



Checking your Education, Health and Care (EHC) Draft Plan

Checking a draft EHC Plan is important to confirm that the needs, aspirations, outcomes and provision are correct and up to date.

Step 1 – Understanding your EHC Plan

Step 2 – Professional reports

Step 3 – The draft plan

Step 4 – Naming the education setting

Step 5 – Amending and agreeing a final plan

If you have any questions, in the first instance you should contact your allocated **SEN Case Officer**. They are part of the **Local Authority (LA)** Special Educational Needs (SEN) **Statutory Assessment Service** in Bexley. They are responsible for amending an EHC Plan to reflect a change in needs or provision and planning a change of placement if considered appropriate.

If you are unsure who your SEN Case Officer is, you can find their contact details listed on the Bexley Local Offer: [Statutory Assessment Service and case officers | Bexley Local Offer](#)

Your final plan is a legally binding document and the provision on it must be provided.

The legal requirements are set out in the [Special Educational Needs and Disability Regulations 2014](#) (the 'SEND Regulations'), and there is also statutory guidance for LA's, schools and colleges in the [SEN and Disability Code of Practice](#) (the 'Code of Practice').

Representations	Respond by	SEND Regulations	Code of Practice
The LA must send the draft EHC plan to the child's parent/carer or young person.	The LA must give them at least 15 days to give views and make representations on the content	Section 13.1 (a -i)	Para 9.77
The LA must make its officers available for a meeting with the child's parent/carer or the young person on request if they wish to discuss the content of the draft EHC plan.		Section 13.1 (a -ii)	Para 9.77

Step 1: Understanding your draft EHC Plan

There should be a clear and direct link between the aspirations, needs, provision and outcomes in your plan.

This is sometimes referred to as the Golden Thread and can be achieved by thinking about outcomes as steps on the journey towards the aspirations.

Aspirations: This is a goal or objective that is strongly desired by the child, young person and or the parents or carers. They may change as a child or young person gets older but the LA cannot be held responsible for ensuring aspirations are achieved.

Needs: Children with special educational needs all have learning difficulties or disabilities that make it harder for them to learn than most people of their age. The needs that should be described in your plan are those difficulties that require the child or young person to receive different or additional help from that given to other children of the same age.

Provision: Special educational provision is educational or training provision that is additional to or different from that made generally for other children or young people of the same age.

Your final EHC plan is a legally binding document and the provision on it must be provided.

Code of Practice - Provision	Code of Practice
Provision must be detailed and specific and should normally be quantified, for example, in terms of the type, hours and frequency of support and level of expertise, including where this support is secured through a Personal Budget	Para 9.69

Outcomes:

Outcomes should support Aspirations and set high expectations.

- You may wish to set aside at least 2 hours to go through the plan. A selection of coloured highlighters may help you to differentiate between needs, provision and outcomes.
- There is a template at the end of this fact sheet which you may find helpful to use.
- When issuing the draft EHC Plan following an EHC assessment, the LA must also consider the evidence received as part of the EHC needs assessment.

When amendments to an EHCP have been made, any additional advice and information which contributed to the decision to amend the plan must also be considered and must be sent to the parents or young person along with a copy of the previous plan, clearly showing where changes have been made.

Code of Practice - Outcome Definition	Code of Practice
An outcome can be defined as the benefit or difference made to an individual as a result of an intervention. It should be personal and not expressed from a service perspective; it should be something that those involved have control and influence over, and while it does not always have to be formal or accredited, it should be specific, measurable, achievable, realistic and time bound (SMART).	Para 9.66
In preparing the EHC plan the local authority must consider how best to achieve the outcomes sought for the child or young person.	Para 9.61

Step 2: Professional Reports

Go through all of the professional reports used during the assessment or review.

Professional Reports	SEND Regulations	Code of Practice
Where the LA secures an EHC needs assessment for a child or young person, it must seek the following advice and information:	Section 6.1-4, 7 & 8	Para 9.45 – 9.52

Highlight each **need**. Check that they cover ALL of the child or young person's needs, including all health and social care needs. You may find it useful to put these needs onto the sheet provided under each of the four broad areas of needs headings which should be used throughout your EHC Plan.

Now go through the reports again, using a different colour and highlight all of the **provision**.

EHC plans must specify the special educational provision to meet each of the child or young person's special educational needs (CoP page 164).

Repeat the process with **outcomes**. The outcome is the benefit or difference made to an individual as a result of an intervention. Remember outcomes should be SMART (Specific, Measurable, Achievable, Realistic and Time bound).

Every need and outcome should have corresponding provision.

To be clear about what your child or young person's help will amount to on a typical school/college day, ask yourself the following:

- what type of help will my child get? E.g. equipment, learning support, teaching programme, speech therapy.
- who will give that help and do they need particular qualifications or experience? - how many hours of extra help will he or she need?
- how often will the help happen? - what teaching strategies will staff use?
- will teaching be 1:1 or in small groups and if so how big will the group be?
- will the child or young person get help for self-care if needed?

Make a note of any gaps in provision in your child's plan, anything that is unclear or anything you do not agree with or understand. Check back through the professionals reports to see if there are any recommendations you can use as evidence, to support your concerns.

Beware of 'weasel' words like 'access to...', 'where necessary...', 'opportunities for...' or 'help as required'. The plan should say how much help your child will get and how often. Words like these leave it up to someone else to decide so your child or young person may not get the help they need.

If there is no specification or quantification you can contact the report author and ask for them to include this.

Step 3: The Draft Plan

Once you have a table or list with needs, provision and outcomes, check that all of these have been included in the draft plan.

Guides with [examples of good practice for the section contents of an EHC Plan](#) have been produced by the Council for Disabled Children and be viewed on their website.

The structure of the EHC Plan should follow:

Section	Things to check
<p>Section A The views, interests and aspirations of the child and their parents, or of the young person:</p>	<p>Is it clear how the child or young person participated in the development of the plan and how their views were gathered?</p> <p>Does the plan include the child or young person's story?</p> <p>Does it include who and what is important to the child or young person? How do they communicate?</p> <p>Does the plan include the child or young person's interests, views, aspirations and those of the parent/carer?</p> <p>These could include education, health, community participation, play, friendships, family, independent living, employment etc.</p>
<p>Section B The child or young person's special educational needs (SEN):</p>	<p>ALL the special educational needs that have been identified through the assessment, including health and social care needs which educate or train a child or young person should be in Section B.</p>
<p>Section C & D The child or young person's health / social care needs which relate to their SEN:</p>	<p>All other health and social care needs should be included in sections C and D.</p>
<p>Section E The outcomes sought for the child or the young person:</p>	<p>Do the outcomes reflect the aspirations of the child or young person? Remember outcomes should be SMART.</p>
<p>Section F The special educational provision required by the child or the young person:</p>	<p>Remember provision should be SMART for example in terms of the level of support and who will provide it.</p> <p>Provision must be specified for each and every need specified in section B. It should be clear how the provision will support achievement of the outcomes</p> <p>The Code of Practice says: 9.73 Health or social care provision which educates or trains a child or young person must be treated as special educational provision and included in Section F of the EHC plan.</p> <p>This could include any therapies which educate or train a child to achieve an outcome.</p>
<p>Section G Any health provision reasonably required by the learning difficulties or disabilities which result in the child or young person having SEN:</p>	<p>Remember provision should be SMART for example in terms of the level of support and who will provide it.</p> <p>Provision must be specified for each and every need specified in section B. It should be clear how the provision will support achievement of the outcomes</p> <p>The Code of Practice says: 9.73 Health or social care provision which educates or trains a child or young person must be treated as special educational provision and included in Section F of the EHC plan.</p> <p>This could include any therapies which educate or train a child to achieve an outcome.</p>
<p>Section H1 & H2 Social Care Provision:</p>	<p>Section H1 of the EHC plan must specify all services assessed as being needed for a disabled child or young person under 18, under section 2 of the CSDPA.</p> <p>Section H2 of the EHC plan must specify any other social care provision reasonably required by the learning difficulties or disabilities which result in the child or young person having SEN.</p> <p>This will include any adult social care provision being provided to meet a young person's eligible needs (through a statutory care and support plan) under the Care Act 2014</p>
<p>Section I Placement:</p>	<p>In a final plan, the setting is named here.</p>
<p>Section J</p>	<p>Personal Budget (including arrangements for direct payments)</p>

Step 4: Naming the educational setting (nursery/school/college etc)

Your draft plan should not have an educational setting named on it. Once you have agreed the plan's contents, ask your SEN Case Officer to consult with the setting of your choice on whether they can meet a child or young person's needs based on the plan.

You have the right to request that a particular school or college is named in the plan if it is a maintained nursery, school, academy or free school; a non-maintained special school; further education or sixth form college; a section 41 independent school or specialist college.

If you want a school or college that is completely independent then you can ask the LA to consider it. This is called making representations. The school or college will need to agree to take your child/young person, and you will probably have to prove that no other school or college is suitable.

The LA is not under the same conditional duty to name the provider, but it must have regard to the child, young person's and parent/carers' wishes, so long as it can meet the child or young person's needs and does not mean unreasonable public expenditure.

Information about [special schools, resources provisions and settings listed under section 41](#) can be found on the Bexley Local Offer.

The LA must consult with your choice of setting and the setting should respond within 15 days.

There are limited reasons that a school can use to refuse a place to a pupil.

Compliance with naming the setting	Reasons for not naming	Code of Practice
The LA must comply with that preference and name the school or college in the EHC plan unless:	<ul style="list-style-type: none">• it would be unsuitable for the age, ability, aptitude or SEN of the child or young person, or• the attendance of the child or young person there would be incompatible with the efficient education of others, or the efficient use of resources.	Para 9.79

If the LA does not agree with a setting's reasons for refusing a place, they can direct a setting to take the child or young person and will name that placement on the final plan.

If the LA names a setting in the final plan, the setting **MUST** admit the child or young person.

Step 5: Amending and agreeing a final plan

If you have any queries contact your SEN Case Officer. You may find it helpful to email any questions or to follow up phone calls with emails.

If you are happy with your plan let your SEN Case Officer know within 15 days.

If you are not happy, send your requested amendments to your SEN Case Officer or you can request a meeting to discuss the content of the draft plan within 15 days.

If you cannot agree on a final draft with the LA then the final plan should still be issued. As only then will your rights be activated to seek disagreement resolution via mediation, or you can appeal to the SEND first tier tribunal over sections B, F and I.

Find out more information about [disagreement resolution, mediation and appeals](#).

Further advice and information:

Bexley Information, Advice and Support Service (IASS)

IASS is an impartial and confidential service offering information, advice and support to parent/carers of children with Special Educational Needs and/or Disabilities (SEND) and young people with SEND up to 25 years.

Tel: 020 3045 5976

Email: bexleyiass@bexley.gov.uk

Website: www.bexleyiass.co.uk

Bexley Local Offer

The SEND Local Offer website - information about Special Educational Needs and/or Disabilities (SEND) services for children and young people aged 0-25 in Bexley.

Tel: 020 3045 5677

Email: localoffer@bexley.gov.uk

Website: www.bexleylocaloffer.uk

Independent Provider of Special Education Advice (IPSEA)

IPSEA offers free and independent legally based information, advice and support to help get the right education for children and young people with all kinds of special educational needs and disabilities (SEND).

Website: www.ipsea.org.uk/ehc-needs-assessments

CONTACT

National charity supporting families with special needs and disabled children.

Website: <https://contact.org.uk/>