

**Timescales:
EHC needs assessment
and
EHC needs assessment as part of a transfer
review**

With additional guidance on:

- Advice and information that is *sufficient* for an EHC needs assessment
- Revised timescales for an EHC needs assessment as part of a transfer review
- Exceptions to the timescales

From 1 September 2015

Introduction

On 13 July 2015, the Minister wrote to Directors of Children's Services about transfers from Statements and Learning Difficulty Assessments to Education, Health and Care plans. An accompanying newsletter from the DfE provided further information about transfers and the changes to the timescales for an EHC needs assessment as part of a transfer review. As part of his letter, Edward Timpson said:

Transferring Statements and LDAs to EHC plans is a significant task that needs to be done well. Simply rebadging statements and LDAs as EHC plans isn't an option. We need to ensure that the needs of children and young people are properly identified and met. ... I have heard that the current timescales are putting a strain on the system that risks undermining the quality of person-centred assessment and EHC plans. We need to ensure that the needs of children and young people are properly identified and met through the provision you put in place; and that the processes enable you to undertake the task efficiently and to a high standard.

This briefing brings together some of the key information from the Minister's letter and the DfE July 2015 newsletter, along with a reminder, from the Code of Practice, about exemptions from the timescales for EHC needs assessments.

When is existing advice and information sufficient for an EHC needs assessment?

The DfE newsletter of July 2015 provides guidance on when existing assessment 'advice and information' is 'sufficient' for an EHC needs assessment. The newsletter indicates that it depends on the individual circumstances of the child or young person.

The SEN and Disability Regulations 2014 require three people to agree that existing assessment 'advice and information' is 'sufficient' for an EHC needs assessment and unless all three agree existing advice is sufficient, new advice and information must be sought. The three are:

- the local authority;
- the parent or young person; and
- the professional that gave the advice.

In deciding whether existing 'advice and information' is 'sufficient' it's likely that the following will be considered:

- how recently advice and information was provided;
- whether and how far the child or young person's needs have changed since it was given; and
- whether it is sufficiently focused on the outcomes sought for the child or young person.

It's a good idea for some consideration to be given to the sufficiency of existing advice **before** a transfer review is started and formal notice given to the parent or young person of an EHC needs assessment, or **when** the formal notice is given, if more than the minimum 2 weeks' notice is given. This approach also has the important advantage of allowing local authorities the maximum amount of time to carry out the EHC needs assessment and draft the EHC plan and enabling them to meet the overall statutory timescale.

Changes to the timescale for EHC needs assessments in transfer reviews from 1 September 2015

From 1 September 2015, local authorities will have 20 weeks to carry out an EHC needs assessment and issue a final EHC plan, as part of a transfer review. The guidance on Transitional Arrangements will be amended to reflect the change. 20 weeks for a transfer review includes 2 weeks' notice; local authorities can give more than two weeks' notice; the requirement is to give at least two weeks' notice. Early discussion of what advice and information is sufficient for an EHC needs assessment is helpful in determining what new advice and information will need to be requested as part of the EHC needs assessment. An early discussion may also help to develop the focus on outcomes for the child or young person, which is required in the EHC needs assessment.

The timescale for transferring a Learning Difficulty Assessment to an EHC plan does not change. Transfers for those with Learning Difficulty Assessments are treated as new requests for an EHC needs assessment and the timescales are the same as for new assessments: the maximum time within which a final EHC plan must be issued is 20 weeks from the date a young person requests an EHC needs assessment. This will be clarified in the revised Transitional Arrangements guidance.

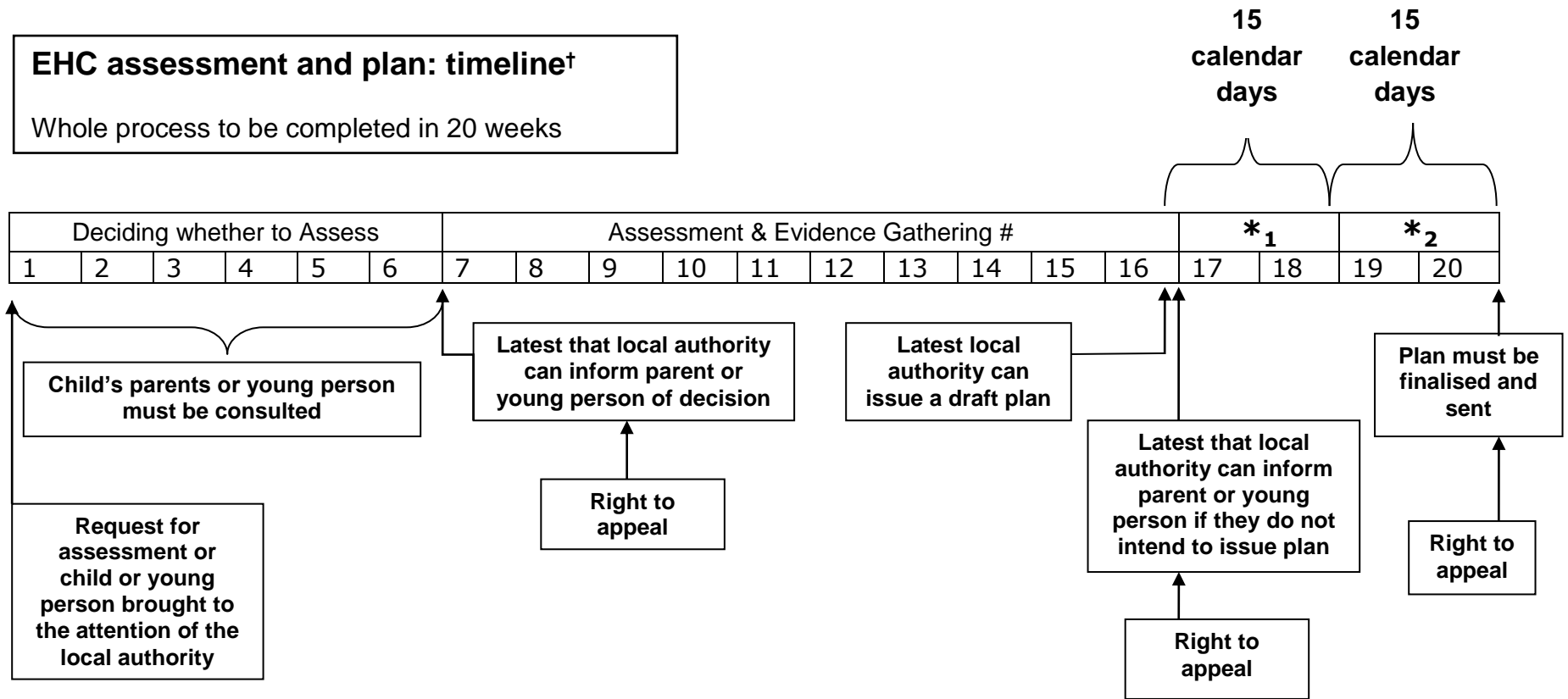
Exemptions from the timescales:

The Code of Practice, paragraph 9.42, outlines exemptions from the timescales for an EHC needs assessment. These are set out in the Special Educational Needs and Disability Regulations 2014 and include:

- when the child or young person is absent from the area for a period of at least 4 weeks;
- exceptional personal circumstances affect the child or his/her parent, or the young person; and
- the educational institution is closed for at least 4 weeks, which may delay the submission of information from the school or other institution (this does not apply to the duty on partners to comply with a request under the EHC needs assessment process within six weeks).

There is also an exemption to the duty on partners to comply with a request under the EHC needs assessment process within six weeks where appointments with people from whom the local authority has requested information are missed by the child or young person.

EHC assessment and plan: timeline†
 Whole process to be completed in 20 weeks



† Exceptions apply, see guidance page 3

No new advice if existing assessment information:

- Is sufficient for EHC needs assessment
- LA, advice giver and parent or young person agree it is sufficient

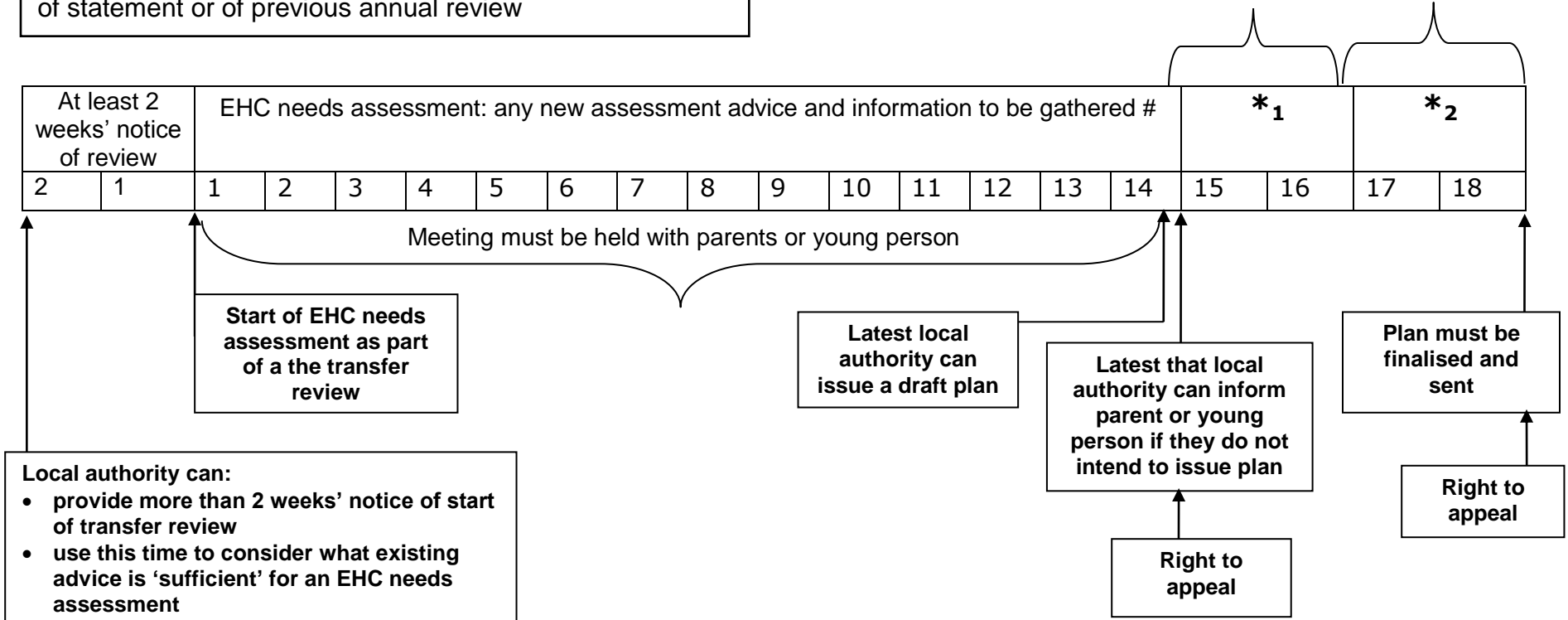
***1: Parent or young person:**

- Can comment
- Can request a particular school or college to be named in plan

***2: Consultation with school or college about being named in the plan**

Transfer review: timeline†

Transfer review to be completed in 20 weeks (2+18)
 Transfer review to be completed within 12 months of issue of statement or of previous annual review



† Exceptions apply, see guidance page 3

No new advice if existing assessment information:

- Is sufficient for EHC needs assessment
- LA, advice giver and parent or young person agree it is sufficient

*1: Parent or young person:

- Can comment
- Can request a particular school or college to be named in plan

*2: Consultation with school or college about being named in the plan