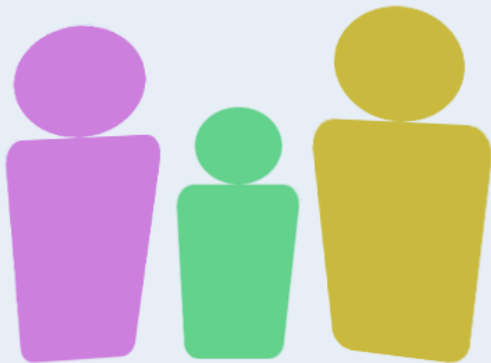


# Barnsley SENDIASS

Special Educational | Information, Advice &  
Needs & Disabilities | Support Service



## Get to know **your** EHCP

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24/10/2019

# Jargon buster

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CoP                      Special Educational Needs or Disabilities  
Code of Practice 2015

CAFA                    Children and Families Act 2014

Provision              The extra support given to a pupil

CSDPA                 Chronically Sick and Disabled Persons Act  
1970

# What is the legal definition of Special Educational Needs or Disabilities (SEND)?

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*A child or young person has special educational needs if they have a **learning difficulty** or a **disability** which calls for special educational provision to be made for them.*

*Section 20 (1) of CAFA 2014*

# What is a Learning Difficulty?

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

- a) has a significantly greater difficulty in learning than the majority of others of the same age, or,*
- b) 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.*

Section 20 (2) of CAFA 2014

# Special Educational Provision

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*Special educational provision means;*

*educational or training provision that is additional to, or different from, that made generally for other so of the same age in;*

- a) maintained schools in England*
- b) maintained nursery schools in England,*
- c) mainstream post-16 institutions in England, or*
- d) places in England at which relevant early years education is provided*

Section 21 of CAFA 2014

# Section 21 of CAFA 2014:

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## **21 Special educational provision, health care provision and social care provision**

- (1) “Special educational provision”, for a child aged two or more or a young person, means educational or training provision that is additional to, or different from, that made generally for others of the same age in—
  - (a) mainstream schools in England,
  - (b) maintained nursery schools in England,
  - (c) mainstream post-16 institutions in England, or
  - (d) places in England at which relevant early years education is provided.
- (2) “Special educational provision”, for a child aged under two, means educational provision of any kind.
- (3) “Health care provision” means the provision of health care services as part of the comprehensive health service in England continued under section 1(1) of the National Health Service Act 2006.
- (4) “Social care provision” means the provision made by a local authority in the exercise of its social services functions.
- (5) Health care provision or social care provision which educates or trains a child or young person is to be treated as special educational provision (instead of health care provision or social care provision).
- (6) This section applies for the purposes of this Part.

## Section 21 - Health Care Provision

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*“Health care provision” means the provision of health care services as part of the comprehensive health service in England continued under section 1(1) of the National Health Service Act 2006.*

Section 21 (3) of CAFA 2014

## Section 21 - Social Care Provision

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*“Social care provision” means the provision made by a local authority in the exercise of its social services functions.*

Section 21 (4) of CAFA 2014



## Section 21 – Other Therapies

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*Health care provision or social care provision which educates or trains a child or young person is to be treated as special educational provision (instead of health care provision or social care provision).*

Section 21 (5) of CAFA 2014

# An EHC Plan is...

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## *A plan specifying:*

- *Special Educational Needs*
- *Outcomes sought for him/her*
- *Special Educational Provision required*
- *Views, interests & aspirations of the child & his/her parents or YP*
- *Where SEP is to be secured by direct payment the SEN & outcomes to be met by the direct payment*

Section 37 (2) of CAFA 2014

SEND Regulations 2014 (12)

# Specification

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## L v Clarke & Somerset CC [1998] ELR 129

*“...so specific and so clear as to leave no room for doubt as to what has been decided is necessary in the individual case. Very often specification of hour per week will no doubt be necessary and there will be a need for that to be done”*

*Case precedent relating to SEP, yet can be applied to **all** matters which need to be “specified” in an EHC plan*

## Contents of EHC plans – Section A:

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### **Must cover:**

Views, interests & aspirations of child & their parents or the young people

NOT appealable to the Tribunal so lengthy disputes with LA over contents unlikely to be helpful

If written in 1<sup>st</sup> person – make sure it really is child/YP's words

## Contents of EHC plans – Section B:

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### Must cover:

The child or young person's **Special Educational Needs**

**ALL** SEN must be included

**Must be specified** as required by Section 37 (2) of CAFA 2014

As would be set out in part 2 of a statement (pre-2014)

# Contents of EHC plans – Sections C and D:

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## Section C

Health Care Needs which relate to the child or young person's special educational needs

## Section D

Social Care Needs which relate to their special educational needs or disability

## Contents of EHC plans – Section E:

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### Must cover:

The **Outcomes** sought for the child or YP

These are the intended result of the provision which is being put in place – they are NOT the provision itself

### Details:

Range of outcomes over varying timescales

Arrangements for monitoring progress – review & transitions arrangements

Forward plans for key changes

Important – these are reviewed when plan is ceased

# Contents of EHC plans – Section F:

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## Must cover:

The **special educational provision** required by the child or young person

Detailed, specific and normally quantified in terms of the type, hours and frequency or support and levels of expertise.

For each and every need specified in section B.

(Equivalent of Part 3 of Statement of SEN)



# Contents of EHC plans – Section G and H:

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Section G

Health Care Provision (on which CCG has a right of veto)

Section H (1)

Social care provision required under CSDPA (under 18 only)

Section H (2)

Other social care provision – including under Care Act (over 18)

Residential short breaks for under 18s would be included here

# Contents of EHC plans – Sections I, J and K

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**Section I:** The name and type of school, maintained nursery, post 16 institution or other institution or type of school to be attended by the child or young person

**Section J:** Where there is a personal budget, the details of this & details of any direct payment agreed & the outcomes it should support

**Section K:** The advice & information gathered during the assessment (in appendices) should be listed

# Final thoughts?

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Further information:

- <https://www.gov.uk/government/publications/s-end-code-of-practice-0-to-25>
- <https://www.ipsea.org.uk/pages/category/education-health-and-care-plans>

