

## Checking a draft EHC plan

**Your final plan is a legally binding document and the provision in it must be provided**

- It is important you have received all the reports listed in Section K as you will not be able to check the draft plan without them.
- You will have at least 15 working days in which to respond to the Local Authority.
- There should be clear and direct links through the **aspirations, outcomes, needs, and provision** (see Glossary at the end of this Factsheet for the definition of these terms). This is sometimes referred to as a Golden Thread.

This can be achieved by thinking about **outcomes** as steps on the journey towards the **aspirations** that your child or young person may have as they move towards adulthood. A selection of different coloured highlighters may help you to differentiate between **needs, provision** and **outcomes**.

The Special Educational Needs and Disabilities Code of Practice 2015 (CoP) in Chapter Nine explains Education, Health and Care needs assessments and plans. This can be viewed at [www.gov.uk/government/publications/send-code-of-practice-0-to-25](http://www.gov.uk/government/publications/send-code-of-practice-0-to-25).

Check every part of the plan. This is what each part is and the kind of information it includes:

Section A	The views, interests and aspirations of the child and their parents, or of the young person
Section B	The child or young person's special educational needs (SEN)
Section C	The child or young person's health needs which relate to their SEN
Section D	The child or young person's social care needs which relate to their SEN
Section E	The outcomes sought for the child or the young person
Section F	The special educational provision required by the child or the young person
Section G	Any health provision reasonably required by the learning difficulties or disabilities which result in the child or young person having SEN
Section H1	Any social care provision which must be made for a child or young person under 18 resulting from section 2 of the Chronically Sick and Disabled Persons Act 1970 (CSDPA)

Section H2	Any other social care provision reasonably required by the learning difficulties or disabilities which result in the child or young person having SEN
Section I	Placement
Section J	Personal Budget (including arrangements for direct payments)
Section K	Advice and information

An EHC plan is one of the tools that's going to help your child make progress and achieve their best across all areas of their learning. As they get older it's also going to help them become as independent as possible and prepare them for life as an adult. It's important that when the plan is first issued it is accurate and clear.

Think about whether what's in the plan accurately describes your child or young person as they are now. As it's a long-term plan, the EHC plan may not need to be extremely detailed. There is detailed information in the reports and recommendations used to support the needs, outcomes and support in the plan, such as an educational psychology report.

EHC plans should be supported by the plans made by schools and colleges, which set out how support works day to day. These school plans should also have short term targets for the support for your child. These are sometimes called an Individual Education Plan (IEP), My plan or SEN plan.

Your role is to help your child stay at the heart of the EHC plan, so that their views and goals are central to it. You'll also play a part in making sure their needs are met, and they make progress in the areas that are important for them. To do this you need to think long-term about what they're going to need in terms of skills, experiences and knowledge. As they get older, you'll need to work with them to do this. The law is very clear that EHC plans should be forward-looking documents that support children and young people to aim high and achieve their ambitions.

The time you have to check the draft plan will go by quickly. Depending on how complex your child's needs are, you may need a few hours to check it and make comments. Many parents find it easiest to do this in more than one go - half an hour or an hour at a time. The step-by-step checklist below is one way to check the plan. If you want more detail about the law or other ideas, IPSEA (Independent Providers of Special Education Advice) has a checklist that you can use which gives more detail about what should be in the plan. Their website is [www.ipsea.org.uk](http://www.ipsea.org.uk).

**Important to know:**

The draft plan isn't the final version yet. You, or the young person the plan is about (if they're over 16), get a copy of the draft plan to comment on. Your child's school or college, and any other school you're asking to be considered, should get a copy too. This is so that schools can see whether they can meet your child's needs.

The SEN 0-25 team may reword advice from specialists, to make it clearer for example, but their main role is to co-ordinate things. They will only include needs, outcomes and support recommended by professionals involved in the EHC Needs Assessment.

There are two main things for you to do:

1. Check the draft plan to see if it's accurate about your child's needs, their support and what the outcome of that should be. If you don't think it's clear, you can suggest changes or ask for missing information to be added.
2. Say which school, college or other educational setting you would like your child to go to.

Once you have read and thought about the draft plan, you have two options:

- If you think the plan is good, you can accept it as it is, without making any changes or
- You can ask for changes to be made before a final plan is issued. If you're not happy with the draft plan, you don't have to agree with it.

### **Before you read the draft Plan**

Take some time to think about and write down:

- What really matters to and for your child
- What stops them from achieving
- What your hopes are for them in the future

Make a list of the most important support they already get and the support you think they need.

Think about what you want them to achieve over the next few years. Bear in mind that one of the main things you and school need to do is to help them develop as much independence as they can as they grow up. The things that they (and you) want to achieve should help to shape the outcomes written in the EHC plan.

You know your child better than anyone. Making a list of what's most important for them will give you a good place to start when you're checking the plan. What's on your list should be in the plan somewhere. One of the main aims of your child's EHC plan is making sure that the support they're given will help them achieve the best possible results in their journey towards adulthood. The support in a plan should challenge your child to become as independent as possible. This means taking regular steps towards developing the skills they'll need for adult life.

Remember that your child's EHCP is a long-term plan and it will be supported by a short-term school or college plan that will show the smaller steps on the journey towards growing independence

### **Step One – Read the draft plan all the way through**

Read the draft plan all the way through once. If you can, do this on a big screen – on a personal computer or large tablet or download a PDF copy to read on screen or print. Think about what you would expect to see in the plan and look for the things that matter most. Are they there?

This helps you to get a general feel about whether the plan includes all your child's needs and gives a clear picture of the day to day support they need in class.

## Step Two: Get familiar with the Professional Reports

- The information in the draft EHC plan is made up almost entirely of what is written in the reports from professionals. So, the main things from those reports should be in the draft plan.
- An EHC plan contains information about your child's needs and the support (provision) they should get to meet those needs. It should also include an outcome for each need - which is like a target that says what difference the support will make.
- Go through each of the professional reports and separate out the needs, outcomes and support (provision) that they have recommended. The needs and support are usually easy to find, but sometimes professionals don't include outcomes in their reports.
- If you've printed the reports, you could use different colour highlighter pens to separately colour code these. If you're reading the reports on screen, write down each of the needs, outcomes and support as you're going along.
- Go through the reports and highlight each of your child or young person's educational health and care **needs**. You may find it useful to put these **needs** onto the, 'Delivering Outcomes in EHC Plans' sheet at the end of this document.
- Check that these cover **all** your child's **needs**. Is anything missing?
- Repeat with **outcomes**. Remember an outcome is the benefit or difference made to an individual as a result of an intervention. It should be personal and not expressed from a service point of view. **Outcomes** should be SMART: Specific, Measurable, Achievable, Realistic and Time Bound.
- Go through the reports and, using a different colour, highlight all the **provision**. EHC plans must specify the special educational **provision** to meet each of the child's special educational **needs**.
- Every need and outcome should have corresponding **provision**. Again you may find it helpful to use the, 'Delivering Outcomes in EHC Plans' sheet at the end of this document to match them up.
- **Provision** should be detailed, specific and normally quantified, in terms of type, hours and frequency of support and level of expertise, including where this support is secured through a personal budget. See our Personal Budgets factsheet for more information.
- If there is no specification or quantification you can contact the report author and ask for them to include this. If they are unsure ask for a minimum amount. If you do this by

email you can copy in your **SEND Lead Practitioner**. If by phone it is a good idea to let your **SEND Lead Practitioner** know.

- Make a note of any gaps, anything that is unclear, or anything you do not agree with or understand.

### **Step three: Crosscheck the professional reports with the draft plan and find out if anything is missing**

Crosscheck what is in the draft plan with what is in each professional report. So, look at the needs, outcomes and support you have found in the professional reports and check that it is included in the plan. You're looking to see if anything is missing. Do this in a careful way so you don't miss anything.

You can either

- go through each professional report and tick off everything that's in the plan and make a list of what is missing or not clear enough

or

- go through the plan section by section and check each professional report, ticking off everything that's in the reports and make a list of what is missing or not clear enough. Sometimes your caseworker will reorder or reorganise advice from professional's reports so that it doesn't repeat itself across the categories. It's worth looking to see if the advice in the report is somewhere else in the EHC plan instead.

This is the part of checking the plan that is likely to take you longest, so give yourself plenty of time. It can be easy to get lost among all the paperwork and to lose the thread of what you're aiming to do, so be as orderly as you can be. If you're not the most organised person, ask someone to help you with this bit. One of you can read out the needs, outcomes and provision and the other can check the plan.

### **Step Four: Check the detail and how specific it is**

- Now that you've worked out what should be in the plan, you also need to check that there's enough detail in it. What's written in the plan should be clear and straightforward.
- Make a note of anything in the plan that is unclear or anything you don't understand.
- When you're reading the plan, ask yourself, what does this actually mean? Is it clear what my child is going to get, and if it's not, then it's not specific enough!
- Be clear about the help. To be clear about what your child's help will amount to on a typical day at the educational setting. Check to make sure that the key support and the wording used to describe it is correctly written in the plan. So, for example, the level of support given in class, the ratio of staff to children, any group size for learning and the level of supervision needed to keep your child safe.

- Ask yourself the following:
  - What type of help my child will get? e.g. equipment, learning support, teaching programme, speech therapy.
  - Who specifically will give the help?
  - Do they need particular qualifications or experience?
  - How many hours of extra help are there?
  - How often will the help happen?
  - Is help for playtimes and lunchtimes included where necessary?
  - Will your child get help for self-care if needed e.g. around eating or continence?
  - What strategies will staff use?
  - Will support be targeted to individual need or in small groups, and with whom?
  
- A need only needs to go in once. So, for example, several professionals might list a need such as anxiety. But it only needs to appear once in the plan, alongside the support recommended by each of the different professionals.
  
- Beware of ‘weasel’ words or phrases which leave it up to someone else to decide what it means or your child may not get the specific support they need. The plan should avoid words such as:
  - access to...
  - regular help...
  - help as required...
  - where necessary...
  - throughout the school day...
  - opportunities for...
  - would benefit from ...

It's very important that the EHC Plan says precisely how much help your child will get and how often.

- The SEND Code of Practice says that, “EHC plans should be clear, concise, understandable and accessible to parents, children, young people, providers and practitioners.” You should know from the plan exactly what support your child will get and how often, who is going to give the support and what skills qualifications or training they staff should have. The plan should also be clear about how often the support should be reviewed to see what progress is being made.
  
- It's important to get the details right, to make sure the support is given in the right way at school or college. However, try not to get too bogged down in the smallest detail and making sure absolutely everything is in it. It's often important to find the right balance between making sure the plan is clear about key support, while giving some flexibility to staff and your child day to day.

### Step Five: Your comments on the draft plan

- If you have any queries, contact your **SEND Lead Practitioner** for clarification.

- If you are not happy send your requested amendments to the **SEND Lead Practitioner**. Remember to contact your **SEND Lead Practitioner** within 15 calendar days.
- You may find it helpful to email any questions to your **SEND Practitioner** or to follow up phone calls with emails.
- If you are happy with the draft, inform the **SEND Lead Practitioner**.

When they get your comments, the SEN Team will consider them and based on what you've said, they may make changes to the draft plan.

They may then issue another draft version for you to look at, or more likely issue a final plan. This may or may not have the changes you asked for in it.

### Step six: Name the Education Setting

- Your draft plan should not have an educational setting named on it. Once you have agreed the plan contents you ask the **SEND Lead Practitioner** to consult with the educational setting of your choice on whether they can meet your child's **needs** based on the plan.
- You have the right to ask for a particular school for your child, including any mainstream or special school. You can also ask for an independent school or an independent special school. If you're in this situation, it's a good idea to get specific advice about it. The local authority will usually consult a mainstream school as part of the process, even if you think it's not suitable.
- The SEN Team will consider your choice, but the Local Authority makes the final decision (you can challenge the decision). If you don't ask for a specific school the Local Authority will choose for you.
- You can choose the school or college that your child already goes to, or somewhere different. You can find out more about that on the IPSEA website: <https://www.ipsea.org.uk/choosing-a-schoolcollege-with-an-ehc-plan>
- A school or post-16 institution can only refuse a place to a child or young person for a limited number of reasons. These are set out in law in section 39(4) of the Children and Families Act 2014, please see <http://www.legislation.gov.uk/ukpga/2014/6/section/39/enacted>
- If the Local Authority does not agree with a school or post-16 institution's reasons for refusing a place they can direct the school or post-16 institution to take the child or young person and name that placement on the final plan.
- The law says that parents or the young person has a right to request that a particular school or post-16 institution is named in the EHC plan. The Local Authority must agree to this request unless:

- 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.

You can find out more about your rights to request a particular educational setting or college in the SEND Code of Practice sections 9.78 to 9.90.

### Next Steps

- If you and the **SEND Lead Practitioner** cannot agree on changes you can request a meeting with a Senior Inclusion Officer.
- If you cannot agree on a final draft with the Local Authority once the plan is finalised, you can go to Tribunal only over sections B, F and I. However, there is currently a national trial looking at Health and Social Care outcomes in EHC plans, but you can only go to Tribunal regarding these areas if there is educational need.
- You must consider mediation before any appeals to Tribunal except when the appeal is about Section I (educational setting place) only.

### Useful Webpages

**SEND Code of Practice:** [www.gov.uk/government/publications/send-code-of-practice-0-to-25](http://www.gov.uk/government/publications/send-code-of-practice-0-to-25)

### Glossary

**Aspiration:** A goal or objective that is strongly desired. These are usually long term goals. The Local Authority cannot be held responsible for ensuring that aspirations are achieved. A child or young person's aspirations may change as they get older.

**Outcomes:** Section 9.66 of the SEND Code of Practice says: 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). When an outcome is focused on education or training, it will describe what the expected benefit will be to the individual as a result of the educational or training intervention provided.

**Provision:** **Provision** that is additional to or different from that made generally for other children of the same age (CoP page 16). Detailed, specific and normally quantified, in terms of type, hours and frequency of support and level of expertise, including where this support is secured through a personal budget (CoP page 166)

**Needs:** A child has special educational **needs** if they have a learning difficulty or disability, which calls for special educational **provision** to be made for him or her (CoP page 15).



Children with special educational **needs** all have learning difficulties or disabilities that make it harder for them to learn than most children of the same age. These children may need extra or different help from that given to other children of the same age.

**SEN Code of Practice:** This is the statutory guidance that supports Part 3 of the Children and Families Act 2014. It tells local authorities, early years settings, schools, colleges, health and social care providers and others what they must and should do to identify, assess and provide for children and young people with SEN or disabilities.

You can download a full copy of the Code at

<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

You can download a shorter version for parents at

<https://www.gov.uk/government/publications/send-guide-for-parents-and-carers>

**SEND Lead Practitioner:** The Local Authority officer responsible for overseeing your assessment, collating the information from professionals, and creating your draft plan.

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**This document can be made available in a range of community languages, large print, Braille, on tape, electronic and accessible formats.**

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**Delivering Outcomes in EHC Plans**

<b>Aspirations (EHC Section A)</b>	<b>Outcomes (EHC Section E)</b>	<b>Needs (EHC Sections B, C &amp; D)</b>	<b>Provision (EHC Sections F, G, H1 &amp; H2)</b>