



# IPSEA

Independent Parental Special Education Advice

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## How do I go about requesting an EHC needs assessment?

Where it's evident that child needs a very high level of support, a parent or carer can make a request for an Education, Health and Care (EHC) needs assessment, the process that leads to an EHC Plan being issued.

The request itself does not need to be made in a particular form, and whilst local authorities often produce various forms which they say must be filled in before an assessment can be considered, this is not actually the case. The simplest way to make a request for an EHC needs assessment is simply to write to the local authority. We have a model letter that could be used for these purposes, which can be found here:

<https://www.ipsea.org.uk/what-you-need-to-know/model-letters/model-letter-1>

There are no 'eligibility criteria' for a child to qualify for an EHC needs assessment set out in law or guidance. Some local authorities do appear to set out the conditions that would need to be met for a child to be considered for an assessment, but these will be 'internal' to those local authorities and are not reflected in law or guidance. If a request for an EHC needs assessment is made, the local authority must consider it on the evidence, not on the basis of whether any pre-set conditions are met.

Paragraph 9.14 of the SEN and Disability Code of Practice 0-25 says,

*"In considering whether an EHC needs assessment is necessary, 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. To inform their decision the local authority will need to take into account a wide range of evidence, and 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 being taken by the early years provider, school or post-16 institution to meet the child or young person's SEN*

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- *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”*

It is important to remember the legal test the local authority must apply is section 36(8) of the Children and Families Act 2014 (the Act):

*“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 under subsection (7), 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 test is simply whether the child or young person may have SEN and that it may be necessary for the special educational provision to be made for the child or young person in accordance with an EHC Plan.

You will see that this is a very low threshold. As was held in **Cambridgeshire CC v F-LJ [2016] UKUT 224 (AAC)** *“the issue at the initial stage is a provisional and predictive one”*.

You can find the SEN and Disability Code of Practice 0-25 here:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/398815/SEND\\_Code\\_of\\_Practice\\_January\\_2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf)

Once a request is made there is maximum deadline for completing the process of 20 weeks. The local authority must consider the request and let you have a decision as to whether an assessment is going to be carried out within 6 weeks of the date of request. If they agree to carry out an EHC needs assessment but then decide not to issue an EHC Plan they must let you know within 16 weeks of the date of request. If they decide to carry out an EHC needs assessment and issue an EHC Plan, they must issue the final EHC Plan within 20 weeks of the date of request.

The EHC needs assessment follows a certain format and we won't go into detail here beyond directing you to our online resources:

<https://www.ipsea.org.uk/what-you-need-to-know/ehc-needs-assessments/what-happens-during-an-ehc-needs-assessment>

We only provide information through this service, rather than offer direct advice. So if you need this, or you wish to discuss the situation with someone, you should use our advice line:

<https://www.ipsea.org.uk/contact/advice-and-support/advice-line>

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