organisation which made the decision and try to reach an agreement.

There is no single point of appeal for education, health and social care. There are separate routes for resolution depending on what part of the EHC process or plan you are challenging. If these routes have been tried and there is still disagreement, there are several options available:

- **Disagreement resolution**

Using this service is voluntary. It covers disagreements about SEN provision as well as health and social care and is provided by an independent organisation. For further information about Disagreement Resolution and when it can be used, please refer to www.gov.uk/government/publications/send-guide-for-parents-and-carers, page 42.

- **Mediation**

Mediation is also a voluntary process for parents, which you can use if you cannot reach an agreement with your Local Authority or Clinical Commissioning Group, in certain matters relating to EHC plans. This service is independent of the Local Authority and Health. For further information about Mediation and when it can be used please refer to: www.gov.uk/government/publications/send-guide-for-parents-and-carers, page 43.

- **Appealing to the Special Educational Needs and Disability (SEND) Tribunal**

The SEND Tribunal is a legal body. It hears appeals against decisions made by Local Authorities about EHC needs assessments and EHC plans. For further information please refer to page 246 of the SEND Code of Practice (2014).

- **Disagreeing about health and social care provision**

Local Authorities and health care organisations (e.g. CCG) have arrangements in place if you disagree with decisions taken, or have a complaint.

- health provision in the plan –complain via the NHS Complaints Procedure and then the Parliamentary and Health Service Ombudsman.
- social care provision –complain to the Local Authority, using their complaints procedure, followed by Local Government Ombudsman

Top tips

1. The EHC assessment is a great opportunity to have your child's education, health and social care needs assessed in one process. Support should be coordinated across education, health and social care.
2. You are entitled to impartial information, advice and support. This may include help from an **Independent Supporter**. This person, who is independent of the Local Authority, can help families going through an EHC needs assessment and the process of developing an EHC plan. An Independent Supporter will receive training (including legal training) to enable him or her to provide support. Contact your local SEN team to find out more information about Independent Supporters.
3. It is important for you to be prepared with information to hand and to be fully involved. You may wish to gather together all the reports and letters from your child's school and any other assessments that have been produced about your child. You may also want to write about your child's needs and how long they have had them and include the key issues highlighted in this information sheet.

4. Keep copies of all forms and reports submitted as part of the process as well as any letters received from the Local Authority. Keep a record of any dates which will be relevant to the timescale for assessment and do not be afraid to contact the named person at the Local Authority who is dealing with the process for updates (sometimes known as your caseworker).
5. There is a lot of information and support available to help guide you through the process including:
 - **Independent Parental Special Education Advice (IPSEA)** has produced various template letters for different stages of the process and also has a tribunal advice line: 0800 018 4016. For template letters and further information please see: www.ipsea.org.uk/what-you-need-to-know/model-letters.
 - Your local **Information, Advice and Support Service** (previously known as Parent Partnership Service) can provide information and support on your rights as parents, the rights of your child and further information on the legal duties of all those involved in the assessment process. Details of the Information, Advice and Support Service local to you can be found at: www.iassnetwork.org.uk or by calling your Local Authority.
 - **Irwin Mitchell Solicitors** have also produced factsheets and template letters relating to the new assessment process which can be accessed at: <http://www.irwinmitchell.com/personal/protecting-your-rights/social-healthcare-law/the-children-and-families-act-2014/factsheets-and-template-letters>

This information sheet has been produced using information from the SEND Code of Practice 2014.

Last Reviewed: December 2014

The Challenging Behaviour Foundation

We are the charity for people with severe learning disabilities who display challenging behaviour. We make a difference to the lives of children and adults across the UK by:

- Providing information about challenging behaviour
- Organising peer support for family carers and professionals
- Giving information and support by phone or email
- Running workshops which reduce challenging behaviour

To access our information and support, call 01634 838739, email info@thecbf.org.uk, or visit our website: www.challengingbehaviour.org.uk

If you have found this information useful, please consider making a donation.

Appendix A: The content of an Education, Health and Care plan

Section	Statutory requirements of the content	What can go in this section for children with learning disabilities and behaviours that challenge?
A	Aspirations, views and interests of the child/young person and the parents (for their child)	<ul style="list-style-type: none"> • A summary of your child's achievements, the things they enjoy and the people important to them (as a parent, you may wish to write this section yourself, explaining how your child and the family took part in the development of the plan).
B	Child or young person's special educational needs	<ul style="list-style-type: none"> • Level of learning disability. • Educational needs (language, attention span, memory recall). • What the behaviours are and why they happen including: <ul style="list-style-type: none"> - Type (e.g. self- injury including head banging and self -biting ,physical aggression including kicking, biting or pulling hair, non-compliant behaviour including refusing to take part in an activity) - Frequency (e.g. daily, during the weekend or every Wednesday after travelling in a minibus) - Severity (e.g. will pick at his skin until arm bleeds) - Duration of challenging behaviours (will bang his head on the floor for 10 minutes). • Communication and sensory needs.
C	The child or young person's health needs which relate to their SEN	<ul style="list-style-type: none"> • The EHC plan must specify any health needs identified through the EHC needs assessment which relate to the child's SEN e.g. Cerebral Palsy may impact on a child's motor skills and coordination and the child may struggle with creative tasks as a result.
D	The child or young person's social care needs which relate to their SEN	<ul style="list-style-type: none"> • The EHC plan must specify any social care needs identified through the EHC needs assessment which relate to the child or young person's SEN e.g. an autistic child needing support to understand the rules of play.
E	Outcomes sought for the child or young person	<ul style="list-style-type: none"> • Outcomes should be clear and specific and reflect the aspirations of your child and your family (e.g. social outcomes - such as to remain in the local area well-supported and to develop positive social relationships, health outcomes - such as to manage health conditions effectively or developmental outcomes - such as to learn new ways to communicate needs and in doing so reduce behaviours that challenge). • Information on how you will know if outcomes have been met.
F	The special educational provision required by the child or young person	<ul style="list-style-type: none"> • The special educational support in this section must be provided by the Local Authority or other responsible body, and should be detailed and specific e.g. specify numbers of hours.

Section	Statutory requirements of the content	What can go in this section for children with learning disabilities and behaviours that challenge?
F (Cont'd)	The special educational provision required by the child or young person	<ul style="list-style-type: none"> • Support resulting from the Functional Assessment and Positive Behaviour Support (PBS) plan (e.g. 15 hours per week 1:1 support from a member of staff trained in PBS - for further information refer to the Challenging Behaviour Foundation's information sheets: '<i>Finding the Causes of Challenging Behaviour: Part 2</i>' and '<i>Positive Behaviour Support Planning: Part 3</i>'). • How the special educational support will help meet the outcomes (e.g. a local school will enable a child to remain in the family home or a school where all staff are trained in Positive Behaviour Support can provide effective behaviour support). • How special educational support will help to meet identified needs (e.g. the expertise available within the school to support learning, development and skills). • Any therapies needed to access education (for example Speech and Language Therapy, Occupational Therapy, Physiotherapy).
G	Any health care provision reasonably required by the learning difficulties and disabilities which result in the child or young person having special educational needs (this means that only health needs that are related to the child or young person's learning disabilities will be included in this section of the plan e.g. epilepsy can be caused by brain damage or a specific syndrome and is therefore part of the child's learning disability. This may mean that the child requires staff trained to administer rectal diazepam which would be included in this section. However other health needs e.g. asthma may not be included if they are not related to the child's learning disabilities)	<ul style="list-style-type: none"> • Health care support related to your child's learning disability must be specified and provided by a Clinical Commissioning Group (CCG) or health trust. • A clear explanation of how health care support will help to meet the outcomes and any adjustments needed (e.g. several short appointments may enable a child to take part in an assessment they would not be able to complete in one go). • How health care support will help to meet identified needs (e.g. support from Child and Adolescent Mental Health Services (CAMHS) to manage anxiety and improve child's ability to participate at school). • Assessment and support for the following needs should also be explained in the plan where needed: <ul style="list-style-type: none"> - Mental health needs - Additional physical and/or sensory needs - Dietary needs (including tube feeds, allergies and diets associated with religious beliefs e.g. Halal food). • Other factors not covered in the law (as they are not directly related to a child's learning disability), but are useful to consider are: <ul style="list-style-type: none"> - Regular health checks (both general & for undiagnosed pain or discomfort which can result in challenging behaviours) - A plan for medical visits. This should include reasonable adjustments (e.g. first appointment of the day).
H1	Any social care provision which must be made for a child or young person under 18	<ul style="list-style-type: none"> • Social care support should be detailed and specific and should detail the type of support and who will provide it. •

Section	Statutory requirements of the content	What can go in this section for children with learning disabilities and behaviours that challenge?
H1 (Cont'd)	Any social care provision which must be made for a child or young person under 18 resulting from section 2 of the Chronically Sick and Disabled Persons Act 1970 (CSDPA)	<ul style="list-style-type: none"> • It should be clear how social care support will help to achieve the outcomes, including any support funded by a Personal Budget. • Section H1 of the EHC plan must specify all social care services assessed as being needed for a disabled child or young person under 18 resulting from section 2 of the Chronically Sick and Disabled Persons Act.
H2	Any social care provision reasonably required by the learning difficulties and disabilities which result in the child or young person having special educational needs	<ul style="list-style-type: none"> • Clear explanation of how social care support will help to meet the outcomes (e.g. twice weekly visits by a support worker and regular short breaks help family to cope and the child to remain in the family home). • Clear explanation of how social care support will help to meet identified needs (for example seeing family, after school clubs, visiting friends to reduce risk of isolation, the benefits of daily routines, training staff to spot behavioural triggers and understand individual needs). • Specify level of support: e.g. 1 night a week respite care from a named short break facility. <p>Social care provision (section H2) does not have the same legal standing as other sections of the EHC plan and the local authority can take into account cost and convenience. All special educational provision required by the child (section F) must be provided regardless of cost or convenience. Parents should ask for provision e.g. Speech & Language Therapy to be included in this section, if without this support, the child would not be able to receive the same education and training as children without SEN. Healthcare provision can be excluded from the EHC plan (Section G) on the grounds of cost and convenience.</p>
I	Placement	<ul style="list-style-type: none"> • The name <i>and</i> type of the school, maintained nursery school, post-16 institution or other institution to be attended by the child or young person and the type of that institution . <p>These details must be included only in the final EHC plan, <i>not</i> the draft EHC plan sent to the child's parent or to the young person.</p>
J	Personal Budget (including arrangements for Direct Payments)	<ul style="list-style-type: none"> • Whether a Personal Budget (and Direct Payment) is needed for children who need individualised support. • How the Direct Payment will help to meet the outcomes and identified needs.

Section	Statutory requirements of the content	• What can go in this section for children with learning disabilities and behaviours that challenge?
K	The advice obtained in connection with an assessment must be attached to the plan	<ul style="list-style-type: none"> • The following advice for children and young people with learning disabilities whose behaviours challenge should be obtained: <ul style="list-style-type: none"> - Functional assessment of behaviour - Sensory assessment - Post 16 capacity assessment - Communication assessment - Risks assessment - A Positive Behaviour Support plan • The assessment and planning process should support the development of the following, if not already available: <ul style="list-style-type: none"> - Plan for developing communication techniques (e.g. sign language) - Skill development - Plan of where and how to access local challenging behaviour crisis support - A Hospital Passport (including planned adjustments)

Appendix B: Statutory timescales for EHC needs assessment and EHC plan

