



Essex County Council
**Special Educational Needs
and Disabilities**



The Education, Health and Care (EHC) Needs Assessment Process (EHCNA) in Essex

Information for Parents
and Carers about the process

EHCNA - How long does the process take?

From start to finish the legal timeframe of the process should be **20 weeks**. The initial stage where the local authority decides whether to carry out an assessment takes **six weeks**.

► [EHCNA - FAQs](#)

Legal Test

If a local authority ("LA") is requested to carry out an EHCNA by a parent, young person, school or college, they must consider:

- whether the child or young person has or may have special educational needs ("SEN"); and
- whether it may be necessary for special educational provision to be made for the child or young person in accordance with an EHC plan.

If the answer to both questions is yes, they must carry out an EHC needs assessment.

► [Section 36\(8\) Children and Families Act 2014](#)

Week 0-6

The [request for an EHC needs assessment](#) is made by a place of learning, a parent/carer, a professional or a young person age 16+ with SEND.

The local authority will acknowledge the request and ask for a completed permissions form (if not already provided). Once the needs assessment request is received, the LA will gather all initial information and evidence already available. Any existing professional advice will be requested and considered.

It is at this point that the child / young person must meet the **legal test** outlined in [Section 36\(8\) of the Children and Families Act 2014](#) for an EHC needs assessment.

The LA must let the parents or young person know whether it will carry out an EHC needs assessment within **6 weeks** and give parents right of appeal if they decide not to carry out an assessment.

► [What happens if LA refuse to carry out assessment?](#)

Week 6-14

If the assessment is agreed - any further evidence needed to inform the EHC needs assessment will be identified and requested.

► [See the SEND Code of Practice: 0-25 years, Chapter 9.49](#) for the full list of who **must** be consulted.

Parents have a specific right to make 'reasonable' request that the LA seeks advice from any person. E.g. SALT, CAMHS. If the LA agree to the request, the professional must provide the advice within **6 weeks**. Where the child or young person is in or beyond year 9, advice and information in relation to provision to assist the child or young person in preparation for adulthood and independent living **must** be sought.

Flow chart continues on the next page

Week 14-16

During weeks 14-16 the local authority will consider the special educational provision needed, and a decision will be made whether to issue an EHCP or not. An EHCNA will not always lead to an EHCP.

Have the LA decided to issue an EHCP?

YES

If the decision is **yes**, a draft plan is circulated to parents/young person for any changes and suggestions. The Local Authority will give parents **15 days** to raise any comments about the draft EHCP plan and name a parental preference of school. The local authority will also offer a **Proposed Plan Meeting (PPM)** once a decision has been made and the draft EHCP has been shared.

- ▶ [Draft EHCP and PPM](#)
- ▶ [Choosing a school with an EHCP](#)

NO

If the decision is **no**, then a **'refusal to issue'** letter will be sent outlining the reasons behind the decision and the parents right of appeal. The timeframe for notice of **refusal to issue a plan** must be within **16 weeks**.

- ▶ [Appealing a refusal to issue an EHCP](#)

Week 16-20

Following the return of the draft EHCP and any discussions with the LA, the SEND Operations team will then consult with any school/college or other place of learning the parent has requested. The school or college should respond within **15 days**.

The local authority will then finalise the plan and a school or school type will be named. In most cases a child or young person will remain in their current place of learning. Issuing an EHC plan does not mean that a child or young person's place of learning will necessarily change.

- ▶ [Finalising the EHC plan](#)

Week 20

When the final EHC plan is issued parents will have the right of appeal to the SEND Tribunal, in accordance with [Section 51 of the Children & Families Act](#) if they are unhappy about any of the following:

- the description of child/young persons special educational needs;
- the special educational provision specified in the EHC plan; and/or
- the name/type of school or college in the EHC plan or the fact that no school/college is named

The final EHCP must be sent to the child's parents or the young person and school or principal of any school/early years provider.

- ▶ [Appealing to the SEND tribunal service about an EHCP](#)



Frequently Asked Questions



What is an Education, Health and Care Needs Assessment (EHCNA)?

It's a legal process where Essex County Council looks at your child's education, health and care needs to decide if they need an Education, Health and Care Plan (EHCP).



What is an Education, Health and Care Plan (EHCP)?

An EHCP is a legal document that outlines a child's specific needs and the support needed to help them achieve key educational outcomes.



What professionals may be involved in an EHCNA?

- Education professionals may include an Educational Psychologist, other members of Essex County Council's (ECC) SEND teams such as an Inclusion Partner or Engagement Facilitator, together with the School Special Educational Needs Co-ordinator (SENCo), and your child's Class Teacher,
- Any health professional who is involved in your child's care, for example, their paediatrician, specialist consultants, Child and Adolescent Mental Health Service (CAMHS), Speech and Language Therapist, Occupational Therapist or Physiotherapists.
- Social care professionals may include a social worker or Family Solutions, if they are known to your child. If your child is not known to Social Care, social care advice will still be provided and you may receive a supportive phone call from the service to discuss your child's needs in the home and community.



What does the Educational Psychologist (EP) do?

- EP advice is required to be sought, unless appropriate recent advice exists.
- The EP will look at areas such as your child's learning, development and well-being.
- The EP may use virtual assessments or visit your child's school or home.
- The EP will provide psychological advice in contribution to the EHCNA process. This advice is considered alongside other reports to help identify your child's needs and their support requirements.
- The EP and or Assistant EP will try to observe your child in their school or setting, during class and/or during any unstructured time. They will also work individually with your child. This might involve playing a game, completing an assessment on an iPad or on paper and talking about what your child is hoping to achieve in the future and what is currently helping them to get there.
- Not all EP assessments will include a cognitive assessment.
- Once the EP has concluded these processes, they will complete a report called Educational Psychology Advice. This report will be sent directly to SEND Operations, and they will send you a copy.
- The advice will form part of the appendices of an Education, Health and Care Plan, if it is issued. Not all information from the EP Advice will be included in the main body of the plan. Educational psychologists form views on the needs of children and young people and recommend support to help them progress. EP recommendations do not include types of school, names of school, staffing ratio, resources or funding



What information is gathered?

Essex County Council will ask for:

- Your views and your child's views.
- School reports, such as One Plans and assessment data.
- Health and social care advice.
- EP advice.
- Other professionals' input as appropriate to your child/ young person's context



How can you prepare?

- Gather any reports you may already have from independent professionals involved with your child if you feel these would be useful.
 - Consider who else you may wish ECC SEND team to seek advice from to support with the EHCNA. For example, specialist health professionals or their GP.
 - Write down what you feel your child is good at and enjoys, and what they find challenging e.g. socially, emotionally, physically. Ask your child to do the same or to share with you if they are able to do so. This will help when these questions arise as part of the EHCNA process.
 - Write down your aspirations for your child, as well as their aspirations if they are able to share these, both now and in the future. This will also be helpful when discussing these as part of the EHCNA process.
 - You can contact **Essex SENDIASS** for free advice if you would like to speak to someone about the process or support available.
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What if my child is awaiting a diagnosis?

ECC has 6 weeks to gather information as part of your child's assessment and only reports that are available at this time will be included in the decision. It will however be noted if your child is awaiting an appointment with health services. Should the EHCNA process lead to an EHCP, any subsequently received diagnoses can be considered for inclusion at your child's Annual Review.



What if my child has an Individual Health Care Plan?

This will be referred to in Section G (Health) of their Education, Health and Care Plan (EHCP), if one is issued. The full details of the Individual Health Care Plan will continue to be recorded in that separate document and will be reviewed and updated as needed, independently of the EHCP.



When will I hear if an EHCP will be issued?

Having collated and reviewed the information provided for the EHCNA, a decision will be made by the SEND teams involved as to whether it is necessary to issue an EHCP in order for the provision required to be delivered. This should happen in week 16.

ECC acknowledges that these timescales are not always met currently but are working hard to bring timescales back in line with statutory requirements.



What happens if my child does not receive an EHCP?

If the outcome of the EHCNA is that it is not necessary to issue an EHCP in order for your child's described needs to be met, you will be advised of this.

All the information gathered from the EHCNA will provide additional information for shared planning, such as One Plans, to continue.

You will be offered the opportunity to discuss the reasons for this decision and if you do not agree with the decision, you can also use mediation or appeal to the SEND Tribunal service. Information around how to do this will be provided in the letter sent to you if an EHCP is not being issued.



Can the school get additional funding before the EHCP is finalised?

Yes. In Essex, in cases where the request for EHCNA is agreed, mainstream schools now receive additional funding from week 20 of the EHCNA process for school-age pupils, even if the final EHCP has not been issued yet. This means support can be put in place sooner, without waiting for all assessment stages to be completed.

You can find out more about support in place for children in schools by visiting the Essex Local Offer. This will tell you about the Ordinarily Available and Support Whilst Waiting offer.

If week 20 has passed and it has not been possible to conclude the assessment, funding is released automatically. Schools do not need to submit an extra application.



How do I find out who my SEND caseworker is?

Your child's SEND caseworker is the person at ECC who is coordinating the EHCNA.

The caseworker's name and contact details are usually at the top right-hand side of any letters, or the bottom of any emails from the SEND Operations team.

This may change in the future should an EHCP be issued, as different members of the team undertake different roles, but your contact person will remain within the same SEND team.



How often will I hear from the SEND Operations team?

You should receive updates at key points in the process — for example when the request is received, when an EP has been commissioned to provide advice, when decisions are made and when any draft EHCP is to be issued. If your child's assessment is delayed, you will receive regular communication explaining this.

If something changes, or if they need more information, your caseworker will contact you directly.

Helpful Essex links

- **Local Offer:** You can find out a range of information regarding support and advice available within ECC.
▶ <https://send.essex.gov.uk>
- **SENDIASS:** SEND Information, Advice and Support Service, offers free, confidential and impartial information and advice to parents, carers, children and young people. They can help you understand the SEND process, your rights and the choices available to you, so you can make informed decisions about your child's education
▶ <https://www.essexsendiass.co.uk>
- **EHCNA Forms:** Available on the Local Offer website. For parents to use if considering submitting a request for the undertaking of an EHCNA.
- **Ordinarily Available provision:** Everyday support your child should get | Essex Local Offer
▶ <https://send.essex.gov.uk/send-strategies/essex-schools-accessibility-strategy-2023-2027/ordinarily-available-inclusive>

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Special Educational Needs and Disabilities

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