

## Asking for an EHC Needs Assessment:

### When should a local authority carry out an EHC needs assessment?

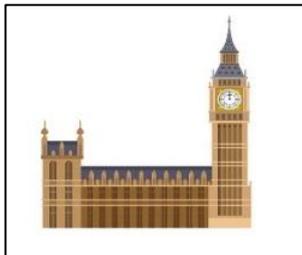
If a local authority (“LA”) is requested to carry out an EHC needs assessment by a parent, young person, school or college, they must consider:

- whether the child or young person has or may have special educational needs (“SEN”); and
- whether they may need special educational provision to be made through an EHC plan.

If the answer to both of these questions is yes, they **must** carry out an EHC needs assessment.

This test is set out in the law (section 36(8) of the Children and Families Act 2014). This means these are the only questions the LA should be asking when considering whether to carry out an EHC needs assessment.

The SEN and Disability Code of Practice, which is statutory guidance issued by the government, contains further detail on what LAs should consider. At paragraph 9.14 the Code states that:



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.

The LA should pay particular attention to:

- evidence of the child or young person’s academic attainment (or developmental milestones in younger children) and rate of progress;
- information about the nature, extent and context of the child or young person’s SEN;
- evidence of the action already taken by the school or other setting;
- evidence that where progress has been made, it has only been as the result of much additional intervention and support over and above that which is usually provided;

- evidence of the child or young person's physical, emotional and social development and health needs, drawing on relevant evidence from clinicians and other health professionals and what has been done to meet these by other agencies.

### When should I request a needs assessment?

If a child or young person has a learning difficulty or a disability which is holding them back at school or college, and the parents of the child or the young person (or the young person themselves) believe that the school or college is not able to provide the help and support which is needed, then a request should be made to the Local Authority ("LA") for an EHC needs assessment.

You can do this **at any time**.



- You can only ask for an EHC needs assessment if the child or young person has, or may have, SEN – it does not apply where there are only health or social care needs.
- Remember that under the law, a child has SEN if they have a learning difficulty or a disability which calls for special educational provision.

For children under 16, the parent makes the request. This includes children from age 0 to 5, where parents should make a request if they believe that the child will need extra help at nursery or when they start school.

In the case of a young person (over 16 and up to 25), they can make the request themselves. If the young person is not able to understand, remember or communicate decisions about the educational support they need, their parent or carer can make the request on a young person's behalf.

For more information about how the law applies to young people, [visit this link](#).

### Should I speak to the school or college first?

Yes – it will be helpful to speak to the school or college about your worries before writing to the LA. You should speak to the relevant class or subject teacher, the school SENCO or the person at the college responsible for SEN provision, and the head teacher or the principal.

### What if the school or college offers to write on my behalf?

Anyone acting on behalf of a school or post-16 institution can write and request an EHC needs assessment. This is usually the settings SENCO. If the school or college is willing, you could ask them to write a letter which supports your own application.

### How should I make the request?

You should make a written request and keep a copy of your letter. Your letter should set out why you believe your child has or may have special educational needs, and why you believe they may need special educational provision to be made through an EHC Plan.

SENDiass 4 BCP have a template letter that parent/carers and young people can use to request an EHC Needs Assessment.

### Who should I write to?

The SEN Team  
Floor E3  
Town Hall  
Bourne Avenue  
Bournemouth  
BH2 6DY

For Bournemouth and Christchurch residents, the request should be addressed to the Principal SEND Officer.

For Poole residents, the request should be addressed to the Statutory Services Manager.

### When should I hear back?

The LA must reply **within six weeks**. They should always reply to you as a parent or young person – even where the request was made by the school or college.



Make a note of the six-week deadline for the LA's reply. If they do not respond in time, you can use the IPSEA's [model letter](#) to complain to the LA.

### What will the LA's response say?

If the LA **agrees** to carry out an assessment, various people will need to be approached for advice. Our factsheet on EHC Needs Assessments has more information on this.

If the LA **refuses** to carry out an assessment, you have the right to appeal against this decision. The letter itself should explain that there is a right to appeal to the First-tier Tribunal (Special Educational Needs and Disability) and should contain details of a mediation service for you to contact.



Please ask SENDiass 4 BCP should you require any further information about appeals.