



# The Gem Federation Educational Health Care Plan (EHCP) FAQ

## **What is an EHCP?**

An Education Health Care Plan is a detailed, document outlining a child's special educational, health, and social care needs and the provision they require, issued by the local authority. EHCPs are for those children with complex and severe needs who require support beyond that which the school can provide, without additional funding and support from the local authority.

## **How are funding and resources distributed between children with SEN?**

All schools are expected to find the first £6,000 from within the school's budget to support children and young people with SEN who are on the school's Inclusion/SEN register. The school can apply for a 'top-up', based on strict criteria, if it is felt that a child's needs are above that which can be provided through the £6,000. The school uses the funds to put appropriate support in place to meet the specific needs of a child.

## **Why isn't the school applying for an EHCNA when I want one for my child?**

All schools are expected to find the first £6,000 from within the school's budget to support children and young people with SEN who are on the school's Inclusion/SEN register. The school will only

apply for an EHCNA if we feel that a child's needs are above that which can be provided through the £6,000. Please note that although we may apply this does not stop you from making your own request. Further details can be found here: <https://localoffer.southwark.gov.uk/education-health-and-care-plan/more-information-on-how-to-request-an-ehcp>

### **What is the EHCP application process?**

Below is an outline for the EHCP process from start to finish.

#### **Phase one: EHCP Assessment Application**

The request can be made by:

- The parents
- The school

A written request must be sent to the Local Authority to initiate this process. The Local Authority then has 6 weeks from the date of the request to make a decision on whether to assess the child or not. Ideally, the LA will agree to make an assessment so that we can move on to the next step.

#### **Phase two: LA decides on issuing an EHCP**

After an assessment, the Local Authority must decide whether to issue the EHCP or not.

There are two options at this point:

1. The LA agrees to issue the EHCP and they then have up to 12 weeks from the date of the EHC assessment agreement to issue the Draft EHCP and a further 2 weeks to issue the final plan making 20 weeks in total.
2. The LA refuses to issue the EHCP they must inform you of this decision within 10 weeks of the date of the EHC assessment decision was made.

In the case of option 2, when the LA refuse to issue an EHCP you can appeal.

### **Why are some EHC needs assessments rejected?**

The local authority may decide not to give additional support to young students for various reasons, of which the most common are:

- A lack of diagnosis on the special educational needs of the individual
- No report from an educational psychologist
- The child is not deemed to be far enough behind their fellow students
- Other reasons stated by the LA

It is important to note that the above is not necessarily legal and once in Tribunal, these arguments tend to fall apart as they are based on local authority policy rather than the letter of the law. This means that, based on that case, there is no legal basis to deny an EHCP. The Tribunal will decide the facts of the case including looking at the child's individual needs and decide based on the law. The Tribunal ignores LA policy.

### **Phase three: The Education, Health & Care Plan**

Parents will receive a draft EHCP, they have 15 days to comment on and request revisions. The Draft EHCP will not name the school. The accompanying letter will normally identify the school the LA is suggesting they will name. Once any potential changes are made or comments are resolved, the EHCP is finalised.

### **My child has an EHCP but they don't have an adult one-to-one all day, why?**

The physical delivery of an EHC plan will differ from local authority to local authority. **Section F of an EHCP** details your child's support (provision) at school. This provision must be specific, detailed, and quantified. EHCPs rarely mention 1:1 provision all day.

### **How does one-to-one support for children with SEND work?**

The style of support differs, depending on the unique needs of the child. Children may spend time with a TA/teacher outside the classroom, be supported by a TA/teacher within the classroom, work as part of a small group with a TA/teacher or, most likely, a mix of the three. Although the term one-to-one is often used, it is very rare that a child will solely work with one adult as it can potentially impact on a child being able to develop independence. As well as over-reliance and social exclusion, the time that pupils spend on intervention with TAs may take them away from essential curriculum teaching in the classroom, leaving potential gaps in a child's learning. There's no denying that one-to-one support plays a key role in enabling many children with SEND to access learning in mainstream settings but learning with other supported pupils can help reduce children's feelings of dislocation from their peers. We aim to ensure that children (and their parents) do not become over-reliant on one individual and instead adopt a team approach where staff working with your child know them and can all offer support to them in different ways.

### **Can I Get DLA if My Child Has an EHCP?**

If you look after a child who has Special Educational Needs and Disabilities (SEND), you might be entitled to certain benefits such as Disability Living Allowance (DLA) whether they have an EHCP or not. You can visit the <https://www.gov.uk/disability-living-allowance-children> to read about what you're entitled to.

### **Do You Need a Diagnosis for an EHCP?**

You don't need to have a formal diagnosis to apply for an Educational Health and Care Needs Assessment, but you will likely have to identify your child's Special Educational Needs when applying.

A diagnosis might already be underway, but there is no need to wait if you wish to make a parental request.

### **How long does an EHCP last for?**

An EHCP can last from its issue until your child leaves education or until 25. It does not cover universities. If you need to move home the EHCP will transfer to the new LA.

### **What is an annual Review**

An EHCP Annual review takes place once a year as a minimum and based on this review, the local authority may take one of three actions:

- Leave the EHCP unchanged and continue as before
- End the EHCP
- Make alterations to the plan

The review involves all three parties: the parents, the school/college, and the local authority. The reviews are usually done annually at the school or college and give an opportunity to the parents to raise any complaints. It also looks at whether the support is suitable for the needs of the student for the following year, and whether revisions could result in better progress. The school review report must be served on the LA within 15 days of the school meeting. The LA have a month to make its decision which gives appeal rights to the Tribunal.

### **Where can I get further advice?**

Southwark information and advice service (SIAS)

<https://www.southwark.gov.uk/schools-and-education/information-for-parents/southwark-information-advice-and-support-team-sias>