

# The EHCP Needs Assessment: Ten Frequently asked questions by parents/carers

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## 1. Who is entitled to a Needs Assessment?

As a parent or carer, you can request that a Needs Assessment is carried out for your child by your local authority if:

- a) You feel that your child has or may have a special educational need.
- b) That your child would need special support and provision made for this within an EHC Plan.

## 2. Does the Local Authority have to do it?

If the Local Authority decide that the answer to the two points above is yes, then they must carry out a Needs Assessment. This is set out in Section 36 (8) of the Children and Families Act (2014). This means that the Local Authority should only consider addressing the two points above within the assessment. The guidance that the Local Authority should follow is outlined within the SEN and Disability Code of Practice which states: **“the local authority should consider whether there is evidence that despite the early years provider, school or post-16 institution having taken relevant and purposeful action to identify, assess and meet the special educational needs of the child or young person, the child or young person has not made expected progress.”**

### **3. What should the Local Authority consider?**

The Local Authority should look at a range of evidence, including current academic attainment, milestones, rates of progress and the way in which your child's SEN presents in an educational setting. Every child is unique and how your child's autism or dyslexia, for example, impacts upon their learning will not be the same as another child with that same condition. Also, evidence of what action the school has taken previously and whether or not this has been effective and what the outcomes were from those actions. The Local Authority will want to gain a full picture of your child, including any physical or health needs and the emotional and social development of your child. This might be done by consulting with professionals from outside the school, for example, clinicians or other health professionals.

### **4. My son is in Year 5 and only has one more year left in his school, am I too late?**

No, you can request a Needs Assessment at any time.

### **5. My daughter is 17 and doesn't know what she wants to do next in terms of education or training, is there any point in asking at this stage?**

Yes, there is, an EHC Plan will last until she is 25. Your daughter's views and aspirations will be an integral part of the Plan and will support her to make plans in preparation for adulthood.

**6. My son has some complex medical needs but this doesn't impact upon his learning, can I ask for a Needs assessment?**

No, only if your son has a special educational need or a disability which calls for special educational provision.

**7. My daughter is 19 years old and doesn't live with us, who asks for the Needs Assessment then?**

Your daughter can request one herself because she is over 16 years old. However, if you don't feel that your daughter could fully understand the process or effectively communicate her views and aspirations, then as her parent or carer, you can make the request on her behalf.

**8. What about my son's school, should I speak to them?**

Yes, it is a very good idea to discuss your concerns with the relevant professionals within your son's school. It is important that both parents and teachers work together at all stages in the EHCP process. Indeed, the school could help you write the letter of request or request a Needs Assessment for your son themselves. If you decide to write the letter yourself, a letter of support from your son's school would be very helpful at this stage.

**9. Who should I write to?**

Your Local Authority's website should outline the process clearly and contain the relevant address. If this is not clear, the SENDCO at your child's school will be able to help.

## 10. When will I hear back?

The Local Authority must reply within six weeks under Regulation 4(1) of the Special Educational Needs and Disability Regulations 2014. They should reply to you even if the request was made by the school or college.

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## About ADHD Foundation

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