

Oxfordshire SEND

Guidance
for settings on
education, health
and care needs
assessment (EHCNA)
requests ...▶



OXFORDSHIRE
COUNTY COUNCIL

This guidance is designed to advise education settings when considering whether to request a statutory assessment of a child or young person's (CYP) special educational needs (SEND).

Context and statutory guidance

This guidance is designed to support education settings when considering making an application for an EHCNA to assist the local authority in ensuring a timely, lawful and consistent decision making process. It provides detail of the information that may be beneficial in evidencing the requirement for a statutory assessment of a child or young person's (CYP) special educational needs and/or disabilities (SEND).

The Children and Families Act 2014 (s20.2) sets out:

‘A child or young person 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.

A child of compulsory school age or a young person has a learning difficulty or disability if he or she –

- ▶ has a significantly greater difficulty in learning than the majority of others of the same age, or
- ▶ has a disability which prevents or hinders him or her from making use of facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions.’

Special Educational Provision is defined as provision that is different from, or additional to, that made generally for pupils or students of the same age.

The special educational needs and needs resulting from a child or young person's disabilities for the majority can be met with the provision which is ordinarily available within a mainstream setting. For guidance on this please refer to the SEND ordinarily available provision document.

As determined by central government, funding is provided to all schools and settings to enable provision to be made that is additional to and different from their core offer. Schools must put in place SEND support measures and cover the cost of SEND support from their overall school budget (element 1 – age weighted pupil unit and element 2 – notional SEN budget).

The Children's and Families Act 2014 (s36.8) states:

'The local authority must secure an EHC needs assessment for the child or young person if, after having regard to any views expressed and evidence submitted, the authority is of the opinion that:

- a) the child or young person has or may have special educational needs, and
- b) it may be necessary for special educational provision to be made for the child or young person in accordance with an EHC plan.'

The SEND Code of Practice (9.14) sets out the local authority's responsibility to consider relevant evidence. It describes how the local authority should be satisfied that despite relevant and purposeful action by settings, the child or young person is not making expected progress or that where progress has been made it is only as the result of much additional intervention and support over and above that is usually provided.

Appropriate evidence could include consideration of academic attainment, developmental milestones, or of physical, emotional and social development and health needs from clinicians or other health professionals.

The SEND Code of Practice (9.16) clarifies that local authorities may develop criteria as guidelines to assist with this but that they must be prepared to depart from these criteria where there is a compelling reason to do so in particular cases and may not apply any assistive criteria as a blanket policy.

Key information

In order to support consistent and robust decision making we request that applications for an EHCNA include evidence to demonstrate the following:

1. That it has been identified that the child or young person may have special educational needs and/or disabilities.
2. That the child or young person's special educational needs and/or disabilities require Special Educational Provision to be made for them, which is additional to and different from what is ordinarily available to them.

To demonstrate this the following information would be helpful for the local authority to consider:

1. That special educational needs and disabilities have been identified (assessment, progress records, this should be through assessment and progress records and rule out underachievement due to other issues).
2. The school has made best use of available resources using the costed provision map and the review and re-alignment of existing resources to reflect changing needs.
3. The school has implemented the graduated approach robustly and appropriately. This could be through demonstrating different strategies have been used, making adjustments and support for teaching and learning and changes to the curriculum and organisation of the learning environment.
4. External support has been sought and there is evidence to show how the recommendations made have been implemented and reviewed over a period of time.
5. Evidence that shows support for the child or young person's special educational needs falls outside of the universal and targeted offer and may require a specialist and on-going multi-agency package of support.

Regardless of who makes the initial request for an EHCNA, settings will be requested to provide appropriate evidence in line with the requirements of the individual case.

This includes demonstrating that SEND support (assess - plan - do - review) has been consistently implemented for at least three terms.

Note: Baseline attainment information, progress and the impact of interventions should be provided with the request for statutory needs assessment.

Suggested list of purposeful actions for settings



	Yes/no/not applicable	Referenced evidence	Further action to be taken
CYP is on the SEN register and the OCC descriptors have been used to identify area(s) of need.			
There is evidence of assess, plan, do, review which include SMART targets and home and school links?			
Evidence that learning has been assessed and whether the child or young person is making progress within the delegated funding and provision that is ordinarily available.			
Evidence that where progress has been made, is it only as the result of much additional intervention and support over and above that which is usually provided.			
Whether a strengths and needs assessment has been considered? If completed, the recommendations have been actioned.			
If attendance is low, evidence of working across agencies to address this is in place.			
That appropriate agencies have been engaged with (i.e. SENSS, EYSENIT, SaLT, EPS) and recommendations actioned.			
Evidence of any health needs impacting on the child or young person's ability to access learning.			
Evidence of any social care needs impacting on the child or young person's ability to access learning.			

Exceptions can apply in certain circumstances if there are clear and evidenced reasons to do so.



Suggested list of evidence to be provided by settings:

Document	Additional notes
School report	Must include detail of needs, provision already in place, suggested outcomes and proposed additional provision.
Costed provision tracker	Outline interventions in place to evidence 'additional to and different from' and the impact of these.
Pupil profile/SEND support plan (including dates)	Details of child's assessed SEN and provision in place.
Attainment and progress information	Can be included within the school report. Please include specific detail on learning levels (e.g. if working below ARE, at what level is the child functioning).
Attendance data	Can be included within the school report. If attendance is below 96 per cent please include actions school has taken to address this.
Timetable, detailing current support	It should be clear exactly what the support looks like (i.e., small group supported by teacher or support staff and child:adult ratio).
Involvement of external support	Evidence of recommendations and actions to implement them should be within the school report.
Risk assessment	Evidence that the level of risk the child presents has been assessed and provision to mitigate this is outlined.