

# NEXT STEPS FOR SPECIAL EDUCATIONAL NEEDS & DISABILITIES

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## *MAKING THE CHILDREN & FAMILIES ACT WORK IN NORTH YORKSHIRE*

### HOW WILL IT CHANGE?

1. **From Tuesday April 22<sup>nd</sup> 2014, all requests for Statutory Assessment in North Yorkshire will be dealt with under the new legislation, subject to informed parental consent.** Requests made just prior to April 2014 where a formal decision to proceed has not yet been made will be included in this new Education, Health and Care (EHC) assessment and planning process.
2. We are aware that EHC Plans have no legal status until 1<sup>st</sup> September 2014 but as an 'early adopter' of the new legislation we are encouraging families to try it out. We will of course ensure that you have the *legal right to challenge the Local Authority in an SEND Tribunal* if we cannot reach agreement but we are confident that this is unlikely to occur often.
3. The draft guidance with the Act suggests that any professional working with the young person, the parents, or the young person themselves can ask the local authority to carry out an assessment. So that we have enough information to make a reasoned decision, we are asking that all such requests begin with a person-centred conversation with the family and young person which is recorded in the same format. This is an **Education, Health and Care Assessment Request (EHCAR) Form**.
4. *If you are a professional working with the family, please complete the form WITH the family and young person. If you are a parent or young person we will ask you who you want to sit down with to complete the EHCAR Form.*
5. The EHCAR Form suggests what other evidence might be helpful to the local authority in making a decision to go ahead. If we decide not to go ahead with the assessment then we will explain why and suggest what other sources of help may be useful to you. As a parent or young person we will also explain your right to appeal against this decision.

6. When completing the EHCAR Form we will ask who is important in your child's life and who we should ask to help us make decisions about additional support or resources to ensure your child makes progress. *If we agree to carry out the EHC assessment, we will*
  - *write to those people,*
  - *send them a copy of the EHCAR Form so they know what has been discussed already*
  - *ask them for their views on how to help the child to achieve good outcomes in their education, health or care and in preparing for adulthood*
  - *and tell them a date when we will all meet to talk about your child and to agree a Plan together.*
7. If we have enough information in the EHCAR Form from you and whoever helped you to complete it, then we will not ask you to repeat it on a different form. We will try to just TELL US ONCE as far as possible.
8. **Advice givers will have six weeks to give us their views in writing.** We will arrange a **planning meeting** involving you, your child and all of those people at a convenient place, usually school or college, **for 10 weeks after the assessment starts.**
9. At that planning meeting a local authority Assessment and Review Officer (ARO) will help you, your child, the education, health and care professionals to talk about
  - *what came from the assessment,*
  - *your child's needs,*
  - *what outcomes we all want him or her to achieve*
  - *how to support your child to achieve those outcomes*
  - *who is best placed to do that*
  - *what additional resources or provision will the local authority or health services make available to help achieve those agreed outcomes*

10. The Assessment and Review Officer will take away the information from those discussions and use it to draft a Plan. A small group of senior officers of the local authority will read each plan to decide whether the support and provision requested in the draft plan are reasonable and *whether they require additional and different resources over and above those that are normally available* to the setting, school or college.
11. *If the answer to this is YES*, then they will **agree to the Education Health and Care Plan** being finalised with you and those resources, additional funding or different provision will be made available.
12. *If the answer is NO*, then the Plan will be written as **My Support Plan**, in a similar way, based on the outcomes to be achieved but using resources and provision already available through existing funding or free through the Local Offer. In such cases, families and young people will also be told of *your rights to appeal if we cannot reach an agreement*.