

Requesting an EHC Needs Assessment

In most cases, the school/nursery or college that your child attends will make the referral for an EHC needs assessment. Brent Council have guidance available for your child's school/setting in relation to what information we would look for when making a decision about whether to agree an assessment. When considering assessment, the panel making that determination must use a wide range of evidence to ensure that we make fair decisions. Further information about this can be obtained from the SENCO at your School. This might be information such as:

- School reports and advice
- Reports from professionals
- Evidence of a graduated approach being taken to support needs at SEN Support
- Evidence relating to the developmental and chronological progress of the child or young person.

As a parent, carer or young person (age 16-25) you can make a request for assessment. As with schools and settings, a range of evidence and supporting information would need to be supplied to form the first stage of this assessment.

To request a needs assessment:

- parents - can complete a [parents EHC needs assessment request form](#) and gain your child's views by completing either this [child and young person's views form](#) or this [alternative version of a child and young person's views form](#).
- a young person (16-25) - can complete a [young persons EHC needs assessment request form](#).
- professionals - can complete [an EHC needs assessment referral form](#).

What happens once we have received the information?

Assessments requests, once we have received them, will be read by a multi-disciplinary panel made up of education professionals, including representatives from the NHS and Education Psychologists. They will use the evidence available to them to make a decision about whether an Education, Health and Care Assessment is required and whether it should start. If they decide that assessment is not required, you will be offered a way forward meeting to discuss the decision with someone from the local authority and your school.

Find information about [timescales for an EHC needs assessment](#).

How we make our decision for Assessment and EHC Plan?

The legal test defined by The Children and Families Act 2014 in relation to whether to carry out an assessment is defined below:

‘when considering a request, the local authority must apply the legal test set out as per section 36 (8) of the Children and Families Act 2014. An assessment must be conducted where:

The child or young person has or may have SEN; and they may need special educational provision to be made through an EHC plan’

If Brent Council receive an EHC needs assessment request by a parent, young person, educational setting, the LA must be satisfied that the educational setting has provided sufficient evidence to address both parts of this test, and we will use the following questions to aid us in determining whether that is the case:

1. Does the child have a highly significant barrier to learning in comparison with others of her/his age?
2. Is there evidence of purposeful intervention by the school / other agencies?
3. Has the setting sought advice from external professionals?
4. Has the setting responded to advice from external professional specialist, including the development of SMART targets?
5. Has the child or young person’s progress been reviewed over time?
6. Has the setting provided clear evidence that, despite using delegated funding to the child / young person, they have not made adequate progress?

It is expected that the vast majority of requests for statutory assessment will follow the above guidelines however in line with the SEND Code of Practice (9.16) the local authority considers the needs of all children and/or young people individually.

Remaining barriers:

The evidence should show:

- what barriers remain, following the school putting in place a graduated response
- why an EHC Assessment is required and
- a description of the difference that additional funding will make Exceptional Circumstances.

Exceptional circumstances

It would be exceptional for the SEND Panel to consider a Statutory Assessment without the key decisions and evidence outlined above being in place. Possible exceptions are as follows:

- A child’s functioning has been very significantly changed by an accident or major illness. A medical diagnosis does not always imply SEN. It is the impact of the illness/accident on the child’s functioning that needs to be considered. Educational provision is always for the educational purposed and an EHC Assessment is not required for specific educational arrangements to be made for pupils in hospital or ill at home.

- There is clear evidence that the child has severe and complex long-term difficulties and additionally the child is vulnerable with a history of frequent change of school or local authority and/or has had significant periods of time out of school and thus it has not been possible to make a consistent graduated response.
- A new arrival to Brent with severe and complex long-term difficulties, for example, a child functioning within the severe learning difficulties range of ability.

It is to be noted that only in exceptional circumstances will a child be considered for a Statutory Assessment where the only additional need identified is English as an additional language.

If we do not agree to issue an EHC Needs Assessment a WFM will be offered.

Issuing of an EHC Plan

If we decide to assess, and from that assessment, a decision is made to prepare and issue an EHCP, we must make decisions about the level of funding required to put in place the provision outlined in the plan¹. These decisions are made using the information from all of the assessments made, the recommendations of professionals, and the provision map provided by the school through their advice. We will take into account Element 1 and 2 funding and provision that is ordinarily available in the school prior to deciding on the level of funding to put provision in place. At present, we allocate funding on an 'hours' basis, however, this process is currently under review. If after allocation the school or setting do not feel that there is adequate funding, they can make a request for a funding change. The request then will be considered in light of the outcomes and the provisions required to meet needs.

If we do not agree to issue an EHC Plan a WFM will be offered.

If you need help completing a form, please contact our SEND team on 0208 937 3229 or by emailing sen.assessments@brent.gov.uk. The SEND Information and Advice Service (SENDIASS) can be also contacted on 0208 937 3434 for free, independent advice.

¹ Annex E Education Health Care Plan template