

Request for EHC Needs Assessment

If your child has a SEN and/or a disability, or you believe they may have, if they are struggling with or are not accessing education, not making adequate progress, and you believe that special educational provision may be required over and above what is available from the school's normal resources, then parents, a young person or the school can apply for an EHC Needs Assessment.

If you are applying as parents for a needs assessment, you will need to check your LA's Local Offer website for details on how to apply.

Relevant legislation:

Section 36 (8) of the Children and Families' Act 2014

- a) The LA must secure an EHC needs assessment for the child or young person if the child or young person **has** or **may** have special educational needs, and
- b) it **may** be **necessary** for special educational provision to be made for the child or young person in accordance with an EHC plan

You are not required to know definitely what your child may require but you will need to provide evidence - any diagnoses, school reports, school provision plans, any assessment reports - to support your application.

Each LA may well have its own process, forms, and templates for requesting a needs assessment.

There is a template letter included in this document.

To support your application, you will ideally need to provide the following information:

- the SEN already identified by school/college/paediatricians/other specialists and provide any supporting evidence – for example reports from school/college or professionals. You can also add any other needs that you think your child has which have not yet been identified by your school/college.
- Or if you are not sure what the SEN is, you can set out the reasons why you feel your child has SEN and any evidence you have to support what you are saying – for example school reports, evidence of exclusions, and letters from any medical or other experts.

Part two of the test is that it may be necessary for special educational provision to be made for the child/young person through the issuing of an EHC plan.

You will need to set out why an EHCP plan may be needed.

- Provide evidence that the school may not be able to provide the support the child or young person needs out of their own resources. Examples include a need for specialist teaching, individual support beyond what the school can provide, therapies from external specialists, or specialist equipment.
- Evidence could include reports from professionals or the school/college recommending particular support
- Evidence that the child or young person is not making progress despite the school or college putting interventions in place.
- evidence from the school that they recognise your child needs more support but they don't have adequate funding.
- Evidence that suggests they cannot meet the needs of your child without higher funding, or that your child needs more specialist support in their opinion
- Evidence that your child is not accessing education, is not able to attend school, and requires high needs funding

The LA has six weeks to respond and inform you of its decision. This will come via letter which offers you the right to mediation and to appeal its decision.

What happens in a Needs Assessment?

If the LA agrees to assess, it must advise you in writing.

It has a duty under Regulation 6 (1) of the SEND Regulations 2014 to gather information and advice regarding the child or young person's special educational needs. This includes gathering information from you, your child, the school, and any professionals already working with your child, or that you think are relevant.

The LA must commission the involvement of an Educational Psychologist (EP) as part of the process. The EP will contact parents and/or a young person, and the school to get insight into needs and how they are currently being supported.

You may be asked a wide range of information about your child or young person's strengths, weaknesses, information about home life, how the child copes with school, homework, friendships and information about their behaviour, and wider concerns you have about their progress and what you see as a parent.

The EP may conduct formal assessments for cognitive and learning and emotional needs typically in a school setting, to see how your child is performing in a classroom environment. The report confirming needs and recommendations for provision, including type of setting, is then sent to the LA.

You may already have reports of your own that you wish to submit. Ensure that the LA has copies of those although you may find they are reluctant to draw from them.

Will I get an EHCP following assessment?

Not necessarily. When the needs assessment is completed, the LA panel will meet to decide whether your child or young person needs an EHCP. You will be informed in writing of the decision. If they decide not to issue an EHCP, you must be informed 16 weeks from your original request. The decision letter gives you a right of appeal to SENDIST.

If they decide to issue, they must issue a draft plan. You will have at least 15 days to review this.

Request for EHC needs assessment - Sample letter for parents to adapt

Date

Name and Address of Officer
Address of Local Authority

Dear Sir/Madam/Ms Bloggs

Damian Daley DOB 22.05.06

I am formally requesting under Section 36 of the 2014 Children and Families Act an EHC needs assessment for my son, Damian Daley. He attends St John's Primary School in Tenton.

My reasons are as follows (*adapt the bullet points below to describe your child's needs*).

- Damian was diagnosed with High Functioning Autism in March 2012 and has difficulties associated with this disability including problems with pragmatic language and social communication together with sensory difficulties. (1)
- I understand from school that he is exceptionally able in Maths and Science but that, whilst he has an age-appropriate reading age he has difficulties with reading for meaning and is probably underachieving academically in relation to his probable cognitive abilities.(2)
- He dislikes Literacy, refuses to do homework and to write anything at all. He reads avidly at home but only factual information. (3)
- He has no established friendships and demonstrates no interest in making them. He plays on the fringe of every group or simply stays in a corner of the playground.
- He demonstrates challenging and controlling behaviour in school and at home where he is becoming a danger to his 4-year-old brother and to me. On 3 occasions I have been asked to take him home because of his refusal to comply with instructions and his attack on Ms Bridger the only TA in his class of 30. (4)
- He is never still and has problems with attention and concentration.
- He appears to have sensory issues although has never had any OT assessment.
- He rarely writes but when he does his writing is almost illegible.
- He is obsessed with dinosaurs, the Planet Mars and LEGO.

- He speaks in a very old-fashioned way and like an adult. This causes other children to find him odd. Sometimes, whilst sounding adult, he uses the wrong words for the occasion.
- He is becoming a school refuser and uses every excuse possible not to go into school.
- He has a bowel condition meaning that he cannot always control himself. School finds this difficult to cope with.

I have referenced as 1, 2, 3 etc. the evidence I am attaching.

Damian has been supported by his current school, as part of an Assess-Plan-Do-Review cycle since [insert date here]. He is not making expected progress; despite the support he is receiving and his self-esteem and behaviour are plummeting.

I believe that the support he needs as well as the teaching requires more than is available from the school SEN budget and that the only way he can be provided with the help he needs will be by the issue of an Education, Health and Care Plan following assessment.

I understand that I should by law receive a reply to my request no later than 6 weeks from the date of this letter.

Yours faithfully/sincerely

