

Achievement for All: Co-ordinated assessment

The (0-25) Special Educational Needs Code of Practice is statutory guidance from the Department for Education on duties, policies and procedures relating to Part 3 of the Children and Families Act 2014 and associated regulations, which include the introduction of Education, Health and Care (EHC) plans and 'co-ordinated assessment'.

What are the timescales for EHC planning and the co-ordinated assessment process?

The (0-25) Special Educational Needs Code of Practice with special educational needs (SEN) states that the whole assessment and planning process, from the point an assessment is requested or that a child or young person comes to the local authority's notice to the completion of an EHC plan, should take no more than 20 working weeks (subject to exemptions set out below).

Specific requirements

- a. Local authorities must respond to any requests for a statutory EHC assessment within a maximum of 6 working weeks, during which time they must seek the views of the parents or young person and offer them the opportunity to submit any evidence relating to the decision. They must then inform the parents or young person, the educational provider and the relevant health commissioner – usually the clinical commissioning group of whom the patient's GP is a member - of their decision as to whether to undertake an education, health and care assessment.
- b. When local authorities request advice as part of the assessment process, those giving the advice must reply within a maximum of 6 weeks.
- c. Children, young people and their parents must be involved and consulted throughout the assessment and planning process; they must be given at least 15 days to consider and provide views on the final draft of the EHC plan and to request that a particular school or other institution be named in it.

Exemptions

Local authorities do not need to comply with the time limits above in circumstances in which it is not reasonable to expect the bodies concerned to meet those time scales.

The local authority need not respond to any requests for a statutory EHC assessment within a maximum of 6 working weeks if it is impractical to do so because:

- a. the authority has requested advice from the head teacher or principal of a school or post-16 institution during a period beginning 1 week before any date on which that school or institution was closed for a continuous period of not less than 4 weeks from that date and ending 1 week before the date on which it re-opens;
- b. the authority has requested advice from the head of SEN in relation to, or other person responsible for, a child's education at a provider of relevant early years education during a period beginning 1 week before any date on which that provider was closed for a continuous period of not less than 4 weeks from that date and ending 1 week before the date on which it re-opens;
- c. exceptional personal circumstances affect the child or his/her parent, or the young person; or
- d. the child or his/her parent, or the young person, are absent from the area of the authority for a continuous period of not less than 4 weeks during the 6 week period.

The local authority need not complete the whole assessment and planning process within a maximum of 20 working weeks if it is impractical to do so because:

- a. the authority has requested advice from the head teacher or principal of a school or post-16 institution during a period beginning 1 week before any date on which that school or institution was closed for a continuous period of not less than 4 weeks from that date and ending 1 week before the date on which it re-opens;
- b. the authority has requested advice from the head of SEN in relation to, or other person responsible for, a child's education at a provider of relevant early years education during a period beginning 1 week before any date on which that provider was closed for a continuous period of not less than 4 weeks from that date and ending 1 week before the date on which it re-opens;
- c. exceptional personal circumstances affect the child or his parent, or the young person; or the child or his parent, or the young person, are absent from the area of the authority for a continuous period of not less than 4 weeks during 20 week period.

Bodies providing advice as part of the assessment process need not comply with the time limit if it is impractical to do so because:

- a. exceptional circumstances affect the child, the young person or the child's parent during that 6 week period;
- b. the child, the child's parent or the young person are absent from the area of the authority for a continuous period of not less than 4 weeks during the 6 week assessment window; or

- c. the child or young person fails to keep an appointment for an examination or a test made by the body during the 6 week assessment window.

Parents or the young person should be told if any of these exemptions apply, so that they understand the reason for any delays. Local authorities should aim to keep delays to a minimum and as soon as the conditions that led to an exemption no longer apply the local authority should endeavour to complete the process as quickly as possible. Any remaining components of the process must be completed within their prescribed periods, regardless of whether exemptions have delayed earlier components.

Who will the local authority request information from / consult with when considering whether a statutory assessment is necessary?

The (0-25) Special Educational Needs Code of Practice states that local authorities should pay particular attention to:

- a. The views, wishes and feelings of the child and parents or young person
- b. Evidence of the child or young person's academic attainment and their rate of progress
- c. Evidence provided by the school, post-16 institution or others involved with the young person as to the nature, extent and cause of the child or young person's learning difficulties (for example communication and interaction difficulties, behaviour emotional and social development, and sensory or physical needs)
- d. Evidence of action already taken by the school or post-16 institution to meet and overcome those difficulties, and provision made
- e. Evidence that where some progress has been made, it has only been as the result of much additional effort and instruction at a sustained level over and above that which is usually provided through Additional SEN Support.
- f. Evidence of the child or young person's physical, emotional and social development and health needs.
- g. Where a young person is aged over 18, their age and whether remaining in education or training would help them to progress, building on what they have learned before and helping them to make a successful transition to adult life.

The local authority must inform the child's parent or young person of their decision within a maximum of 6 weeks of receiving a request for an assessment (or otherwise becoming responsible for the child or young person under Clause 23 of the Children and Families Bill). The local authority must give its reasons for this decision. If the local authority intends to

conduct an assessment, it must also ensure the child's parent or the young person are aware of how they will be involved. If the local authority decides not to conduct an assessment it must inform the parents or young person of their right to appeal that decision and of the requirement for them to consider mediation.

What are the principles of a co-ordinated assessment?

The (0-25) Special Educational Needs Code of Practice states that it is important that children, young people and families experience a straightforward and joined-up process which leads to timely, well-informed decisions. The following principles should be taken into account when conducting co-ordinated planning and assessments:

- a. Children, young people and their parents should be at the centre of the process, and their views on how, when and to what extent they would like to engage are important and should be taken into account;
- b. The assessment and planning process should be as streamlined as possible;
- c. There should be a 'tell us once' approach to sharing information, so families and young people do not have to repeat the same information to different agencies. Local authorities should be pro-active in ensuring that where there is existing, relevant information about the child or young person, within the local authority or different agencies, they use this rather than requesting further information or assessment. Local authorities should minimise unnecessary disruption and take account of the needs of the child, young person and their family. For example: where families are required to attend multiple appointments with different professionals, these should be co-ordinated or combined where possible; and children and young people with challenging behaviour may need special arrangements for appointment times or venues;
- d. Local authorities and clinical commissioning groups are required (under the Children and Families Bill) to work together to arrange local services to meet the
 - a. Education, health and care needs of children and young people with SEN. They must ensure the integration of education, health and care provision where this would improve the well-being of children and young people with SEN. Joint commissioning arrangements must include arrangements to secure education, health and care needs assessments. Local education, health and care services must work together effectively to reach agreement on key outcomes with families and to agree the appropriate joint provision across services to deliver the agreed outcomes. Approaches to integrated working may range from single planning meetings to development of shared services to ensure effective co-ordination of assessment and support.
- e. Although assessments should be co-ordinated across agencies, provision of individual services should not be delayed when completing an EHC assessment.

The EHC assessment and planning process may take up to 20 weeks from initial request/referral to issuing a completed EHC plan. Where particular services are assessed as being needed, such as those resulting from statutory social care assessments under the Children Act, 1989 or adult social care legislation, their provision should be delivered in line with the relevant statutory guidance and should not be delayed until the EHC plan is complete.

- f. Practitioners in all services, including education, health and social care, should be engaged and committed to the assessment and planning process and, where necessary, trained to support families and young people themselves to make informed decisions. In particular the LA should consider the support that parents and young people need in order to take part effectively in the assessment process. Families who have particularly complex needs, requiring the involvement of many different agencies may need support in understanding and contributing to the assessment process. Local authorities must consider providing additional practical support, such as keyworking support, to families who might not be able to take part in the process without such support;
- g. Assessment and planning should be an on-going process, which continues to identify and meet the needs of children, young people and families as they develop, ensuring support and provision is planned and delivered in a way that enables children and young people to progress and achieve agreed outcomes.
- h. Whilst many people will contribute to the planning and assessment process, one person should work closely with the young person and their parent/carer and be responsible for co-ordinating the information and the process. The process should actively be supported by senior leadership teams monitoring the quality and sufficiency of the assessments produced through robust quality assurance systems. Young people and their parents should have confidence that those overseeing the assessment process will be impartial and act in their best interests.

What advice will be sought as part of a co-ordinated assessment?

The (0-25) Special Educational Needs Code of Practice states that when conducting an education, health and care assessment for the first time, local authorities must seek advice from relevant professionals:

- a. Educational advice from the head teacher or principal of the early years provider, school or post-16 or other institution attended by the child or young person. Where this is not available, the authority should seek advice from a person it is satisfied has experience of teaching children or young people with special educational needs.
- b. If the child or young person is either visually or hearing impaired, or both, the educational advice must be given after consultation with a person who is qualified

to teach pupils with these impairments, if the person giving the educational advice is not qualified to do this.

- c. Medical advice from a person nominated by the Clinical Commissioning Group which exercises functions in relation to the child or young person, or from health care professionals where relevant.
- d. Psychological advice from an educational psychologist.
- e. Advice from social care professionals within the local authority.
- f. Any other advice which the local authority considers appropriate for the purpose of arriving at a satisfactory assessment, for example from a youth offending team or probation service, or in the case of Service children, the Children's Education Advisory Service; and
- g. Advice from anybody else the parent or young person thinks the local authority should consult, for example a lead support worker.

The local authority should consider with the parent, young person and the parties listed above the level of advice needed in order to enable a satisfactory assessment of needs to take place. For example where a child or young person with SEN does not appear to have significant health or social care needs, a full health and social care assessment may not be necessary.

What will local authorities do if the co-ordinated assessment indicates that an EHC plan is not required?

The (0-25) Special Educational Needs Code of Practice states that the local authority should prepare an EHC plan when it considers that the special educational provision needed to meet the child or young person's needs cannot reasonably be provided within the resources normally available to mainstream early years providers, schools and post 16 institutions.

In determining whether a plan is necessary, the local authority should consider all the information gathered during the EHC assessment and relate it to any evidence presented by the school, other educational institution or others at the time of any request or referral for assessment.

If the local authority decides that a statutory EHC plan is not necessary, it must notify the parents or young person and the early years provider, school or post-16 institution, and give the reasons for its decision. The local authority must also tell the parents or young person of their right to appeal to the SEN Tribunal against the decision and set out the time limits for appeal, the availability of parent partnership and disagreement resolution services, and the fact that the parent or young person must be offered mediation. The local authority should

ensure that the parents or young person are aware of the resources available to meet SEN within mainstream provision and other support set out in the local offer.

The local authority should consider providing feedback collected during the assessment process, such as evidence from professionals, which the parents, young person, early years provider, school or post-16 institution may find useful. This information can then inform how the outcomes for the child or young person can be achieved through special educational provision already made by the early years provider, school or college and co-ordinated support from other agencies. It may be appropriate for the format of the summary to broadly follow the statutory format of the EHC plan, although it will be essential to make clear the different legal status of the two documents.

Children and young people without a statutory EHC plan remain entitled to services to meet their reasonable health or care needs under other legislation, including section 3 of the NHS Act 2006, which places CCGs under a statutory duty to provide the health services to meet the reasonable needs of a child with a complex health need, and the Equality Act, which requires schools, colleges and local authorities to make reasonable adjustments to policy and practice, including providing auxiliary aids and services such as specialised computer programmes, hoists and sign language interpreters.

Where a young person is aged over 18, local authorities must take their age into account when deciding whether special education and an EHC plan is necessary.

Support can continue up to age 25 for those young people who need to take longer to complete or consolidate their education or training. This includes the right to request an assessment of SEN and the provision that might result from that assessment. However, it may not be in the best interests of every young person to stay in education until they are 25.

Many young people will want to complete their education and progress into adult life and work much sooner than this. Local authorities will need to make a judgement, in close consultation with parents and the young person, about whether or not agreed outcomes have been met, and the young person has been prepared and enabled to make a successful transition to adulthood.

Some young people with complex needs will primarily require on-going health and/or care support. In such circumstances, it is right that these young people receive the support and care that they need via Health Services and/or Adult Care and Support. For others, following time on an Apprenticeship or a Supported Internship the best option may be to leave formal education and access the support and training available to help them to secure a job through the welfare system. Some young people may want to enter Higher Education where local authorities' general duties with regard to securing educational provision no longer apply. In these cases, maintaining an EHC plan would not be appropriate.

Sources:

Department for Education Children and Families Act factsheets, memoranda, and technical notes. All are available at: <http://www.education.gov.uk/a00221161/children-families-bill>