# Eudction Health and Care Needs Assessment Requests (EHCNA)

For parents/carers of children and young people with SEND

## This guidance will explain:

- what an education health and care plan (EHCP) is and when it is needed
- how to start the process for an EHCP via an EHC needs assessment (EHCNA) request
- school vs parent EHCNA requests
- what evidence is needed

You will also find a template cover letter that you can use to request parent-led EHCNA.

## About EHCPs

EHCPs are needed when a child or young person, aged 0-25, has evidenced needs that go beyond the scope of the school to reasonably provide for from within their own funds.

The pathway to an EHCP is a two-step process. The first step is a request for an EHC Needs Assessment. This request is made to the Local Authority. Either a parent or the school can make this request, or other professionals such as portage in the case of children not in school.

## How do I apply for an EHCP?

There is no such thing as an application for an EHCP, even though you will frequently hear it referred to this way. Correctly, it is a request for EHC Needs Assessment (EHCNA). This assessment identifies a child's strengths and difficulties, and the support they need to be successful in education. The result of this assessment informs whether an EHCP will be issued.

## What does the law say?

Under section 36(8) of the Children and Families Act 2014, the LA should proceed to carry out an EHC Needs Assessment if the child/young person:

- has or may have special educational needs (SEN)
- may need special educational provision to be made through an EHC plan.

The SEN and Disability Code of Practice 2015 (the Code), is statutory guidance and contains further detail on what LAs should consider. At paragraph 9.14 the Code states that:
“the local authority should consider whether there is evidence that despite the early years provider, school or post-16 institution having taken relevant and purposeful action to identify, assess and meet the special educational needs of the child or young person, the child or young person has not made expected progress”.

**The Code says LAs should pay particular attention to:**

- evidence of your child's academic attainment (or developmental milestones in younger children) and rate of progress
- information about the nature, extent and context of your child's SEN
- evidence of the action already taken by the school or other setting to support your child
- evidence that where progress has been made, it has only been as the result of lots of intervention and support over and above what is usually provided for children of the same age, and
- evidence of your child’s physical, emotional and social development and health needs, taking into account relevant evidence from clinicians and other health professionals and what has been done to meet these by other agencies.

These additional points are helpful for the LA to take into consideration, but they do not form part of the legal test itself. The LA may refuse a request, for example, because the school has not secured advice from an educational psychologist. But this is not part of the legal test. If the LA refuses to assess your child, you can appeal to the SEND Tribunal. The Tribunal will only apply the legal test and not the LA’s own policy.

## I’ve been told my child won’t meet the criteria for an EHCP. Can I still apply for EHCNA?

Yes, you can. If you are concerned that your child’s needs are not fully understood by the school, and/or that the school does have the resources to meet your child’s needs, then it may be helpful for them to have an EHC Needs Assessment.

It is also impossible to say for sure that a child does not need an EHCP, or would not be eligible, or meet the criteria for an EHCP unless there has been an EHC needs assessment.

## I want to make an EHCNA request. Should I talk to the school first?

Yes. It may be that school are doing more than you realise and can reassure you that an EHCNA request is not necessary yet. Or, school may share your concerns, and it may be possible to work together on the request. Or, the school may agree it is needed but want to take time to gather evidence to ensure that the process goes smoothly (but more slowly). It may be worth waiting and working together.

However, it is possible that the school does not agree that your child needs an EHCP, or even that they would benefit from an assessment. The school may feel that they understand your child's needs and can meet them from their ordinarily available resources. You do not have to agree with or accept the school's position. If you don't agree, you may wish to proceed to make a parent-led EHCNA request.

If you decide to make a parent-led EHCNA request, the school will be contacted for information and will be required to submit a lengthy report, so it is courteous to let them that you are going ahead.

## What's the difference between a parent or a school-led request?

There is no difference in law. However, sometimes schools are reluctant to make an EHCNA request if they do not feel that they can evidence the level of input that the LA will expect to see. The LA will expect to see evidence that the school has sought advice from an educational psychologist and/or the Reading Inclusion Support in Education (RISE) team, and that they have taken time to implement the recommendations.

If this has not happened, perhaps because there has not been enough time if your child has only recently started at the school, or perhaps because the school and you have a difference of opinion about your child's support needs, then the school may not feel in a strong position to start the process. This does not affect your right to make the request.

Parent-led requests sometimes do not contain the level of input that the LA expect to see and as a result may be less likely to go smoothly. However, you have the right to make the request. If the LA refuses your request, you have a right of appeal. It is important to note that this right is yours alone. The school cannot appeal on your behalf. This is another reason why schools may be reluctant to make a request unless they are sure that it will be successful.

## Parent-led EHCNA

The process to request EHCNA is not complicated. You need to email the assessment team at the Local Authority SEN team ehcassessments@reading.gov.uk explaining that you are requesting EHCNA.

**You should include:**

- A simple cover letter or email explaining that you are asking for EHCNA and giving some basic background. This should make clear your child's age, school and a summary of the reasons for your request. There is a template letter at the end of this document. You should include details of any reports you are including, and the names and contact details of anyone supporting you that the LA should contact for information (if there are any), for example from social care.
- Your own parental report (more on this below)
- Any evidence from health/social care/other professionals
- Reports from *previous* educational settings, if appropriate (eg if your child has recently left a placement).

**You do not need to include:**

- old reports if a newer report about the same issue exists (unless there is a specific issue raised in that old report that means it is still relevant)
- medical appointment letters
- information from the current educational setting as this will be sought directly.

## Evidence from professionals

You will need to decide what recent and relevant evidence to include. Health diagnoses will be relevant (although a diagnosis is not a requirement for an EHCP), as well as any other clinical reports. You could also include record of GP consultations, if relevant. Some families have input from social care, in which case there may be a report from a family worker. Or occasionally families use private therapists and have reports from them, or sometimes they seek input from a community club leader or another family member. There is no requirement to have any of these, and you can submit your request simply with your parental evidence so please don't feel you need to generate anything.

You do not need to include information from the current setting as the LA will seek this themselves.

## Parental evidence

When requesting EHC needs assessment, it's a good idea to send in your own views on your child. The LA has a **parent/carer contribution and consent form** that they recommend you use. However, there is no statutory requirement for you to fill in this form. It's important that you are asked about your views and that you have a chance to express them, but you can do that in any way you like.

You may like to use this form because it is easier to follow the questions than facing a blank page. But don't worry if there are sections that you can't complete, it's fine to leave blanks. Equally, if you think that your answers to the questions have not really given a true picture of your child, you can add more. Feel free to include any other information that you wish to share.

Remember, you have a unique perspective on your child's needs which no professional has. So, it is important that you share information about your child and their home life.

You may also want to include your views about what support you think your child needs to help them in their education. But first, make sure you share all the challenges, adjustments and little victories that parenting means for you.

## Should I use AI to prepare my parental report?

This is obviously a personal decision but we would encourage you not to use AI. You may feel that AI will make your report sound more professional, and that this will mean you are taken more seriously. But AI is likely to distort your true voice and may make it harder to really understand what you want to say. If you are worried about spelling and grammar, or need help preparing written reports for other reasons, we may be able to help you. We have a small team of volunteers who are trained in supporting parents with these reports. Talk to us and maybe we can help.

## Final checks and how to submit

If you would like us to have a look at your draft cover letter/evidence, you are welcome to contact us and ask us to review your documents.

Once you are happy, you should email it to the SEN team at ehcassessments@reading.gov.uk
They will decide within six weeks whether they are going to proceed to an assessment.

## What happens then?

Once you have made your request, the LA has six weeks in which to decide whether they will proceed to assess or not. The decision will be made based on the evidence you and the school have provided. They will communicate their decision to you by letter.

**If they agree to assess**
The assessment period starts and will continue for the next 8-10 weeks. Then the LA will consider what the assessment has shown and decide whether your child needs an EHCP.

**If they refuse to assess**
You have a right to challenge this decision via discussion, formal mediation or an appeal to SEND tribunal. Reading IASS can provide more guidance around these options.

## How long will it take for an EHCP to be issued?

If everything proceeds smoothly, it should take 20 weeks from your initial request to a final EHCP. If there is refusal to assess (or, following assessment, refusal to issue) then it will take longer. A timeline of the whole process is shown on page 7 and is also available here:
https://servicesguide.reading.gov.uk/kb5/reading/directory/advice.page?id=pjbEBusSx4o

## Reading IASS can help you by:

- discussing with you whether an EHCNA request is appropriate, or if there is another more suitable route to support
- helping you prepare a cover letter
- helping you prepare your parental views
- helping you identify what evidence may be helpful to include with your request
- sending your request off to the LA SEN team, if needed
- discussing your options if assessment is refused

## Where else to get help

If you'd like to know more about EHCPs in general, have a look at our webinar:
https://www.readingiass.org/videos-and-webinars-parents-and-carers/

IPSEA is an online advice service on SEND which has a wealth of information on the process:
https://www.ipsea.org.uk/Pages/Category/education-health-and-care-plans

## APPENDIX 1: Template request to assess cover letter

[Parent name]
[address]
SEN Team
Civic Offices
Reading Borough Council
By email to: ehcassessments@reading.gov.uk

[DATE]

- REQUEST FOR EHC NEEDS ASSESSMENT -

Dear SEND team

[Child name, DoB]
[Child address]

I am the parent of [CHILD] and am writing to request an Education, Health and Care needs assessment under section 36 of the Children and Families Act 2014.

[CHILD] is in Year [x] at [SCHOOL/nursery/college} and has [ADD DETAILS of any health conditions or neurodiversity, diagnosed or awaiting assessment]. [ADD A SENTENCE briefly summarising the situation, eg "I am concerned that s/he has experienced repeated exclusions/he is struggling with anxiety/he is not making expected progress....].

I feel that school/nursery/college are struggling to deliver the support [s/he] needs. For this reason, I believe [s/he] is entitled to a needs assessment.

I am enclosing some detailed evidence in the form of my parental representation of [CHILD] in support of my request. I also enclose [LIST ANY OTHER REPORTS] and I would request that you contact [SCHOOL/any other professionals] for additional information.

I confirm that an EHC needs assessment has not been undertaken during the previous six months. I understand that I will hear from you with a decision within six weeks.

Please kindly acknowledge receipt of this letter by return.

Yours faithfully
[Parent name]

## APPENDIX 2: EHCP timeline

