

Education and Health Care Plans

Good plans make a strong link between aspirations, needs, outcomes and provision, so it is clear how provision from agencies actually meets identified needs and outcomes.¹



What does the Code say²?

- Education Health and Care (EHC) Plans are legal documents that set out the education, health and social care support a child or young person with special educational needs (SEN) requires when their needs exceed resources available to mainstream early years providers, schools and post-16 institutions.
- They replace statutory assessments and statements of SEN and (for older students) Learning Difficulty Assessments.
- They differ from statements in that EHC plans do not necessarily cease when a young person leaves school, and can be continued when a young person is in college, undertaking an apprenticeship, or not in education, employment or training. EHC plans can be continued up to the age of 25 years.
- They also aim to bring together any education and/or health and/or care requirements children/young people may have into one plan.
- The assessment process should be well coordinated and result in timely, well informed decisions.
- Timescales are substantially shorter than the previous statementing process with the entire process, from the point where a statement is requested until the final EHC Plan being issued, taking **no more than 20 weeks**.
- The plan should be focused on the outcomes the child or young person wants to achieve, and set out in detail how services will work together to support these outcomes. It should also specify how any personal budget is to be used to deliver some or all of the provision set out in the EHC Plan.

A little more about...

EHC process

This information supports the flow chart on page 154, section 9.44 of the Code of Practice

Beginning an assessment

If it is felt that a child or young person's special educational needs or disability cannot be well provided for within current provision, then a local authority can begin a statutory assessment to see if an EHC plan is required. Any individual involved with a child or young person (parent, professional or young person themselves at 16 years onwards) can request an assessment, but the local authority will first establish whether an assessment is warranted, and may request information about a child or young person at this point.

Statutory assessment

When carrying out a statutory assessment of SEN the local authority must seek advice and information from education, health and social care professionals with a role in relation to the child or young person and this information must be provided in a clear and specific written submission.

All professionals involved should focus on the needs and preferences of the child or young person and their family, and support them to be actively involved and to make informed decisions regarding the assessment process. From the date of request for information, all agencies contacted will be given 6 weeks to provide reports.

Developing an EHC plan

If from this assessment process, it is agreed that a plan is required then the local authority will use this information to develop an EHC Plan. This will set out details of the education, health and social care provision required by the child or young person and who is responsible for securing it. It is seen as best practice that the plan is written at a multi-agency meeting with the family and child or young person present. In practice, SENCOs may bring a draft copy to the meetings to provide a format to work from. Outcomes should also be agreed at the meeting.

- Local authorities are required to secure the special educational provision specified in an EHC plan. There is also a new duty on Health for the responsible commissioning body to arrange the health care provision specified in an EHC plan.
- In terms of communication support, the provision of alternative communication systems (AAC) would come under Health (rather than Education), and involve NHS England rather than Clinical Commissioning Groups (CCGs).

Reviewing EHC Plans

Local authorities must review EHC plans at least once per year. This is to assess whether the provision specified is still appropriate and whether progress is being made toward achieving the outcomes. All reviews from year 9 onwards must include a focus on preparing for adulthood. Information on the number and content of EHC Plans should also be used to inform the review of the joint commissioning arrangements by providing clear information about provision and outcomes relating to children and young people with SEN in each area.



What are the Key Issues for SLCN?

- The aspirations of the child or young person should drive the process; this links to the inherent difficulties in capturing this information where there are speech, language and communication needs (SLCN) and with very young children. There is more information in the section on developing outcomes on ways to do this.
- Many of the issues for EHC planning for children and young people with SLCN are very similar to those faced by other areas of special educational needs and/or disabilities (SEND) generally. For example, time and resource issues.
- SLCN may be overlooked because often children and young people in receipt of EHC plans have a variety of educational and medical labels used to describe their needs. The focus may be on a primary diagnosis (e.g. cerebral palsy, severe learning difficulties), and an impairment, rather than how this impacts upon the individual and their needs.
- Similarly, an impairment model which focuses on diagnosis, e.g. autism, can lead to a less individualised, 'one-size fits all' approach and as a consequence, inappropriate interventions.
- There is concern that children and young people with specific learning impairments (SLI) may not qualify for plans, despite ongoing difficulties in accessing the curriculum and learning.
- The emphasis is on provision led by a child and young person's needs, so it is important for services to set out what the child and young person needs, rather than what they as a service can currently provide. If there is a current mismatch between need and provision, the local authority should flag this up to commissioners, and if agreed as reasonable and necessary, then arrangements for increased provision should be made.

If increased provision is not agreed then commissioning partners should engage the dispute resolution process which is set out in their joint commissioning arrangements (JCA). Within the JCA there should also be information on how EHC Plans will be delivered, including responsibilities for funding arrangements between partners.

A little more about...

Reasonable is a legal definition defined in case law as what an average person would ask or do (what a reasonable man would do).



What are the Key Strategies for SLCN?

- **Staff skills and processes to support involving children and young people with SLCN** throughout the EHC plan process are essential. There is more information on this the section on developing outcomes.
- Again, a focus on the **needs** of the child or young person and identifying current **barriers to learning** is vital. This is a social model rather than impairment-based model and fits with what we know works for SLCN: looking holistically at the support around the child or young person and a personalised approach to support and interventions.
- Allied to this, **practitioners need to be skilled in person-centred planning**. The section on children and young people at the centre has more information on this.
- **Allocating sufficient time to request and collate information to develop and review plans is essential**. Time is required to find out what is going well for the child or young person with SLCN and what could be better. Parents should also be encouraged and supported where possible to think before meetings about what is important for them in relation to their child.
- **Pen pictures can be developed for the review**, or at the review, so that all present have a shared idea of important strategies and what is most important to the individual.
- **Effective joint working** across professionals is essential.
- In this way the focus is on outcomes – and the Royal College of Speech and Language Therapists suggests families should be pursuing outcomes rather than services.

For example...

Key questions that are useful to ask parents whilst writing the EHC plan or at the review are:

- What do you want your child to be able to do in 12 months that he/she can't do now?
 - What support do you need to achieve this?
 - What services or people do you think are best placed to help with this support?
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What does success look like?



A good EHC Plan should:

- Clearly represent the views of the child or young person.
- Set out the needs and aspirations of the parents and family for their child.
- Follow a logical sequence, and clearly demonstrate how the outcomes selected and provision relate directly back to what is working well for the individual now, and what will work well in the future.
- Have a long-term focus, and include outcomes around independence and functional life skills.
- Set out clearly the roles and responsibilities of everyone involved.



References



1. Letter to SEND lead officers from DfE dated 15.9.14, www.education.gov.uk
2. SEND Code of Practice Chapter 9



There is a wide range of other guidance available to help practitioners deliver the Reforms which Communicating the Code seeks to add to rather than duplicate. Follow [this link](#) to find additional resources and support and [this link](#) to see examples of good practice and case studies relating to the Code of Practice.

This document can also be downloaded from our website at www.thecommunicationtrust.org.uk
