



ISLE OF WIGHT COUNCIL
Special Educational Needs (SEN) Service

EDUCATION, HEALTH AND CARE (EHC) PLANS
A GUIDE FOR PARENTS/CARERS AND YOUNG PEOPLE

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IMPORTANT INFORMATION

You may like to add this information in for easy reference

OUR NAMED CASEWORK OFFICER IS:	
OUR NAMED CASEWORK ASSISTANT IS:	
THEIR MAIN CONTACT NUMBER IS:	01983 823470
THEY ARE BASED AT:	Thompson House Sandy Lane NEWPORT Isle of Wight PO30 3NA

This guidance is intended to help explain the processes and documents that you may receive from the point that a request for an Education, Health and Care needs assessment for your child is received by the SEN Assessment and Review Team.

The letters that are sent out during this process are numbered, but not all of them are sent out to parents/carers which is why explanations of them may not appear in this guidance. You may not necessarily receive every letter as it will depend on the outcome of the EHC needs assessment.

If you would prefer to receive information via email, please contact your casework officer or assistant to arrange this.

At the end of the process we will send you a questionnaire asking for your feedback on how things have been for you – it is really helpful to receive your comments so that we can make improvements to our service.

Other Useful Information – details can be found at the back of this booklet
The SEN Panel, SENDIASS, Mediation, Local Offer, Tribunals, Parents Voice IW

Useful links:

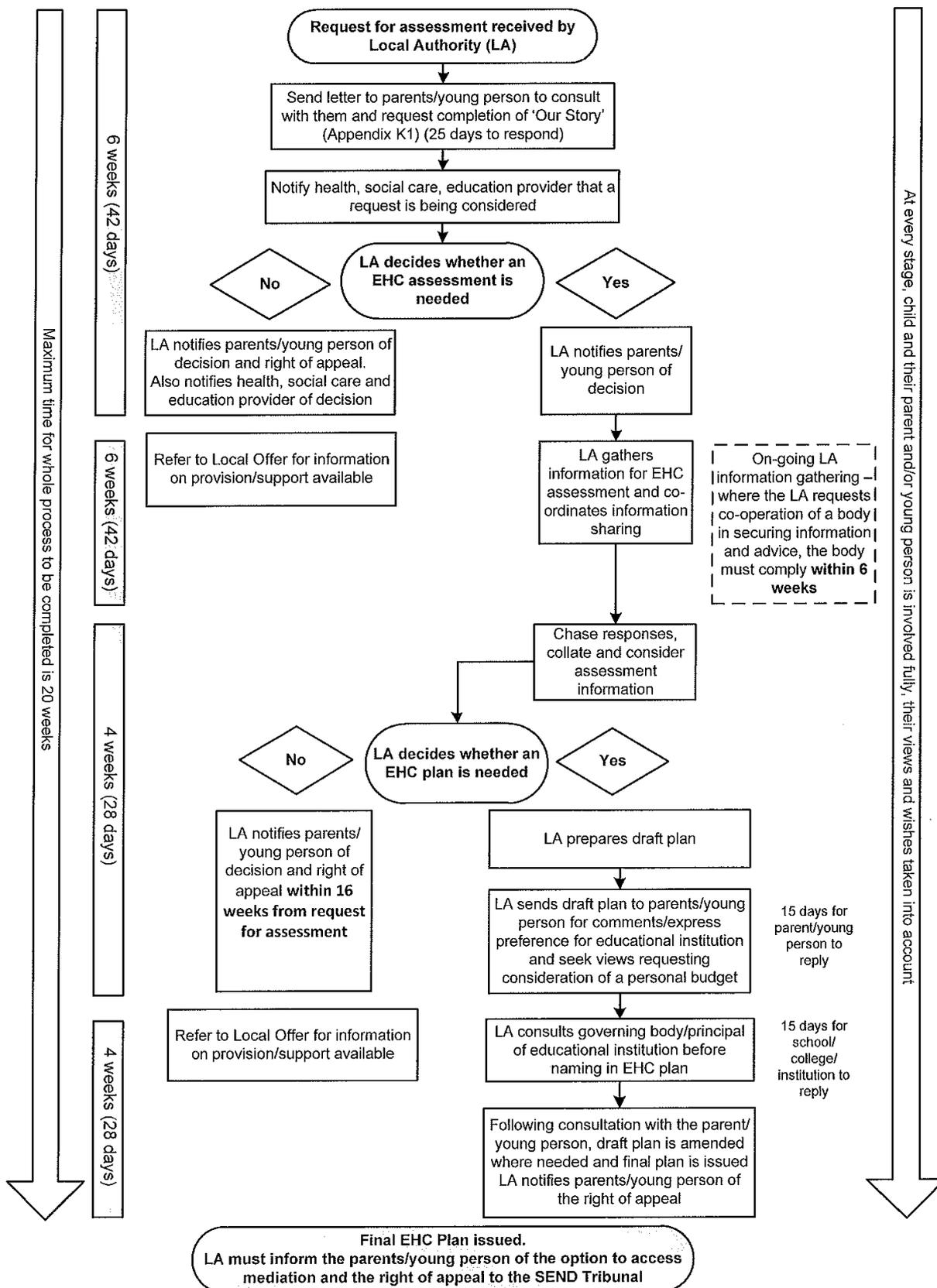
www.gov.uk/government/publications/send-guide-for-parents-and-carers

www.iwight.com/Residents/Schools-and-Learning/Schools/School-Contacts

www.gov.uk/government/publications/independent-and-non-maintained-special-schools.

www.iwight.com/localoffer

EHC Assessment and Plan



When we receive a request for an Education, Health and Care needs assessment

What we send you	The reasons why	We need you to reply
EHC1 Letter	To let you know that an assessment has been requested	Within ten working days
A reply slip	For you to tell us who you think should also provide information , if the assessment goes ahead	

In order to decide if an Education, Health and Care needs assessment will go ahead we look at information provided by:

- You
- Your child (if they are able to give their view)
- Your child's educational setting, i.e. pre-school, school, college etc.
- Professionals who may be involved with your child

A copy of the EHC1 letter is sent to Health and Children's/Adult's Social Care, for their information only at this stage.

The assessment request is discussed at the SEN Panel on the next available date which is usually 2-3 weeks after the date on the EHC1 letter. There is more information on the SEN Panel later in this guidance. The Panel follows the Children and Families Act 2014 when making EHC needs assessment decisions.

We will write to you again within 5 working days of the SEN Panel date to let you know if the assessment will go ahead.

When the Local Authority places your case on SEN Panel

What we send you	The reasons why	We need you to reply
EHC0 Letter	To provide you with a copy of all the paperwork being presented to the SEN Panel	You do not need to reply to this letter as it is for information only

This letter accompanies a copy of all the paperwork being presented to panel. This paperwork, alongside the minute form from the panel meeting will allow you to see both the decision and the information the panel used to arrive at that decision.

This is to ensure there is transparency in the decision making of the panel.

If the SEN Panel decides that an EHC needs assessment is **NOT** required

What we send you	The reasons why	We need you to reply
EHC3 Letter	To let you know that the SEN Panel decided an EHC needs assessment is not required and the reasons why	If you would like further information about how to appeal or request mediation.

What you can do next

- If you and your child's pre-school, school or college think that your child's needs do meet criteria for an assessment and you think there is more evidence that the Panel should see, you can resubmit your request with the additional information.
- If you feel that your child is struggling within their education setting and it is difficult to agree support with the staff, please contact you SENDIASS; their details are toward the end of this booklet
- If you agree with the decision not to go ahead with an assessment, but would like more support as a family, you can find out about other services on the Local Offer website.

If you feel that the setting is not doing enough to support your child and you are struggling to agree support with them, you may wish to contact SENDIASS (contact details are at the end of this booklet). They can arrange a time to meet with you and the setting to find a way forward, and help the setting better understand and support your child's needs. All settings have a duty under the Equality Act 2010 towards individual children, and must make reasonable adjustments to prevent them being put at a substantial disadvantage. Settings also have a wider duty to prevent discrimination, promote equality of opportunity and foster good relations

If you believe the decision is wrong, and none of the above choices are appropriate, you have the options to request mediation with the local authority and/or appeal the decision at a tribunal. Timing of an appeal is important and you must lodge your appeal within two months from the date on the letter (or within 30 days of mediation. This will go to the First Tier Tribunal (SEND) - there is more information later in this booklet.

All education settings have to set out what support they offer to pupils with SEN, which you can find on the Local Offer website - www.iwight.com/localoffer.

If the SEN Panel decides that an EHC needs assessment is required

What we send you	The reasons why	We need you to reply
EHC4 Letter	To tell you that it has been decided to go ahead with an EHC needs assessment for your child	Sending back to us the completed " my story " and " our story " forms.

The assessment is to get a better understanding of what your child needs. As part of this information is requested from the following people:-

- the Headteacher and staff at your child's education setting
- the Educational Psychologist linked to the education setting
- any other professionals who have advised the setting on how to support children with SEN
- the Designated Medical Officer from the Clinical Commissioning Group (CCG)
- Children or Adult social care

A copy of the EHC4 letter is sent to each, which is the formal request for their contribution. If you have asked for anyone else to be involved, the local authority will confirm which ones we have agreed to send a letter to.

The health service (Paediatricians) and Educational Psychologist contact you directly to arrange an appointment if they need to see your child. You will be invited to a person-centred planning meeting run by an Educational Psychologist. Your child is the focus and the aim is to find out your child's strengths, what your child is finding difficult and possible ways to move forward.

The setting and the Educational Psychologist should discuss their reports with you before sending them to the SEN Assessment and Review Team.

Everyone who has been asked to provide information about their involvement with your child must send this to us within six weeks from the date on the EHC4 letter. They must also send you a copy at the same time. If they are unable to respond in this timeframe they should let the team know so that an exception to the deadline can be considered.

The information will be considered by the SEN Panel at a later date. If the Panel agrees to issue the EHC Plan you will be sent the draft Plan to look through.

The assessment will be completed as quickly as possible and you will be sent a further letter within 16 weeks of the date of the EHC1 letter to let you know if a decision has been made to issue an Education, Health and Care Plan.

If the SEN Panel decides not to issue the EHC Plan you will be given information about what happens next and what you can do if you don't agree with the decision.

When the Local Authority places your case on SEN Panel

What we send you	The reasons why	We need you to reply
EHC0 Letter	To provide you with a copy of all the paperwork being presented to the SEN Panel	You do not need to reply to this letter as it is for information only

This letter accompanies a copy of all the paperwork being presented to panel. This paperwork, alongside the minute form from the panel meeting will allow you to see both the decision and the information the panel used to arrive at that decision.

This is to ensure there is transparency in the decision making of the panel.

When your child's Education, Health and Care (EHC) needs assessment has been completed and a decision is made to issue an EHC Plan

What we send you	The reasons why	We need you to reply
EHC4.5 Letter	To tell you that the SEN Panel has agreed to issue a Draft EHC Plan	You do not need to reply. This letter is for information only

This letter is to inform you that the SEN Panel has agreed to issue an EHC Plan and that you will receive a draft copy shortly.

When your child's Education, Health and Care needs assessment has been completed and the SEN Panel decided that an EHC Plan is NOT required

What we send you	The reasons why	We need you to reply
EHC5 Letter	To tell you that the SEN Panel has decided not to issue an EHC Plan	If you would like further information about how to appeal or request mediation.

What the Panel decided

Looking at all the information, (which you will have received a copy of) the Panel agreed that your child's needs can be met from their education setting's own resources and the minute form accompanying the EHC5 letter will outline the reasons why this decision was made.

Most of the Isle of Wight Council's SEN budget is given directly to education settings so that they can make their own arrangements to support pupils with SEN – more information on this is available further on in this guidance. If you wish, you may request to meet with your child's education setting to talk about how they are using this money and how they can meet your child's needs. You might find it helpful to look at their SEN information on the Local Offer, as mentioned previously.

The EHC needs assessment provides lots of helpful information and advice about your child's special educational needs and how to meet them. The assessment reports should have been sent to you by the services writing them but you will have received a copy from us before the panel meeting.

If you believe the decision is wrong, and none of the above choices are appropriate, you have the option to appeal the decision. Timing of an appeal is important - you must lodge your appeal within two months from the date on the EHC5 letter. This will then go to the First Tier Tribunal (SEND) - there is more information on this in the letter SENDIASS can give you help and advice about the EHC process and making an appeal.

When your child's Education, Health and Care (EHC) Plan is ready to be issued as a draft

What we send you	The reasons why	We need you to reply
EHC6 Letter	To tell you that the SEN Panel has agreed to issue a Draft EHC Plan	So that we can finalise, agree and implement the EHC Plan
Draft Education, Health and Care Plan	For your information and for you to request any changes you feel are necessary	
Reply Slip	For you to tell us: <ul style="list-style-type: none"> • if you are happy with the Draft EHC Plan • which school/college you would like named in the EHC Plan • whether you would like a meeting to discuss the EHC Plan • if there are changes you would like to make to the EHC Plan. 	Within fifteen <u>calendar</u> days of the date of the EHC6 letter

When you look at your child's Draft EHC Plan, you will see that there are 11 sections, lettered A to K - Section K is a list of all the advice that services provided.

The Final EHC Plan should be issued four weeks after you get the EHC6.

The education setting

Section I (Placement) in the Draft EHC Plan is left blank so that you can tell us what education setting you would like your child to go to - if you are happy with their current setting you don't have to change this but you should still let us know you want them to stay where they are, but if you would like them to change setting, please use the reply slip to tell us which setting and why you want them to go there.

A list of all schools on the Isle of Wight is available on www.iwight.com. You also have the choice to ask for a place at an independent or non-maintained school, for which a list is published by the Secretary of State for Education:

www.gov.uk/government/publications/independent-and-non-maintained-special-schools.

Ideally your child will attend a setting near your home, but we will look carefully at reasons why you would like them to attend one further away from home. If the SEN Panel agrees that there is a setting on the Island that meets your child's needs, that setting will be named in the Final EHC Plan. If we name a setting further away from your home, but there's a setting closer that could meet your child's needs, you will usually **not** be eligible for transport assistance.

The Local Authority has to agree to your choice *unless*:

- it is not be suitable because of your child's age or special educational needs
- it would impact on the provision of efficient education for the other pupils
- it would affect the efficient use of resources.

If you are thinking of sending your child to a new setting, it is recommended that you arrange a visit. You can check their policy on special educational needs on the Local Offer and ask as many questions as you would like - it's often helpful to plan some questions before you go.

Personal Budgets

Once the decision has been made to issue an EHC Plan for your child you can ask us to consider a personal budget.

There is more information about personal budgets on the Local Offer website.

Once any changes have been agreed, you will be sent the Final EHC Plan – this document is legally binding and what is written in it **must** be provided.

Sometimes it may not be possible to give you exactly what you want. If this is the case you have the right to appeal, as mentioned previously.

Issuing a Final EHC Plan

What we send you	The reasons why	We need you to reply
EHC11 Letter	This is the Final agreed EHC Plan for your child, outlining the provision they require in their education setting and who is responsible for this	There is no need to reply unless there is anything you don't understand.

This letter encloses your child's Final Education, Health and Care (EHC) Plan.

Every year the school will arrange a meeting when your child's Plan will be reviewed to make sure it's still appropriate. If your child is under the age of five years the Plan will be reviewed every six months to make sure it's still appropriate, and then annually from the age of five years.

The review is to check that your child's needs are being met and that their current setting is still the most suitable placement for them. You will be able take part in the review and give your views.

If you are not happy with your child's Final EHC Plan you should contact your casework officer to discuss your concerns.

You can also contact SENDIASS for advice and support or check the Local Offer website.

You also have the option to make a formal appeal and/or seek mediation – please see the information at the end of the booklet.

When a timeframe needs to be extended– exception to the statutory deadlines

What we send you	The reasons why	We need you to reply
EHC8 Letter	To let you know that the time limit of 10 weeks for completing the assessment is being extended, and the reasons why this is happening	There is no need to reply to this letter

The time limit for the completion of the various assessments is normally 10 weeks. During this period the Local Authority is expected to obtain advice from all the contributors to the EHC needs assessment and to make a decision about whether an EHC Plan is required.

It is not always possible to meet this time limit and in certain circumstances it has to be extended. This could be due to:

- the long school holiday period which means that the Headteacher is unlikely to be able to provide the school report within the usual timescale allocated.
- the exceptional personal circumstances affecting your family during the assessment period
- you being absent from the area for a continuous period of more than four weeks.

Hopefully any delay in completing the assessment process will not be too great and it will still be possible to complete the assessment within a reasonable time period.

Issuing an amendment to the EHC Plan

What we send you	The reasons why	We need you to reply
EHC9 Letter	To let you know the changes that have been made to the EHC Plan following an annual review meeting, setting change etc.	Within fifteen <u>calendar</u> days to let us know: <ul style="list-style-type: none"> • if you are happy with what the proposed amended Plan says • which school/college you would like named in the Plan • Whether you would like to discuss the Plan. The content of the Final Amended Plan can then be decided, issued and implemented as soon as possible
Amendment Notice	To show the changes as discussed	
Reply Slip	For you to let us know that you are not happy with the changes and would like to discuss them	

An amended draft EHC Plan is usually only issued as part of a needs assessment when the Local Authority receives a late report directly from an advice giver, after we've issued the first draft but before it has been finalised. If you submit a report as part of your response to the draft, it may be incorporated into the final EHC Plan but an amended draft will not be issued beforehand.

Details of the amendments are sent in a Proposed Amended EHC Plan.

If you are not happy with the suggested changes or would like to discuss this, please contact your casework officer.

You can tell us what setting you would like your child to go to - if you are happy with their current setting you don't have to change this, but if you would like them to change setting, please use the reply slip to tell us which one and why you want them to go there.

A list of all schools on the Isle of Wight is available on www.iwight.com. You also have the choice ask for a place at an independent or non-maintained school, for which a list is published by the Secretary of State for Education: www.gov.uk/government/publications/independent-and-non-maintained-special-schools.

If your choice of school is not on the Secretary of State's list, you can suggest an education provider and let us know why you think it should be named in the EHC Plan. This will be considered carefully but, although we do our best to ensure that your child is educated in accordance with your wishes, the Local Authority does not have to agree to this. You should complete the reply slip with your preferred education provider within fifteen calendar days of the date of this letter.

Ideally your child will attend a setting near your home, but we will look carefully at reasons why you would like them to attend one further away from home. If the SEN Panel agrees that there is a school on the Island that meets your child's needs, that school will be named in the Final EHC Plan. Isle of Wight Council policy states that children and young people should be educated as close to their homes as possible, but if you choose a school that is further from your home this can be considered, as long as a place is available. If successful, your child's attendance would be on the understanding that you are responsible for transport arrangements and costs.

The Local Authority has to agree to your choice *unless*:

- it is not be suitable because of your child's age or special educational needs
- it would impact on the provision of efficient education for the other pupils
- it would affect the efficient use of resources.

It is recommended that you arrange a visit to any school that you may be considering for your child, check their policy on SEN on the Local Offer and ask as many questions as you would like - it's often helpful to prepare some questions before you visit.

If you aren't happy with the proposed amended EHC plan you should use the enclosed reply slip to request further changes. If these are agreed we will send you a further proposed amended plan.

Once these stages are all complete a Final amended EHC Plan will be sent to you.

As previously, you have the option to access support from SENDIASS or to appeal to the SEND Tribunal. Your rights are not affected and an appeal can run at the same time as any disagreement resolution or mediation process. You may also wish to look through the Local Offer for information on what is available for your child, or request a Personal Budget. Information on all these options is at the end of this guidance booklet.

The SEN Panel

The SEN Panel considers all requests in relation to education, health and care needs assessments, the outcome of an assessment (whether a Plan should be issued or not), changes to provision or setting for current EHC Plans, top-up funding applications and any specialist equipment requests.

The SEN Panel is chaired by the Senior Special Needs Officer or SEN Service Manager and is usually attended by:

- Specialist Teacher Advisor
- Early Years SEN Advisor
- Disabled Children's Team Manager
- Educational Psychologist
- Speech and Language Therapist
- Special School Headteacher
- Primary School Headteacher/SENCO
- Secondary School Headteacher/SENCO
- Head of ALS, Isle of Wight College
- Representative from the Island Learning Centre
- Representative from the Education Welfare Service.
- Social Care Manager

N.B there will be occasions when some professionals listed above are not able to attend.

Where there is a difference of opinion, the Chair of the Panel will make the final decision, taking into account the views of the Panel but also considering any compelling reasons to depart from these views/criteria for any individual circumstance.

You will receive a signed minute form within five working days of the SEN Panel. It will contain a short summary of the discussion held and the decision(s) made.

The Appeals Process – Mediation and Formal Appeal (Tribunal)

If you are unhappy with the contents of Section B, F or I of the EHC Plan, you have a right of appeal to the Special Education Needs and Disability Tribunal Service. *(Please read the next section on the National SEND Tribunal Trial if you are unhappy with Sections C, D, G or H1/2.)*

The Special Education Needs and Disability Tribunal consider parental appeals against decisions of local authorities about children's special educational needs when parents and local authorities have not been able to reach agreement. Appeals are heard by an independent Special Educational Needs and Disability Panel which has no connection with any local authority.

If you decide to appeal, you have to do this within two months from the date of a decision letter (EHC Letter 3/5/7/10 or 11). Guidance for parents on how to appeal and an appeal application form can be obtained from the Tribunals Service Special Educational Needs and Disability website at: www.sendist.gov.uk.

The address to write to is First Tier Tribunal (HESC) 1st Floor, Darlington Magistrates Court, Park Gate, Darlington DL 1 1RU. The helpline telephone number is 01325 289350.

Parents and young people, who are considering appealing to the SEND Tribunal, are required to consider mediation first and acquire a certificate to confirm this. The Authority has commissioned Global Mediation to carry out mediation on its behalf.

Details can be found at <https://www.globalmediation.co.uk/>, or email info@globalmediation.co.uk ; Telephone: 0800 0644488.

National SEND Tribunal Trial – Health and Social Care

The Government are extending the powers of the First-tier Tribunal (SEND), sometimes referred to as the 'SEND Tribunal', to make non-binding recommendations about the health and social care aspects of Education, Health and Care (EHC) plans as part of a two-year trial. The trial will apply to decisions made or EHC plans issued/amended from 3 April 2018.

To date, you have only been able to appeal the educational aspects of EHC plans. The trial gives you new rights to request recommendations about the health and social care needs and provision specified in EHC plans, in addition to the educational aspects, when making a SEND appeal. This gives you the opportunity to raise all your concerns about an EHC plan in one place.

It is only possible for the Tribunal to consider the health and/or social care aspects of the EHC plan where you are already making an appeal in relation to the education aspects of the EHC plan and the education aspect must remain live throughout the appeal.

You can ask the Tribunal to make non-binding recommendations on health and/or social care aspects of EHC plans as part of an appeal relating to:

- a decision by the local authority not to issue an EHC plan
- a decision by the local authority not to carry out a re-assessment for a child/young person who has an EHC plan
- a decision by the local authority not to amend an EHC plan following a review or re-assessment
- a decision by the local authority to cease to maintain an EHC plan
- the description of the child/young person's special educational needs in an EHC plan
- the special educational provision specified in an EHC plan
- the school or other educational institution named in an EHC plan

If you wish to appeal against a local authority decision on any of the grounds above and want to request that the Tribunal considers your concerns about the health and /or social care aspects of the EHC plan, you should follow the normal process for bringing an appeal to the Tribunal and tick the box on the form relating to a health and/or social care appeal. Advice on making SEND appeals to the Tribunal is available from the GOV.UK website.

There will be an independent evaluation of the trial to inform a decision on whether the new tribunal recommendation powers should be continued after the trial. It is important that the evaluation is based on robust evidence, and the evaluators are therefore strongly encouraging participation from parents and young people through telephone or online interviews. Parents and young people that take part in the trial will receive a letter from the Tribunal explaining more about the evaluation and how their personal data will be stored confidentially and how it will be protected.

For more information go to <https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>

Special Educational Needs and Disability Independent Advisory and Support Service (SENDIASS)

SENDIASS is an independent group that support parents through the EHC needs assessment process. You can ask someone from SENDIASS for support at any stage, including going with you to meetings or any setting visits.

You can ask SENDIASS for information and advice about any part of the EHC needs assessment process



SENDIASS can be contacted on:

☎ (01983) 825548.

✉ sendiass@iow.gov.uk

For more information go to www.iowsendiass.co.uk

The Isle of Wight Local Offer

The Local Offer aims to bring together information that is intended to be helpful to children

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and young people with Special Educational Needs and Disabilities (SEND) and their families. The Local Offer has two main purposes:

- To provide clear, comprehensive information, in one place, on the support and opportunities available locally to children, young people and their families and what can be expected from a range of local agencies including education, health and social care
- To make services more responsive to local needs and shaped by you

The Local Offer will provide you with all the information you need to help you identify the right support to enable your child to participate fully in and enjoy learning and achieve their goals.

The Local Offer will cover:

- Education, health and care provision for children and young people with Special Educational Needs and Disabilities (SEND).
- Arrangements for identifying and assessing children and young people with SEND, including arrangements for requesting an Education Health and Care (EHC) needs assessment.
- Other education provision (outside of schools or colleges such as sports or arts provision), training provision, including apprenticeships.
- Respite support and leisure activities.
- Arrangements for travel to and from schools, Post 16 institutions and early years providers.
- Support to help children and young people in moving between phases of education and to prepare for adulthood.

The Local Offer will make it easier for you to find out what you need to do to support your child, making you less reliant on other people or word-of-mouth suggestions. It will explain how different services are accessed, including any eligibility criteria. This will ensure you can see exactly what support is available to you. It will also help parent/carers to feedback and challenge when they are concerned that their son or daughter isn't receiving the right support to meet his/her needs or the provision they had been led to expect is not in place.

- For more information go to www.iwight.com/localoffer

Parents Voice

Parents Voice IW is the Isle of Wight's parent carer forum and is recognised by the DfE as the local strategic partner.

Parents Voice is a group of parent/carers who have children with special educational needs and/or disabilities (SEND), and was created for parents/family members who are carers of children or young people with SEND.



Aims

To create, develop and sustain a parent forum on the Isle of Wight representing parents and carers of children with SEN and/or disabilities that will:

- Champion children's access to opportunities that help them to thrive and reach their full potential
- Work with providers (e.g. Local Authority) and other organisations to raise standards and improve support and services for children and their families.

Objectives

- To help shape and improve existing services and participate in the planning of new and future initiatives for children and young people with SEN and/or disabilities.
- To promote parent participation in the planning and delivery of services.
- To build the skills and knowledge base of the parents/carers so that they can confidently raise awareness of our children's needs and promote recognition of the role of parents.
- To be representative and gather the views of other parents and carers on the Isle of Wight and to secure the support of all the objectives above.

Parents Voice IW can be contacted on:

☎ 01983 823898 ext. 2838

✉ parentsvoice@peoplematteriw.org

For more information go to <http://www.parentsvoice-iw.co.uk>