

An introduction

Education Health and Care Plans (EHCPs) replace Statements of Special Educational Needs. EHCPs will also include any health and social care needs that affect the child or young person's educational needs. The Plan should be tailored to the individual and have short-, medium-, and long-term goals for that person. Plans will offer support continuously up until the age of 25, as long as the young person is still in education or training.

How do they work?

Children and young people who already have statements will be assessed for special educational needs before being transferred onto a new EHCP. The new Plans can be written using the old evidence from the young person's statement, but only if the parents agree. If you would like a new assessment then you can ask for this. A new assessment will make sure that none of your child's needs are being missed. Those without statements can also be assessed for needs if professionals working with them or their parents ask the Local Authority to do this.

Once your child has been assessed and found to have special educational needs, a Plan must be written. The Plan must contain certain sections (which you can see in our EHC Plan Contents information sheet). These sections cover the views, wishes and goals of your child as well as your own.

The Plan should include all of your child's needs, the services that they need and the goals and aims that they are working towards.

Everything that is written into the Plan must be provided, either by the Local Authority or the health service. This means that it is important to get as much written into the Plan as possible.

All of the Plan's contents should be clear and specific. For example, if your child should have access to Speech and Language Therapy, the Plan must say how much, how often and the type of qualifications the therapist must have. This will help to make sure that your child's needs are properly met.

Once your child turns 16, they take on the sole responsibility for their Plan but they can include you if they want to. You can also ask your Local Authority to allow you to take responsibility from your child, but your child must agree to this. This does not apply if your child has been shown to lack mental capacity.

How will the services work together?

Local Authorities (LAs) and health services must work together to provide care to young people. 'Health and Wellbeing' boards, made up of representatives from each of the sectors – including social care and children's services professionals – will make sure that this is done. The government also hopes that voluntary groups will help to deliver services and support to families and young people.

Unfortunately, 'Health and Wellbeing' boards do not have a clear role or powers, which means that they may not be very effective. As well as this, there is not a lot of funding to help voluntary organisations and charities to provide services or support.

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Local Offers

From 1st September 2014, each Local Authority has to have a 'Local Offer' available online. This should include information about all of the services available to people within that Local Authority. This should also include services outside of the Local Authority, if local people can access them.

The Local Offer should have been written in consultation with parents and young people and Local Authorities should continuously update and improve it. This means that it should be easy for you to give comments and feedback on your Local Offer. Comments provided by local people should also be published each year. If you have comments about your Local Offer, be sure to share them with the Local Authority. It may also be useful to look at other Local Offers, to see what differences there are or if there are things that your Local Offer is missing.

Myths

There are several myths surrounding EHCPs. Some people are concerned that EHCPs will be given out less often than statements, or people will lose their statements. The government says that anyone who would have been able to get a statement will get an EHCP. But it is possible that cuts in funding and other changes may affect the number of people who are eligible for a Plan.

Some people were given an EHCP before September 2014, as part of pilot schemes. These will become legally binding over the next 3 years. Some people were not happy with these Plans and would not like them to become fixed now that the pilot schemes are over. If this is the case for your child, you can ask for a new assessment but the Local Authority does not have to agree to this.

Academies and free schools will have to provide for SEN in the same way as maintained schools and Ofsted (the schools inspection organisation) will check this. Ofsted should focus on outcomes for all students, so if SEN provisions are not being made then this will be flagged in their reports.

One problem with the new system is that someone has to take responsibility for pulling all of the information together. It is highly likely that this will end up being the young person or their parent.

This is a concern because these people do not have training or support to do this and because it makes it difficult to hold anyone to account if something goes wrong.

'Pathfinders'

'Pathfinders' was a group of Local Authorities that tried out the new system before it became law. There was an evaluation of these programmes, which found some positive results. 40% thought that the process was simpler and more straightforward and 39% of parents felt that the services were more linked up and working well together. But it was also agreed that a lot of time and training was needed to make the system work well.

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Disputes

You should keep all documents and record any meetings or phone calls. This will help you to be prepared in case you need to appeal any decision. This information may be useful later on and you should keep a copy of everything that you send to professionals. The details of how to appeal should be in your Local Offer, as this may vary across regions and Local Authorities. Make sure that you have read and understood this section so that you can be sure of your rights. You can also find out more in our guide to the SEN Code of Practice.

Conclusion

The new EHCP system aims to deal with a lot of the difficulties that families have always had. But there are concerns about how services will be provided, how government spending cuts will affect services and how much responsibility is being handed to parents and vulnerable young people.

Useful resources

Guide to the SEN Code of Practice – written by Autism West Midlands and available at www.autismwestmidlands.org.uk/education-support

EHC Plan Contents – information sheet produced by Autism West Midlands and available at www.autismwestmidlands.org.uk/education-support

IPSEA (www.ipsea.org.uk) is a registered charity offering free and independent advice to parents of children with special educational needs in England and Wales. IPSEA's general advice line is 0800 018 4016.

If you need to talk to someone you can contact your local Information, Advice and Support Service. They offer free, impartial, confidential information and advice to parents and carers of children and young people with special educational needs. You can find your local service here: www.iassnetwork.org.uk/ or call 020 7843 6058.

Contact a Family (www.cafamily.org.uk) have a Helpline for parents of children and young people with SEN - helpline 0808 808 3555 / email helpline@cafamily.org.uk.