

Criteria for Proceeding with an EHC Needs Assessment at Point of Request

Lambeth SEND Service Panel

The SEND Code of Practice 2015 (9.14 – 9.16) sets out the criteria for supporting local authority SEND services in making decisions whether or not to proceed with an EHC needs assessment. Lambeth SEND Service abides by this criteria as set out below:

- Is there 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?

To inform their decision the local authority will need to take into account a wide range of evidence, and should pay particular attention to:

- **Evidence of the child or young person's academic attainment** (or developmental milestones in younger children) and **rate of progress**
- Information about **the nature, extent and context of the child or young person's SEN**
- **Evidence of the action already being taken** by the early years provider, school or post-16 institution to meet the child or young person's SEN
- Evidence that **where progress has been made, it has only been as the result of much additional intervention and support over and above that which is usually provided**
- Evidence of the child or young person's physical, emotional and social development and health needs, **drawing on relevant evidence from clinicians and other health professionals and what has been done to meet these by other agencies**, and
- Where a young person is aged over 18, the local authority **must consider whether the young person requires additional time, in comparison to the majority of others of the same age who do not have special educational needs, to complete their education or training**. Remaining in formal education or training should help young people to **achieve education and training outcomes**, building on what they have learned before and preparing them for adult life.

Additional Criteria (9.15)

- A young person who was well supported through the Local Offer while at school may move to a further education (FE) college where the same range or level of support is not available. An EHC plan may then be needed to ensure that support is provided and co-ordinated effectively in the new environment
- It may also be the case that young people acquire SEN through illness or accident, or have an existing condition that requires increasing support as they get older

Lambeth SEND Service's Commitment to making decisions based on a child or young person's individual needs and on their merits (9.16)

Lambeth SEND Service have develop these criteria as guidelines to help make decisions on when it is necessary to carry out an EHC needs assessment (and following assessment, to decide whether it is necessary to issue an EHC plan).

Lambeth SEND Service are **fully prepared to depart from these criteria where there is a compelling reason to do so** in any particular case and we will demonstrate our willingness to do so where individual circumstances warrant such a departure.

Lambeth SEND Service **will not** apply a 'blanket' policy to particular groups of children or certain types of need, as this would prevent the consideration of a child's or young person's needs individually and on their merits.

Making timely decisions (9.17)

Lambeth SEND Service **will** make decision on whether or not to proceed with an EHC needs assessment, and **will** inform the child's parent or the young person of their decision within a maximum of six weeks from receiving a request for an EHC needs assessment (or having otherwise become responsible).

Lambeth SEND Service **will** give its reasons for this decision where it decides not to proceed. The local authority **will** also notify the other parties listed in section 9.13 of the SEND Code of Practice of its decision:

- The health service (the relevant Clinical Commissioning Group (CCG) or NHS England where it has responsibility for a child or young person)
- Local authority officers responsible for social care for children or young people with SEN
- Where a child attends an early years setting, the manager of that setting
- Where a child or young person is registered at a school, the head teacher (or equivalent)
- Where the young person attends a post-16 institution, the principal (or equivalent)

Our Commitment to a Person Centred Approach to EHC Needs Assessments (9.18)

When Lambeth SEND Panel agrees to conduct an EHC needs assessment, we **will** ensure the child's parent or the young person is fully included from the start and made aware of opportunities to offer views and information.

Informing Families and Young People of their Rights to Appeal SEND Panel Decisions (9.19)

When Lambeth SEND Panel makes a decision not to conduct an EHC needs assessment we **will** inform the child's parents or the young person of:

- Their right to appeal that decision and the time limit for doing so
- The requirement for them to consider mediation should they wish to appeal
- The availability of information, advice and support and disagreement resolution services

Lambeth SEND Service will make every effort to provide feedback that has been collected during the process of considering whether an EHC needs assessment is necessary, including evidence from professionals, which the parent, young person, early years provider, school or post-16 institution may find useful.

Lambeth SEND Panel Membership

Lambeth SEND Panel has a core membership of the following professionals:

- Head of SEND Service (or deputy)
- Lead Educational Psychologist (or deputy)
- Principal EHC Officer
- Early Years Manager in Lambeth SEND Service
- Head Teacher and/or Inclusion Manager from Mainstream/Special School
- NHS Speech and Language Therapist
- NHS Occupational Therapist
- SEND Panel Clerk (or deputy)

Lambeth SEND Panel has additional membership of the following professionals:

- Paediatrician
- Head of Admissions Service
- Senior Teacher from Further Education setting
- Head of Lambeth Sensory Support Service

In the future we seek to also include a parent/carer representative in the core panel membership and a representative from Social Care/Early Help.