

Criteria for an Education, Health and Care Needs Assessment (EHC Needs Assessment)

1 Children and young people for whom an EHC needs assessment will apply

An EHC needs assessment will be relevant for a minority of children and young people, namely those experiencing severe, complex and long-term difficulties.

These difficulties may be described as low incidence needs and include children or young people with severe difficulties in the areas of:

- learning including profound and multiple needs
- sensory impairment,
- physical disabilities,
- social, emotional and mental health
- language and communication delays and/or disorders,
- autism and
- complex needs across more than one category.

These children and young people are those whose needs are so severe that they present an ongoing barrier to social and or learning development.

Children or young people with moderate learning difficulties will only be considered for an EHC needs assessment in exceptional cases where a high level of additional complex need is also present.

Therefore those children or young people who will generally be considered for an EHC needs assessment will be those

- a) at the most severe end of each SEN profile or
- b) who have a complex combination of needs and/or
- c) where there is evidence of a high level of concern about progress made over time with current interventions.

The local authority will carefully consider individual cases which do not technically fit the criteria but where there seem to be exceptional reasons, based on the child or young person's particular individual needs, for proceeding with an EHC needs assessment.

2 Broad areas of special educational needs

Cognition and Learning:

Moderate learning difficulties with complex additional needs, severe learning difficulties and profound and multiple learning difficulties

The majority of children with general learning difficulties, including those with moderate learning difficulties will have their needs met from the resources available in schools, colleges and early year's settings through SEN support. As outlined above, only children who display moderate learning difficulties with a high level of complex additional needs, severe learning difficulties or profound and multiple learning difficulties, which require additional resources to those available in mainstream schools/settings will be considered for an EHC needs assessment. Many of the children with the most severe or profound learning difficulties will be identified and assessed by professionals prior to starting school.

The child or young person will not be progressing within the National Curriculum despite appropriately differentiated programmes and is likely to need more specialist provision. In the case of children with moderate learning difficulties the child will also have a high level of needs in at least one or two other areas of need e.g. autism, emotional, social, emotional and mental health difficulties, language and communication needs.

As a general guideline National Curriculum levels for children or young people with learning difficulties at the level that might trigger an EHC needs assessment are as follows.

Year group	Age	National Curriculum level - criteria indicating learning difficulties
R	5	Working towards early years foundation stage goals two or more years below chronological age and/or standardised assessment suggest progress towards developmental milestones within second centile
1	6	P level 5 or below – working towards level 1 in all NC core subjects
2	7	P level 6 or below - working towards level 1 in all NC core subjects
3	8	P level 7 or below - working towards level 1 in all NC core subjects
4	9	P level 8 or below - working towards level 1 in all NC core subjects
5	10	Working towards level 1 in all NC core subjects
6	11	Working towards level 1 and in Level 1B or C in all NC core subjects
7	12	Level 1a in all NC core subjects
8	13	Mixture of Level 1 and 2c in all NC core subjects
9	14	Mixture of Level 1 and up to 2b in all NC core subjects
10	15	Working at 2a in all NC core subjects

Social, emotional and mental health difficulties:

Most children with social, emotional and mental health difficulties will have their needs met from the resources available in schools, colleges and early year's settings through SEN support. As outlined above, only children who display the most severe difficulties which require additional resources to those available in mainstream schools/settings will be considered for an EHC needs assessment. These are children or young people who display most or all of the following difficulties:-

- Persistent social, emotional or mental health difficulties, including becoming withdrawn and isolated or displaying disruptive and challenging behaviours, evident in more than one setting
- Challenging, disruptive or disturbing behaviours, which have been present over a significant duration of time
- Persistent challenging behaviour with some episodes possibly requiring physical intervention
- Behaviours representing a danger to the child and other children or adults
- Behaviours of such intensity that the child's academic progress is severely impeded as well as the efficient education of other children
- Substantial emotional disturbance/marked inappropriate emotional responses/severe anxiety
- A high level of difficulty in social engagement with peers and/or adults severely impeding the child's social progress

Permanent exclusion from school (or the threat of this) does not of itself indicate that a child requires an EHC needs assessment. The reasons for exclusion will be more relevant than the fact of this.

Communication and interaction:

Speech, language and communication difficulties and disorders

For the majority of children or young people with less complex speech and language difficulties and disorders their needs will be met from the resources available in schools, colleges and early years settings through SEN support. Those children and young people for whom an EHC needs assessment will be considered will be those with more severe, complex and possibly longer term needs. Their needs are likely to include the following:-

- Receptive and expressive language difficulties
- Difficulty in accessing the curriculum because of their receptive and/or expressive language skills
- Impairment in speech or expressive communication which may require alternative forms of communication
- A pragmatic language disorder affecting curriculum access and social development
- Behavioural, social and emotional difficulties arising from the child or young person's language and communication difficulties and severely affecting their peer relationships

Autism spectrum disorder

Some children on the milder end of the autistic spectrum including those who are higher functioning will be able to have their needs met from the resources available in schools, colleges and early years settings through SEN support. Children or young people who are likely to require an EHC needs assessment are those displaying most or all of the following characteristics to a high degree:-

- Significant difficulty in accessing the curriculum and marked discrepancies in attainment compared to their peers
- Impairment in their social language and communication
- An inability to interact socially with their peers
- The child or young person's behaviours act as a severe barrier to learning. For example:
 - Obsessive and repetitive behaviours such as preoccupation with certain objects or stereotyped body movements, displayed on a persistent and frequent basis
 - Challenging behaviours
 - A high level of distress over changes in routine or in the environment

Sensory and/or physical needs:

Physical disabilities and medical difficulties

Most children with physical or medical difficulties will have their needs met from the resources available in schools, colleges and early year's settings through SEN support and by reasonable adjustments being made by the school (Equality Act 2010) to enable the child or young person to access the social and academic curriculum. Children who may require an EHC needs assessment will have a level of physical disability or medical difficulties that severely impair their ability to participate in classroom activities/school or home life. This may include:-

- Physical/medical needs having a substantial impact on access to the curriculum
- Difficulties with physical access including feeding and toileting
- Very limited independent mobility
- Significant behavioural, emotional or social difficulties
- A high level of medical needs requiring frequent, long term input and a high dependency on adults
- A physical disability/medical need requiring substantial specialist equipment and resources

Sensory needs: Visual impairment

Children or young people with mild visual impairment will have their needs met from the resources available in schools, colleges and early year's settings through SEN support. Children and young people with more severe needs will have a high level of difficulty in accessing the curriculum and being able to participate in school activities. They are likely to be registered as blind or partially sighted.

Their needs are likely to include the following:

- Requiring constant help to assist their mobility
- Most written materials need to be adapted or modified for the child or young person
- A need for intensive help in practical subjects e.g. where there are health and safety implications
- Access to the curriculum through alternative methods of communication

Sensory needs: Hearing impairment

Children and young people with learning difficulties associated with a mild conductive or moderate hearing loss will have their needs met from the resources available in schools, colleges and early years settings through SEN support. Children and young people with more severe needs requiring an EHC needs assessment will have a high level of difficulty in accessing the curriculum as a consequence of their hearing impairment. Their needs may include the following:

- A diagnosis of a severe/profound hearing loss
- Long term difficulty in accessing the curriculum
- The need for regular input from a qualified teacher of the hearing impaired
- Severe delay in language and communication
- Significant behaviour, emotional or social difficulties associated with the child's hearing loss
- The need to use Sign Supported English or BSL to communicate and to access the curriculum

3 Action that schools and settings need to have taken before considering a request for an EHC needs assessment

In the majority of cases, the local authority will expect schools and settings to have fully implemented the actions set out in their SEN Information report (in line with the requirements of the Code of Practice) and evaluated and monitored the impact of these over time, before requesting an EHC needs assessment. The SEN funding arrangements now provide delegated money to schools (from the Local Authority) and colleges (from the Education Funding Agency) to support children and young people with additional learning needs and it is expected that the first £6000 of expenditure on support will have come from these funds and already be in place.

This means that a child or young person should only be referred for an EHC needs assessment if he or she has received provision through SEN support, and where the outcomes of this have been properly evaluated and reviewed over time. The length of time spent in school or setting based support will not in itself be sufficient to justify a request for an EHC needs assessment however. As a general guideline it is expected that no child or young person should be referred for an EHC needs assessment unless he/she has received at least 6 months/two terms of support and is still making less than expected progress given his or her age and individual circumstances, as described by the Code of Practice (6.17). This can be characterised as progress which has one or more of the

following features:

- it is significantly slower than that of his or her peers starting from the same baseline
- it fails to match or better the child's previous rate of progress
- it fails to close the attainment gap between the child and his or her peers
- it widens the attainment gap

Schools, colleges and settings will be expected to have utilised all (relevant) available resources through SEN support over time before making a request.

In particular, schools, colleges or settings should have taken the following action, as appropriate to the child or young person's needs before proposing an EHC needs assessment:-

From within their own resources:-

- taken relevant and purposeful action to **identify, assess and meet** the special educational needs of the child or young person
- made specific additional provision for the child within the school from **their delegated resources for SEN support**;
- put in place a Provision Map or an Individual Education Plan or used the **SEN Support Record** and reviewed these on a termly basis, with the child/young person or young person's parents and other involved professionals. (Child or young person records should include information on baseline skills and attainments; realistic, relevant and measurable targets; strategies and teaching programmes put in place over time; detailed evidence of the progression made against targets and clear time frames with implementation/review dates. These can be recorded on the initial assessment/concerns and SEN support recording forms)
- **alerted all relevant teachers and adults** in the school/college or setting to the child or young person's difficulties;
- involved the child or young person's **parents** at each stage, particularly as part of TAC planning reviews
- sought the **views of the child/young person** where possible on his or her difficulties and how they feel they might best be helped;
- explored the possible benefits of and secured access for the young person to appropriate **information technology**, including training in its use, as appropriate;
- implemented policy on **pastoral care** and sought external advice to meet any social, emotional, mental health and behavioural difficulties, as appropriate;
- in the case of children or young people with **social, emotional or mental health difficulties** schools and settings should keep careful records of the child or young person's behaviours over time and have systematically implemented, monitored and recorded an individual education programme devised specifically to address the child or young person's needs. Where the child's behaviour is likely to lead to exclusion a Pastoral Support Programme should be put in place;
- in the case of secondary schools, referred the child or young person to the school's Learning Support Unit or similar, as appropriate.

From other services:-

- sought advice/input from an **Educational Psychologist**;
- notified and sought the assistance of a **doctor**, as appropriate;
- involved the **Education Welfare Service** where the child or young person's difficulties are compounded by attendance problems;
- sought advice/input from **local peripatetic specialist services** for hearing, language, visual impairment or autistic spectrum disorder, as appropriate;
- made referrals to **local Child and Adolescent Mental Health Services** as appropriate;
- **in the case of primary schools** made referrals to additional support services such as the Behaviour and Literacy Support Service and evaluated the child or young person's progress with this input over time.

Being able to demonstrate that there has been a referral to one or more of the above services is not in itself sufficient to warrant the school or setting proceeding to request an EHC needs assessment. Rather the school should be able to demonstrate that, having made the referral, they have then acted on the advice given, implemented any specific strategies suggested and evaluated the outcomes of these on the child's progress before making a request for an EHC needs assessment.

4 Information required to support a request for an EHC needs assessment

Following a period of time during which school, college or early years support has been provided and regularly reviewed using the "plan, do, review" cycle and as a result of which there remain concerns about the level of needs and rate of progress of the child or young person, the setting should complete **the request for an Education, Health and Care needs assessment form**. (A copy of the form is attached.) At least one Team Around the Child meeting should have been held at which there was a discussion about concerns with the parents and/or the young person and, where possible, agreement reached that an EHC needs assessment should be requested.

The form should be signed and dated by the head teacher/principal or SENCO. Each part of the form should be completed and the school, college or setting should include/attach the following information:-

- information about the nature, extent and context of the child or young person's SEN;
- exact details of the scope and extent of **SEN support and provision** made for the child or young person to date from the school's delegated budget, including the exact amount of individual and small group provision and information on specific programmes put in place and the outcomes of these;
- the latest Provision Map, **SEN support record** or Individual Education Plan including the reviews of the short term targets set, the progress made by the child or young person and clear reasons for recommending the move to an EHC plan needs assessment, together with the Provision Maps, SEN support records or IEPs and their reviews for the previous two terms;

- evidence of the child or young person's **physical, emotional and social development and health needs** and what has been done to meet these by other agencies;
- clear information on the nature and extent of **involvement from other professionals** and available assessment reports and recommendations;
- clear evidence of the academic and/or developmental **progress made by the child or young person** with in-school and outside provision, supported by reference to descriptions of learning skills and attainments and standardised test information, where applicable, e.g. results of reading, spelling or Maths tests;
- clear information on the child's attainments and learning skills in the three core subjects of the **National Curriculum, as relevant**;
- **written information on the involvement of an Educational Psychologist**, as appropriate. This information would usually comprise consultation record form(s) and report form(s). If the written information on the involvement of the EP contains advice on strategies to meet the child/young person's needs, it is expected that these will have been put in place and evaluated/reviewed before a request for an EHC needs assessment is considered, although it is acknowledged that the EP may continue to be involved following this;
- in the case of children or young people with **behaviour difficulties** the school should include copies of any PSPs put in place together with reviews of these and should ensure that clear information on the frequency and type of behaviours is included.

The completed documentation should be sent to the Special Needs Assessment Service for consideration and agreement.

Where the information received covers the above requirements, the Authority will reach a decision and will either start the process or give detailed reasons as to why an EHC needs assessment is not deemed appropriate, within a maximum of 6 weeks of the request being received.