



Nottinghamshire  
County Council

Nottinghamshire's  
Education, Health and Care Plan Pathway

# Guidance document



in partnership with



## Document control

<b>Title</b>	Nottinghamshire's Education, Health and Care plan Pathway Guidance document
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<b>Approver</b>	Chris Harrison, Programme Lead
<b>Status</b>	Published version

## Version History

<b>Version</b>	<b>Date</b>	<b>Summary of Changes</b>
0.1	24/10/13	First version following comments received from SEND Hub Commissioners

This document is only valid on the day it was printed.

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# How to use this guide

This information guide provides more detail on the seven stages to Nottinghamshire's Education, Health and Care (EHC) plan pathway, and will be updated periodically to reflect learning that will be obtained from the continued end-to-end testing of the pathway with children, young people and their families, together with those professionals who will contribute to the various stages of the pathway.

This guide can also be downloaded from a **wiki web site** on the internet where specific resources relating to the pathway as well as national information on the Special Educational Needs and Disabilities (SEND) reforms can also accessed. The **wiki web site** is seen as an important communication tool which will ensure that key messages about the evolving pathway are disseminated consistently to those that will be involved in the process.

The following web link <https://www.klikin.eu/page/view/cat/13313> will take you to the below main menu screen for the **wiki web site**.

The number of resources available from this site will be enhanced as the pathway develops. If you are a service manager/team leader it is important that you access this site regularly to ensure that you are aware of current developments and are in a position to disseminate this information to colleagues who may not routinely have access to the internet as part of their role.



This guide has been written by the Nottinghamshire SEND Pathfinder Project Team. Any questions regarding the content should be directed in the first instance to **Alison Holloway**, by e-mail to [alison.holloway@nottscc.gov.uk](mailto:alison.holloway@nottscc.gov.uk).

# Introduction

In 2011 the Department for Education (DfE) published a Green Paper entitled '*Support and aspiration: A new approach to SEN and Disability*'. The Green Paper made a wide range of proposals in response to concerns parents, carers and professionals had about the current assessment and statementing system. It suggested changes to the way in which needs are assessed, planned and provided for.

The Government is now progressing the Children and Families Bill (containing the new Special Educational Needs legislation and new SEN Code of Practice). The legislation will demand fundamental changes to working practices with a greater focus on learning and life outcomes for children and young people who have a disability and those with SEN.

Key points included in the draft legislation that was published in early 2013 are:

- Children and young people who would currently have a statement of SEN (for under 16s) or learning difficulty assessment (for over 16s) will have an integrated assessment process and Education, Health and Care (EHC) Plan. The EHC plan will provide the same statutory protection to parents as the current statement of SEN and will include a commitment from all parties to provide their services. It will also extend the rights and protections to young people in further education and training and will offer families the option of a personal budget so that they have more control over the support they need.
- Improving co-operation between all services that support children, young people and their families. In particular Local Authorities and Clinical Commissioning Groups will be required to work together to jointly commission appropriate services and provision.
- Requiring Local Authorities to involve children, young people and parents in reviewing and developing provision for those with SEND, and to publish a SEND Local Offer of support.

As a Pathfinder, Nottinghamshire has been developing and testing elements of the EHC plan pathway with children, young people and their families from a range of mainstream and special schools and Further Education (FE) settings. The creation of a new power in the Education Act 1996 has also enabled the opportunity to test how SEN personal budgets and using direct payments in or around education settings might work in practice.

Whilst it is expected that the legislation will not be implemented in England until September 2014, a condition on all Pathfinder areas is that they will introduce their new arrangements a year earlier. Therefore, from September 2013 Nottinghamshire will, for all new statutory assessment requests, be offering the new EHC plan pathway with the exception of those young people in their final year at school where Section 139a Learning Difficulty Assessment will be undertaken to support their transition to further education.

During this transitional period, parents will still have the option to request a statement of SEN should they wish to do so. In order to protect the rights of parents who have proceeded with the EHC plan pathway, Nottinghamshire will continue to offer the same rights of appeal which apply to the current Statutory Assessment process. This is covered later in this document under **Pre-legislative arrangements for Nottinghamshire** – page 38.

## SEND Multi-agency Hub

A new integrated model of working is being introduced across services in Education, Health and Social Care within Nottinghamshire to support the move to EHC plans.

A SEND Hub was established in September 2013 (see Figure 1), with the overall objective of improving outcomes for children and young people with multiple and complex SEND and their families, by ensuring that services are integrated, person-centred, proactive and responsive.

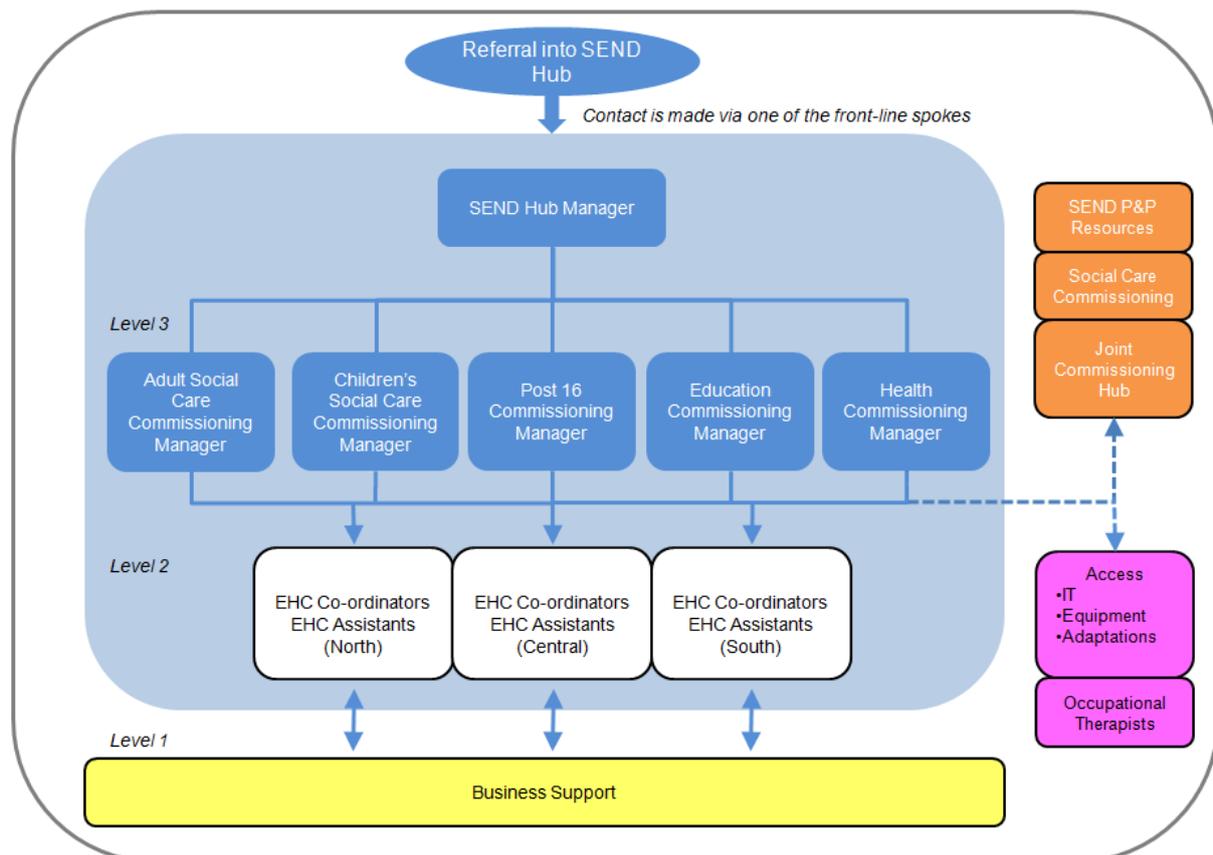


Figure 1: SEND Multi agency Hub structure

The SEND Hub will co-ordinate the EHC plan pathway and act as the single point of entry for children/young people to be assessed for a co-ordinated response from specialist services across education, health and social care. Joint working agreements with services are being developed to underpin these arrangements.

Professionals from services will contribute to the co-ordinated assessment process and the delivery of the EHC plan as a part of their existing roles. Training sessions are planned to support professionals to contribute effectively to the assessment and planning process.

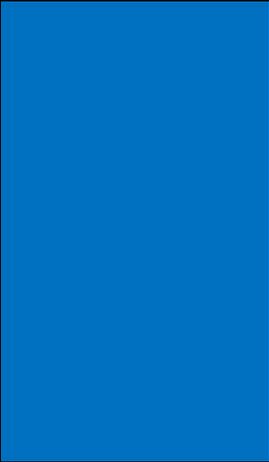
## Pathway roles and responsibilities

There are 5 key roles within the EHC plan pathway as described below:

<p><b>Child/young person and their parents</b></p>	<ul style="list-style-type: none"> <li>• Requesting an EHC plan</li> <li>• Informing the EHC plan Co-ordinator about those services already involved</li> <li>• Helping the EHC plan Co-ordinator to identify a suitable Family Supporter</li> <li>• Completing the 'All about me' profile with support if appropriate</li> <li>• Considering whether to access elements of a personal budget as a direct payment</li> <li>• Attending and participating in the multi-agency meeting</li> <li>• Expressing views on the content of the draft plan and requesting that a particular school, college or other institution be named in the plan</li> <li>• Accessing mediation services if necessary</li> <li>• Appealing to the First Tier tribunal if necessary</li> <li>• Deciding which elements of a personal budget, if any, are to be taken as direct payments.</li> </ul>
<p><b>Commissioners</b></p>	<ul style="list-style-type: none"> <li>• Making decisions about referrals to and eligibility for an EHC plan</li> <li>• Leading and co-ordinating the EHC plan process for children, young people and their families</li> <li>• Ensuring multi-agency staff are fully engaged in the process</li> <li>• Leading and facilitating EHC strategy planning meetings, ensuring that person-centred planning and outcome focused plans are implemented</li> <li>• Determining budgets available in current services, making decisions about spend by committing resources, including through the implementation of personal budgets</li> <li>• Working towards the use of pooled budgets through Section 75 agreements to ensure funding is used in the most efficient way</li> <li>• Acting as a lead for the provision of information, advice, guidance and support for families and professionals</li> <li>• Supporting the production and ongoing review of Nottinghamshire's SEND Local Offer</li> <li>• Developing processes for personal budgets for children and young people receiving an EHC plan</li> <li>• Promoting good partnership working, co-ordination and transition to all adult services (including health) for children and young people with an EHC plan</li> <li>• Undertaking work to identify needs and future needs of children and young people with SEND and their families, to inform joint commissioning</li> <li>• Contributing to the children and young people's Joint Strategic Needs Assessment (JSNA), ensuring that the needs of children and young people with SEND are recognised</li> </ul>

	<ul style="list-style-type: none"> <li>• Undertaking a conflict resolution and mediation role in the production of EHC plans</li> <li>• Working with other Commissioners such as NHS Commissioners in Clinical Commissioning Groups (CCG's) and NHS England</li> <li>• Working with providers (including NHS providers to ensure they understand their role in the EHC plan pathway.</li> </ul>
<p><b>EHC Co-ordinator</b></p>	<ul style="list-style-type: none"> <li>• Making first contact with the family to explain the process</li> <li>• Identifying whether any other information is required to reach a decision about eligibility for an EHC plan and contacting relevant agencies as necessary</li> <li>• Collating and considering the information received in order to make a recommendation in relation to eligibility for an EHC plan</li> <li>• Recommending to commissioners whether the referral meets the eligibility criteria</li> <li>• Acting on the decision of the Commissioner.</li> </ul> <p><b>If the decision is not to proceed (NO):</b></p> <ul style="list-style-type: none"> <li>• Identifying appropriate alternative sources of support for the child/young person and their family</li> <li>• Contacting the parents to inform them of the decision and reasons, offering a meeting to discuss the decision, signposting them to other sources of support, e.g. the SEND Local Offer and advising them of their rights</li> <li>• Advising relevant professionals of the decision, the reasons and any further action required.</li> </ul> <p><b>If the decision is to proceed (YES):</b></p> <ul style="list-style-type: none"> <li>• Contacting the parents/young person to inform them of the decision</li> <li>• Working with the family to identify a Family Supporter</li> <li>• Assisting the Family Supporter with any issues</li> <li>• Requesting, collating and distributing information/reports</li> <li>• Liaising with the family and professionals to identify a date for the Multi-Agency Meeting (MAM) and agreeing who should be invited to attend</li> <li>• Organising the MAM</li> <li>• Providing information and support to the family</li> <li>• Ensuring the smooth running of the process, including the collection of feedback from families throughout the process</li> <li>• Preparing a pre-populated EHC plan for discussion at the MAM</li> <li>• Identifying a chair for the MAM</li> <li>• Writing up the draft EHC plan following the meeting</li> <li>• Arranging for the EHC plan to be moderated if needed e.g. through an informal meeting or referral to mediation services</li> <li>• Finalising and distributing the final EHC plan</li> <li>• Advising the professional network of the date of the first planned review</li> <li>• Advising families of their rights and signposting as necessary</li> <li>• Preparing for and representing the County Council at the First Tier Tribunal, if necessary.</li> </ul>

<p><b>Family Supporter</b></p>	<ul style="list-style-type: none"> <li>• Collecting the views of the parents and child/young person at <b>Stage 3 My Story</b>, using the ‘<b>All About Me</b>’ person centred tools</li> <li>• Liaising with the Plan Co-ordinator and family to ensure all relevant information is available</li> <li>• Explaining personal budgets and options which may be available to the family</li> <li>• Helping to prepare the family for the MAM</li> <li>• Supporting the family at the MAM</li> <li>• Collecting feedback from families throughout the process</li> <li>• Providing on-going support for the family whilst this remains appropriate. (It will be necessary to review who is best placed to undertake this role at different points in the child/young person’s life).</li> </ul>
<p><b>Business Support Administrator</b></p>	<p><b>General</b></p> <ul style="list-style-type: none"> <li>• Supporting the EHC Co-ordinator with the pathway process</li> <li>• Logging the initial referral on a spreadsheet and Capita ONE</li> <li>• Writing acknowledgement letter to parents and issuing the referral form</li> <li>• Writing to professionals to gather initial information to inform the decision</li> <li>• Monitoring timelines and keeping log</li> <li>• Providing advice and information to parents, schools and other professionals about the EHC pathway and processes.</li> </ul> <p><b>If the decision is not to proceed (NO):</b></p> <ul style="list-style-type: none"> <li>• Sending out the decision letter and Recommendation Form to parents copying in services involved as directed by the EHC Co-ordinator</li> <li>• Logging decision on spreadsheet and Capita ONE.</li> </ul> <p><b>If the decision is to proceed (YES):</b></p> <ul style="list-style-type: none"> <li>• Writing to parents to inform them of the decision and the next steps, including notification of the week in which the MAM will take place</li> <li>• Writing to professionals with the report template</li> <li>• Assisting the EHC Co-ordinator with organising the MAM</li> <li>• Distributing the draft EHC plan to parents and professionals when it has been agreed</li> <li>• Distributing the Final EHC plan.</li> </ul> <p><b>Admissions to schools</b></p> <ul style="list-style-type: none"> <li>• Supporting EHC Co-ordinators in relation to the admissions process.</li> </ul> <p><b>SEND Tribunals</b></p> <ul style="list-style-type: none"> <li>• Supporting the EHC Co-ordinators with preparation for SEND Tribunals</li> <li>• Logging receipt of appeals to tribunals and recording outcomes.</li> </ul> <p><b>Home to School Transport</b></p> <ul style="list-style-type: none"> <li>• Liaising with the EHC Co-ordinator and Nottinghamshire Transport services regarding transport arrangements.</li> </ul>

**Reviews**

- Notifying schools of due date for reviews
- Receiving EHC plan reviews and referring to the EHC Co-ordinators
- Writing to parents regarding the outcome of the Local Authority decisions about amendments to EHC plans.

**Record Maintenance**

- Maintaining electronic filing systems and databases
- Recording data required by Commissioners and EHC Co-ordinators
- Archiving electronic files as necessary.

# Pathway principles

A range of professionals from education, health, social care, voluntary sector and parents have worked collaboratively within Task and Finish Groups to jointly develop the EHC plan pathway. Underpinning the pathway are the 10 key principles of Early Support, which are:

- **Valued uniqueness** – The uniqueness of children, young people and families is valued and provided for
- **Planning partnerships** – An integrated assessment, planning and review process in partnership with children, young people and families
- **Key Working** – Service delivery is holistic, co-ordinated, seamless and supported by key working
- **Birth to Adulthood** – Continuity of care is maintained through different stages of a child's life and through preparation for adulthood
- **Learning and Development** – Children and young people's learning and development is monitored and promoted
- **Informed Choices** – Children, young people and families are able to make informed choices
- **Ordinary Lives** – Wherever possible children, young people and their families can live 'ordinary lives'
- **Participation** – Children, young people and families are involved in shaping, developing and evaluating the services they use
- **Working Together** – Multi-agency working practices and systems are integrated
- **Workforce Development** – Children, young people and families can be confident the people working with them have appropriate training, skills, knowledge and experience

Throughout all stages of the pathway, professionals who are involved with the child/young person and their family will need to ensure that:

- all information is shared appropriately and in accordance with Information Governance requirements
- decisions are reached in which families are active participants, involved in shaping and producing the Plan

- plain English is used and where the use of technical/professional language is required, for example to describe a medical condition, clear explanations should be provided
- all agencies take responsibility for collaborative planning and the achievement of outcomes identified for the child/young person
- children, young people and their families are at the heart of all processes and decisions and their needs are paramount
- all agencies are proactive in this planning process.

# Overview of the pathway

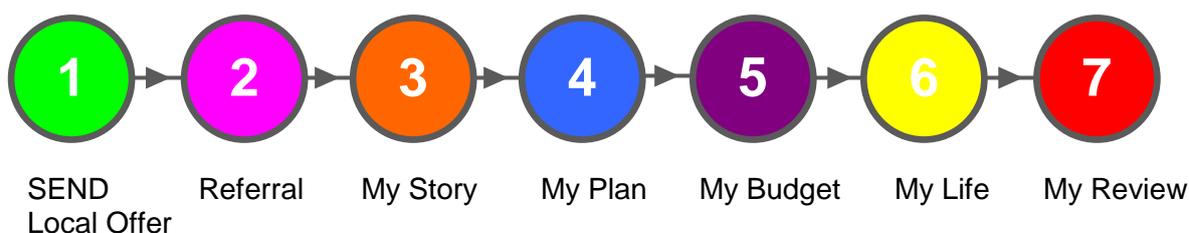
There are seven stages to the EHC plan pathway, which may be accessed by a child/young person and their family. A short animation has been produced which along with a summary leaflet for parents (**see Appendix 1**) provides a quick overview of the pathway. Both are available as downloadable resources from the wiki web site.



Figure 2: EHC plan pathway video

The Pathway follows a person centred approach whereby the child/young person is the focus of the process and their views and wishes are taken into account at each stage.

The pathway begins with the SEND Local Offer, which may be followed by a referral and consideration of an EHC plan, through to the offer of a personal budget and/or a delivered service.



Further detail is now provided on each stage of the pathway.



## SEND Local Offer

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The Council is required by law to publish and review information about services available for children and young people with SEND aged 0 to 25 years, which forms the SEND Local Offer.

The SEND Local Offer is an important step in the pathway because it will signpost the levels of support and provision available to children and young people across a spectrum of SEND, to enable them to access resources appropriate to their needs, with or without an EHC plan.

The SEND Local Offer must be:

- **Engaging:** involve parents, children and young people in developing and reviewing the SEND Local Offer as well as collaborating with those providing services with the intention of designing, developing and improving services
- **Accessible:** easy to understand, factual and jargon-free, and structured in a way that relates to young people's and parents' needs (for example by broad age category or by type of provision)
- **Transparent and comprehensive:** parents and young people should know what support is available across education, health and social care from 0 to 25 years, how to access it (including eligibility criteria, where relevant), how decisions are made and who is accountable. The SEND Local Offer will need to include details of where to go for information, advice and support, as well as how to make complaints, or appeal against decisions.

The SEND Local Offer is not simply a directory of services. It will include information about:

- Education, health and care provision for children and young people with SEND (which should include information about its quality and the destinations/outcomes achieved by those who use it)
- Arrangements for identifying and assessing children and young people's SEND, including arrangements for requesting an Education, Health and Care (EHC) needs assessment
- Other educational provision (educational provision outside schools or colleges, such as sports or arts provision)
- Training provision, including Apprenticeships

- Arrangements for travel to and from schools, post-16 institutions and early years providers
- Support to help children and young people moving between phases of education (for example from early years to school, from primary to secondary) and to prepare for adulthood
- Sources of information, advice and support in the local authority's area relating to SEN, including forums for parents and carers, support groups, childcare and leisure activities
- Arrangements for making complaints, for the resolution of disagreements, mediation and parents' and young people's rights of appeal to the First Tier Tribunal.

As well as setting out local provision, it includes provision available outside Nottinghamshire where the Council expects that this is likely to be used by children and young people with SEND for whom they are responsible. This includes relevant national specialist provision. For example, if an FE college in a neighbouring authority takes students from Nottinghamshire as the "home" local authority, then this will need to be included.

The SEND Local Offer is an important resource for children, young people and their families. It will also be a significant source of information for all professionals, not just those who will be directly involved in the EHC plan pathway. Service users will have an important part to play in the ongoing development and review of the SEND Local Offer. The planned web site which will be consulted on will utilise the same web platform as, and link to the information held in the Council's Family Services Directory. A sample screenshot of what the homepage may look like is shown at Figure 3.

Commissioners will also have a vital role to play in ensuring that commissioning arrangements and services available reflect the long term needs identified by the Joint Strategic Needs Assessment (JSNA).

For those referrals that do not proceed to an EHC plan, the professional making the referral, in conjunction with the EHC Co-ordinator, will need to identify and agree the provision at universal and targeted levels in the SEND Local Offer that will meet the needs of the child or young person, and discuss this with them and their family.

**Note:** Work to co-produce an initial SEND Local Offer will be completed by the end of December 2013, when there will be a single point of web access for the Local Offer, along with mobile and tablet access to the information.

Development work across other access channels such as face-to-face will continue into 2014 to ensure the SEND Local Offer is fully accessible for different groups, including children and young people with SEND.

Between September and December 2013 a range of web resources ([www.askiris.org.uk](http://www.askiris.org.uk), [www.choosemysupport.org.uk](http://www.choosemysupport.org.uk), [www.nhs.uk](http://www.nhs.uk)) along with the publication titled 'Finding Your Way Directory 2013' will fulfil in part some of the requirements of Nottinghamshire's SEND Local Offer.



Figure 3: Sample homepage for the SEND Local Offer website



# Referral

## Assessment and planning timeline

In line with the new requirements of the legislation, we will be reducing the time taken to complete the co-ordinated assessment and planning process from the current 26 weeks to **a maximum of 20 weeks**.

Figure 4 below indicates the timelines for those stages that comprise the statutory elements of the pathway.

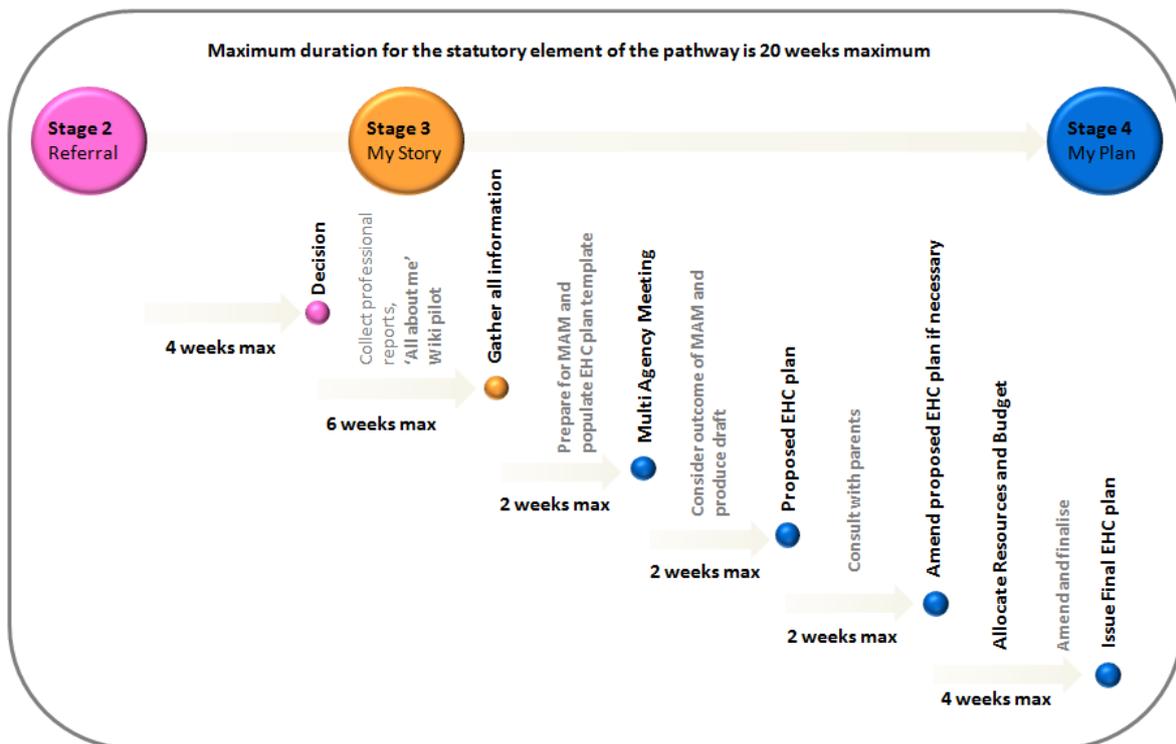


Figure 4: Breakdown for the statutory element of the pathway

In order to ensure that there is sufficient time for all stages of the process to be completed within 20 weeks, the decision whether or not to proceed with an EHC plan should ideally be conveyed to parents within four weeks (20 working days). However, in exceptional circumstances, to be agreed with commissioners, this timeline may be extended up to the statutory maximum of six weeks (30 working days). Nevertheless, it should be noted that any extension will reduce the time available for subsequent stages.

## Submitting the Referral

Referrals will be accepted from parents, young people who are over the age of 16 (or an advocate acting on their behalf) and professionals involved with the child or young person, and should be submitted to the relevant EHC Co-ordinator in the SEND Multi-agency Hub on the appropriate referral form.

Relevant appendices are shown at:

**Appendix 2a** - Referral form for parents  
**Appendix 2b** – Referral form for schools  
**Appendix 2c** – Referral form for other professionals

The referral form for parents will ask for information to establish:

- who has parental responsibility
- the child or young person’s strengths and needs
- the reason for the request
- which services/agencies are already involved
- whether a Common Assessment Framework (CAF) is already in place.

The referral forms for schools and professionals will require information related to their particular area of expertise and practice. The table below summarises the referral process:

From parents or young people	From professionals
<p>Referrals should be completed and submitted to the EHC Co-ordinator using the referral form for parents/ carers/ young people (see <b>Appendix 2a</b> - Referral form for parents). However, where this is not possible, telephone referrals will be accepted from a young person making a self-referral, or from a parent on behalf of their child. These should be made to the relevant EHC Co-ordinator, who will record the information on the referral form. (<b>Appendix 2a</b>- Referral form for parents).</p>	<p>Any professional already involved with the child or young person may submit a referral for an EHC plan on the standard professional referral form (see <b>Appendix 2b</b> - Referral form for schools and <b>Appendix 2c</b> - Referral form for other professionals) and must confirm that permission has been obtained for the referral to be made from the young person/parent as appropriate. The professional must attach all available information from their own agency and any others known to be involved in order to inform the decision-making process.</p> <p>The professional will be the point of contact for the EHC Co-ordinator and may be asked to act as the Family Supporter should the decision be to proceed with an EHC plan.</p>

From parents or young people	From professionals
<p>The EHC Co-ordinator will contact the parent to acknowledge receipt of the referral either by letter (see <b>Appendix 2d</b> – Acknowledgement following referral from parents) or by telephone. The EHC Co-ordinator will also seek further information from the young person/parents as necessary and record it on <b>Appendix 2a-</b> (Referral form for parents) within 10 working days of the original referral.</p>	<p>The EHC Co-ordinator will contact the parent and the professional making the referral to acknowledge receipt of the referral (see <b>Appendix 2e</b> – Acknowledgement letter to parent following school/professional referral and <b>Appendix 2f</b> – Acknowledgement letter to professional following school/professional referral.)</p>
<p>The EHC Co-ordinator will then contact other professionals identified as being involved (see <b>Appendix 2g</b> - Letter requesting information from professionals following a referral from parents/other and <b>Appendix 2h</b> – form for gathering information from professionals (to inform eligibility decision)). This information should also be returned within 10 working days of the original request.</p>	<p>The EHC Co-ordinator will also need to request further information from other professionals and parents as necessary (see <b>Appendix 2h</b> – form for gathering information from professionals (to inform eligibility decision) and <b>Appendix 2a</b> - Referral form for parents). This information should be returned within 10 working days of the original request.</p>
<p>The EHC Co-ordinator will collate and consider the information and make an initial recommendation to the Commissioners on <b>Appendix 2i</b> – EHC plan eligibility form (recommendation/decision). This recommendation must be referred to the Commissioners within 15 working days of receipt of the referral.</p>	<p>The EHC Co-ordinator will collate and consider the information and make an initial recommendation to the Commissioners on <b>Appendix 2i</b> – EHC plan eligibility form (recommendation/decision). This recommendation must be referred to the Commissioners within 15 working days of receipt of the referral.</p>
<p>The Commissioners will reach a decision on whether or not to proceed with an EHC plan within 18 working days of receipt of the referral.</p>	<p>The Commissioners will reach a decision on whether or not to proceed with an EHC plan within 18 working days of receipt of the referral.</p>
<p>The decision should be recorded on <b>Appendix 2i</b> – EHC plan eligibility form (recommendation/decision), together with reasons and any further action required and conveyed to the parent/ young person by 20 working days after receipt of the referral.</p>	<p>The decision should be recorded on <b>Appendix 2i</b> – EHC plan eligibility form (recommendation/decision), together with reasons and any further action required and conveyed to the parent/ young person and the referrer by 20 working days after receipt of the referral.</p>

## Making a decision

Once information has been gathered, the EHC Co-ordinator will make an initial recommendation to the SEND Multi-agency Hub, using the following eligibility criteria.

### Eligibility criteria

*An integrated assessment and Education, Health and Care (EHC) plan may be required for children and young people with SEND aged 0 to 25 years if the following apply:*

*The child or young person:*

- *has severe and/or complex long term needs that affect everyday life*
- *requires provision and resources that are not normally available*
- *requires intensive help and support from more than one agency*
- *despite high levels of support is making limited or no progress*

*For children and young people of statutory school age, there would also need to be evidence of a graduated response i.e. that appropriate interventions, support and resources, available through the Local Offer, have already been put in place.*

The recommendation from the EHC Co-ordinator should be logged on the EHC plan eligibility form (**Appendix 2i**).

Based on the information and evidence provided, commissioners in the SEND Multi-Agency hub will then decide whether or not to proceed with an EHC plan. The hub includes commissioners from education, health and social care. The eligibility criteria for an EHC plan will only be met where the level of severity/complexity of the child or young person's needs requires access to services over and above those offered at a universal or targeted level and published in the Nottinghamshire SEND Local Offer. At this stage it is envisaged that this will be those children and young people who currently have a statement of SEN or Section 139a Learning Difficulty Assessment, or would have one in the future.

Referrals will normally be considered by commissioners in the SEND Multi-agency Hub on a weekly basis or on an ad hoc basis where sufficient information has been

received to reach a decision. A minimum of two Commissioners will be required to reach decisions.

Commissioners will need to ensure that decisions are made within the specified timeline i.e. by 18 working days after receipt of the referral. The decision will be recorded on the appropriate form, together with the reasons and any further action to be taken. This decision will be relayed to the referrer by the 20th working day following receipt of the referral. (**Appendix 2i**).

### ***Decision to proceed with an EHC plan***

If the decision is to initiate an EHC plan, the EHC Co-ordinator, with assistance from the Business Support Team, will:

- advise the parents and young person (where appropriate) of the decision by telephone where possible. This should be confirmed by letter (**Appendix 2j** – decision to proceed). The EHC Co-ordinator will also need to discuss the allocation of a family supporter with the family. **The Family Supporter could be:**
  - an individual who is already involved with the family, such as a family friend;
  - a professional working with the child or young person;
  - a member of a voluntary organisation, e.g. A Place to Call Our Own (APTCOO) or other organisations;
  - a member of the Parent Partnership Service representative or;
  - a parent volunteer.

It is important that parents and children and young people are involved in this discussion and are in agreement with the choice of Family Supporter. The person identified must also agree to undertake the role of Family Supporter. Advice and training will be provided as necessary.

- set a date for the Multi-agency Meeting (MAM) (see Section 4). The date and venue should be one which is convenient to the child/young person and their parents and as many professionals as possible to ensure maximum attendance, but must be within the timescales shown on page 13. The child/young person and their parents should be consulted regarding which professionals should be invited to the meeting. Parents and professionals should be made aware of the importance of the meeting and strongly encouraged to attend where appropriate
- explore any opportunities which may be available to reduce the number of meetings wherever this is appropriate. For example, the EHC Co-ordinator should check whether there are any other multi-agency meetings, such as a Child in Need Review, already planned for the child/young person and if possible, organise the MAM for that time

- inform the young person/ parents of the finalised arrangements for the MAM (**Appendix 2k** - Invitation to MAM (Parents)).
- write to the professionals identified as being involved, informing them of the decision, and inviting them to the MAM (**Appendix 2l** - Invitation to MAM (Professionals))

The referral will then progress to **Stage 3 - My Story**.

### ***Decision not to proceed with an EHC plan***

If it is not deemed appropriate to proceed with an EHC plan based on the eligibility criteria, the EHC Co-ordinator will:

- liaise with the relevant professionals to identify appropriate sources of support for the child/young person and his/her family through the SEND Local Offer, which includes: Early Help; Support Services; Parent Partnership Service; appropriate voluntary and charitable organisations, e.g. 'A Place To Call Our Own';
- telephone and write to the parents (**see Appendix 2m – Decision not to proceed (No)**):
  - informing them of the decision within 20 working days from receipt of the referral;
  - providing reasons for the decision;
  - signposting them to other sources of support as appropriate;
  - offering them an opportunity for an informal meeting to discuss the decision and;
  - advising them of their rights to mediation, disagreement resolution services and appeal to the First Tier Tribunal for educational matters and the appropriate complaints procedures for Health and Social Care (see Page 30);
- copy the decision letter (Appendix 2m) to professionals;
- contact relevant professionals involved to advise of any further action.

EHC Co-ordinators will be provided with advice on:

- decision- making processes (which may include guidance and support from Commissioning Managers);
- conducting moderation meetings;

- undertaking case discussion and case studies;
- peer support and training as appropriate.

Stage 2 of the process is summarised below in Figure 5.

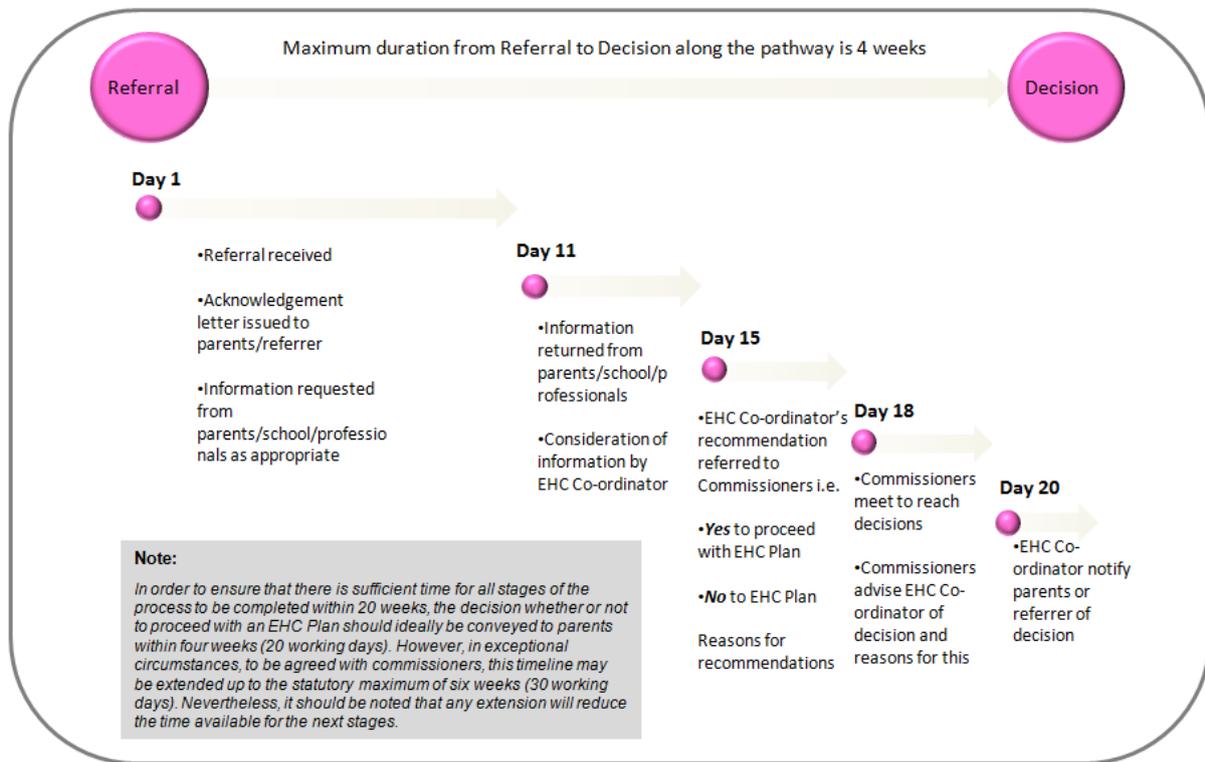


Figure 5: Stage 2 Referral to Decision



## My Story

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This stage of the pathway is concerned with the collation of views, information and advice. It will need to be completed within six weeks from the date of the decision to proceed with an EHC plan. This will help to tell the story from a variety of perspectives and will comprise a rich bank of information describing the child or young person in order to inform future planning. In some cases this information can be shared by partners using multimedia wiki web sites as described below.

### ‘All About Me’

The child/young person and their family will be offered the opportunity to tell their story. The professional identified as the Family Supporter will liaise with the child/young person and or their family to arrange for the completion of the ‘All About Me’. This is a document which uses person-centred tools to highlight their relationship circles, describe the child/young person’s strengths and needs, current levels of support, what is working well and what is not working so well, what is important to and for them and their hopes and aspirations for the future. This could be completed by the child/young person/parent, with family support or with the support of the Family Supporter if desired. Examples of completed ‘All About Me’ profiles are shown at **Appendix 3a** – Examples of completed ‘All About Me’ profiles.

The Family Supporter’s role in completing or supporting the completion of the ‘All About Me’ document is to represent the views of the child/young person and/or parents rather than their own professional point of view.

Once completed, the ‘All About Me’ should be sent to the EHC Co-ordinator.

### Professional reports

At the same time that the ‘All About Me’ document is being compiled, professionals will be contacted in order to seek their views and specialist advice. The EHC Co-ordinator will write to Professionals (**Appendix 3b** – Letter to professionals for additional information), who will be asked to complete a pro-forma (**Appendix 3c** – Pro-forma for professionals to provide additional information) and answer questions about key areas of development. Key features of the response must include:

- details of the professional
- strengths
- difficulties
- support needs

- aspirations
- outcomes
- future support needs.

Where specialist reports are available, these should be attached as an Appendix to the pro-forma.

Professionals will need to recommend outcomes which are clear, specific and measurable and which are achievable within the resources that are available. A good example of this is an outcome which clearly describes what will be achieved, how it will be achieved, by when and who will be responsible for delivering the outcome.

In order for the reports to be collated within the required timelines (6 weeks after the date of the decision to proceed), the EHC Co-ordinator will need to contact the professionals as soon as the decision to proceed has been reached.

The business support team in the multi-agency hub will be responsible for issuing requests for information, collating responses and logging receipt of information and chasing outstanding contributions as necessary. When all reports have been received, the Business Support Team will collate the information and submit this to the EHC Co-ordinator.

## **Multimedia wikis**

Some families may wish to consider developing a multimedia wiki as part of the 'All About Me' Profile. A Wiki is a private website. Wiki means "quick" in the Hawaiian language. Wikis are quick and easy to build web sites.

The aim of this is to provide the child/young person and their family with an opportunity to use multimedia technology to assist in telling their story using their own pictures, video, text, documents and web links. Access to the wiki will only be available to those professionals identified by the family.

The family will only be able to see their wiki which will be accessed from a secure internet address (<https://>) that requires a username and password to access the website. However, it will also be possible for the child/young person and their family to invite others who they know and trust to view their wiki.

A template homepage has been developed for the wiki (see figure 6) which provides a guide regarding the type of categories under which the media can be stored. However, it is important to add that the template can be customised by the child/young person and their family should they choose to do so.

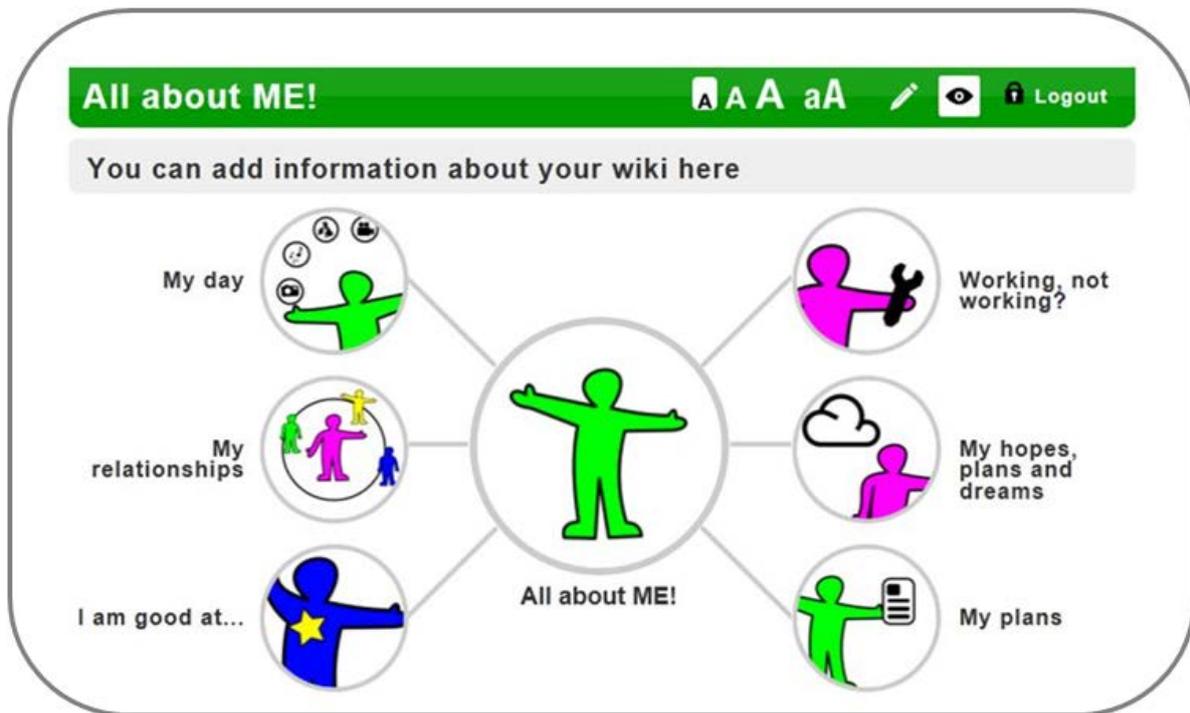


Figure 6: Wiki homepage template

The following appendices provide information about the Wiki:

- What is a Wiki website (**Appendix 3d**);
- Application for a Wiki (**Appendix 3e**); and
- Introducing your Wiki (Staying Safe) (**Appendix 3f**).



## My Plan

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This stage of the pathway is concerned with preparing an initial EHC plan based on the full range of information that has been collected so far. The initial plan will then be discussed with parents and professionals at a Multi-agency Meeting (MAM).

10 weeks (50 working days) after the referral, the EHC Co-ordinator will gather all information and reports together and disseminate these documents to the parents, children and young people (where appropriate) and all professionals who have received an invitation to the MAM. The EHC Co-ordinator will then begin to pre-populate the EHC plan ensuring that the views of the child/young person/family are fully expressed and there is a focus on the outcomes to be achieved.

It is important that the Family Supporter and EHC Co-ordinator decide in advance who is best placed to work with the child/young person and their family on their preparations for the MAM.

It is also important that throughout the process the child/young person and their family should genuinely feel involved and participate in the EHC plan. In part this will be achieved through the quality of the partnership working where professionals work 'with', and 'for' families rather than seeing themselves as simply delivering services 'to' them.

### Multi-agency Meeting (MAM)

This meeting must be arranged at the point that the decision is reached to proceed with an EHC plan (see Stage 2 – page 18)

The meeting will adopt a person centred approach which will result in the co-production of a personalised EHC plan.

#### The purpose of the MAM

The objective of this meeting is to produce a personalised EHC plan which contains information on a child/young person's strengths, needs and aspirations; agreed future outcomes for the child/young person and the resources required to deliver those outcomes.

Prior to the meeting the EHC Co-ordinator should have identified any potential areas of disagreement and if possible should have taken steps to resolve them.

The EHC Co-ordinator is responsible for identifying a suitable chair for the MAM. This will vary according to individual circumstances. Examples of professionals who may be asked to chair such meetings are listed below:

- Educational Psychologist
- EHC Co-ordinator or Multi-agency Hub representative
- Head Teacher
- SENCO
- Social Worker
- Paediatrician
- Others

The above list is not exhaustive.

It is important that the Chair understands the purpose, format and principles of the meeting. The EHC Co-ordinator should have discussed any potential areas of disagreement which may need to be addressed at the MAM with the Chair in advance of the meeting. The Chair must ensure that the meeting is held in a spirit of co-operation and co-production in line with the following principles:

- Where possible the parents and if appropriate the child/young person should be present at the meeting
- The child/young person's needs and rights must come first
- The parents' or carers' rights must be considered
- Meetings should normally follow a consistent format using a standard agenda and should be guided by the pre-populated EHC plan
- The child/young person's welfare, well-being and agreed outcomes are everyone's responsibility
- Only those professionals/practitioners who are already or are likely to be a part of the personalised package of support should be present
- The meeting should be conducted in an inclusive but professional manner using language that is respectful and accessible to all in attendance
- Under normal circumstances the meeting should last no longer than two hours
- Where possible any potential disagreements between professionals should have been resolved prior to the meeting

## The MAM Process

As soon as possible after a decision has been reached to proceed with an EHC plan, the EHC Co-ordinator will issue invitations to the meeting to parents, the child/young person (where appropriate) and professionals who are involved or who are likely to be involved. It is important to emphasise that the child/young person and their parents are equal partners in co-producing the EHC plan.

Once the 'All About Me' document (or going forward their multimedia Wiki), relevant reports from professionals have been collated (within 50 working days), the EHC Co-ordinator will circulate them to everyone who has been invited to the meeting.

In the following two weeks, the EHC Co-ordinator will pre-populate the EHC plan in preparation for the meeting (see **Appendix 4a** – Template for EHC plan).

### Agenda for the MAM

Welcome and introductions. **(Chair)**

Outline of the purpose, principles and the format of the meeting. **(Chair)**

An opportunity for the parents and/or young person (or Family Supporter if preferred) to present their perspective based on the All About Me profile (or going forward supported by their multimedia wiki).

This may include:

- strengths;
- hopes and aspirations;
- what is important **to** me and **for** me; and
- what is working well and what is not working so well.

Summary of key points described in the pre-populated plan **(EHC Co-ordinator)**  
Including the child/young person's:

- needs;
- current support in place;
- desired outcomes; and
- additional support and resources required to achieve outcomes.

Co-produce the EHC plan through discussion with a view to agreeing:

- needs;
- desired outcomes;
- resources required to achieve outcomes;
- success criteria; and
- issues requiring resolution.

Next Steps which will include:

- detailing the actions required to reach agreement on unresolved issues;
- how and by when resources will be clarified;
- describing the next stages in the process i.e. a date for issuing the draft EHC plan, what parents need to do next; timescale for issuing the final plan and rights to mediation and appeal.

### **Issues which may arise during the MAM**

Although there will have been an understanding of the levels of support which might be available prior to the meeting, it is important that there is an open discussion so that a range of choices are available to families. A creative approach will be necessary in order to make the best possible use of resources to meet the desired outcome.

Families that have an EHC plan will have the right to request a personal budget as described in Stage 5 ('My Budget'). If families opt for a direct payment as part of their personal budget, a broker may be commissioned to offer a degree of independence. The broker would require knowledge of what is appropriate, safe and within budget for a family to ensure approval by the Hub Commissioners. Arrangements for managing direct payments would need to be discussed with the family.

It is recognised that the EHC plan may contain a combination of delivered services and those commissioned through a personal budget. In due course it is envisaged that the range of options available to be taken as direct payments will increase.

Costings and agreements are unlikely to be finalised and fully drawn up during the MAM, as EHC Co-ordinators will need to liaise with the SEND Hub Commissioners to complete this work. Further detail on personal budgets is covered in Stage 5 ('My Budget').

At the MAM, agreement will be reached on who will fulfil the Family Supporter role in the future. The responsibility for ensuring that all elements of the plan across education, health and social care, whether delivered through a service or a personal budget, are addressed, will lie with the EHC Co-ordinator. Individual teams/services will be accountable for their contribution to the plan.

On occasions there may be instances where agencies cannot reach a consensus about aspects of the plan. Where this occurs, the issues should be referred to the SEND Hub Commissioners for a decision to be made.

### **Records of the Meeting**

A record of the meeting will be taken by the EHC Co-ordinator or a member of the Business Support Team. The attendees will be asked to agree to the actions in the plan and their involvement in them. The group will agree the date for a review meeting.

All attendees should receive copies of the draft and final EHC plan (unless otherwise agreed with an individual, e.g. where a young person wishing to exercise their legitimate right to make their own decisions without reference to parents/carers).

The record (including the detailed action plan) must be held on the child/young person's personal file, within the SEND Multi-agency Hub. Individual services may also choose to retain this information on their files.

When a review has taken place, copies of this should also be forwarded to those listed above.

The child/young person and/or their parents **must** receive a draft and final EHC plan within the timelines shown in the diagram on page 14.

### **Non-attendance at the MAM**

If the parents and or child/young person cannot or do not wish to attend, it is important that the Family Supporter is present to represent their views. The Family Supporter/EHC Co-ordinator will then need to feed back on the outcomes of the meeting to the family and seek their views. If there are any areas of disagreement, the EHC Co-ordinator should attempt to facilitate a resolution of these issues prior to the issuing of the draft EHC plan. Parents and/or the child/young person should also be informed of the next stages of the process as described above and the date of the review meeting which must take place within a maximum of 12 months from the date of issue of the final EHC plan.

Where relevant key professionals are unable to attend the MAM, they should ensure that they submit a report. Consideration should also be given to sending an appropriate substitute with the authority to make decisions.

Going forward alternative approaches to enabling children/young people and their families, as well as professionals to participate in the MAM will be explored. This will include looking at how readily available video conferencing technologies such as Skype and Face time that are readily available to smartphones, iPads and tablets could be used.



## My Budget

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This stage describes the process by which young people and parents will be offered a personal budget. Legislation places a duty on the Local Authority to prepare a personal budget when a request is received from the parent or young person and it has been confirmed that an EHC plan will be prepared. The personal budget can include funding from education, health and social care. However, the scope of that budget will vary depending on the needs of the child/young person as well as the eligibility criteria for the different components and the mechanism for delivery.

Two key values underpin the 'My Budget' stage of the pathway. These are:

- **Transparency** – everyone understands how decisions are taken about setting the allocation of a notional budget.
- **Participation** – everyone who needs to take part is supported to do so and relevant documentation is simple, accessible and easy to use.

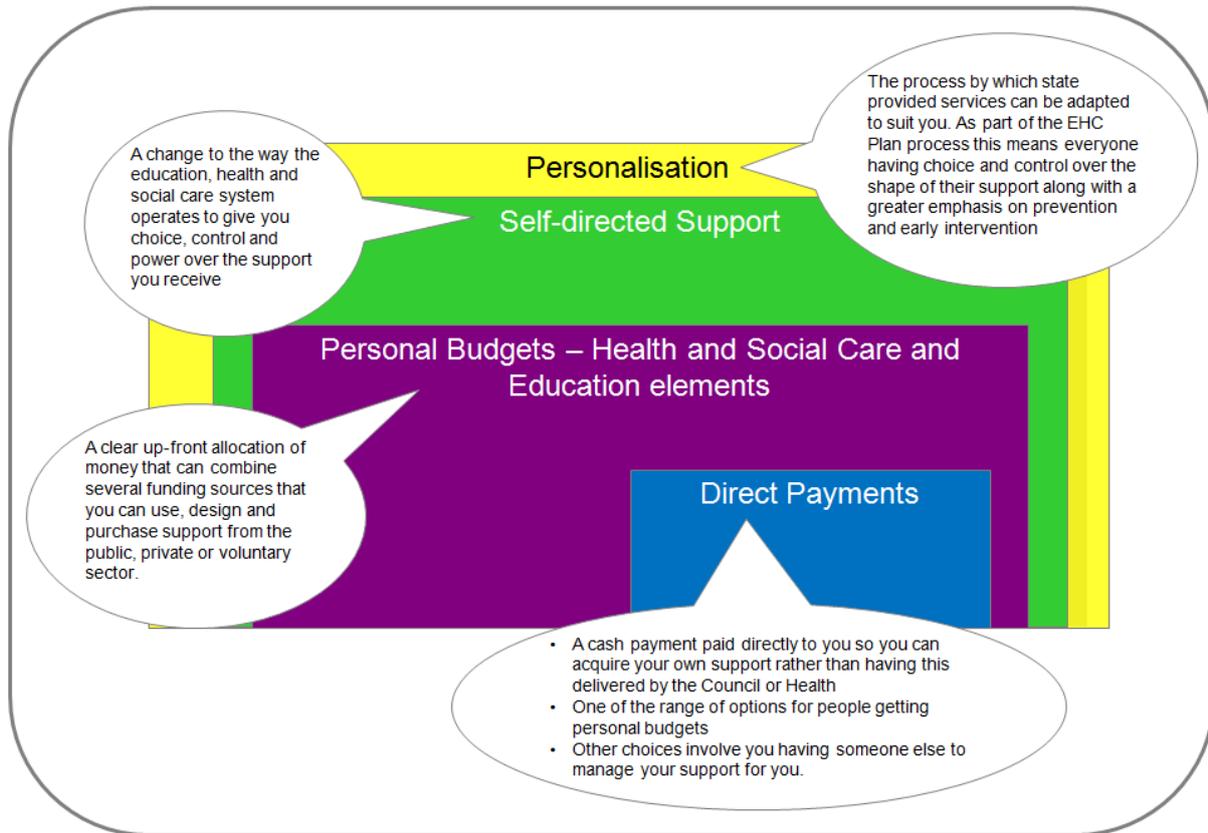
### What is a personal budget?

A personal budget is an amount available to obtain provision described in the EHC plan which the young person or parents may be involved in securing. It is possible for the young person or parents to have a direct payment for some services or provision. A young person who is eligible for an EHC plan and is over the age of 16 can request a personal budget in their own right.

Personal budgets are one element of a personalised approach (see figure 7) to supporting children and young people with SEND. They should not be seen in isolation but as an integral part of the co-ordinated assessment and EHC planning process, with a clear focus on improving outcomes for children/young people with SEND.

The EHC plan will identify the resources that are over and above those that are normally available across education, health and social care.

Figure 7: What personalisation is



## Who can request a personal budget?

Children and young people who may be eligible for a personal budget are residents of Nottinghamshire who:

- have an EHC plan which covers the ages from birth to 25 and
- have special educational needs and/or a disability and
- are eligible for specialist Social Care services from the Children’s Disability Team or support from the NHS Children’s Continuing Care team.

## What is included in a personal budget?

Families who wish to access a personal budget will be able to access resources that the Council/Clinical Commissioning Group (CCG) Partnership have identified in the EHC plan, some of which may be converted into a direct payment. This includes; a range of specialist services that are available via social care; learning support; home to school transport and children’s continuing care (see Figure 8). This does not include the place at a school or post 16 establishment.

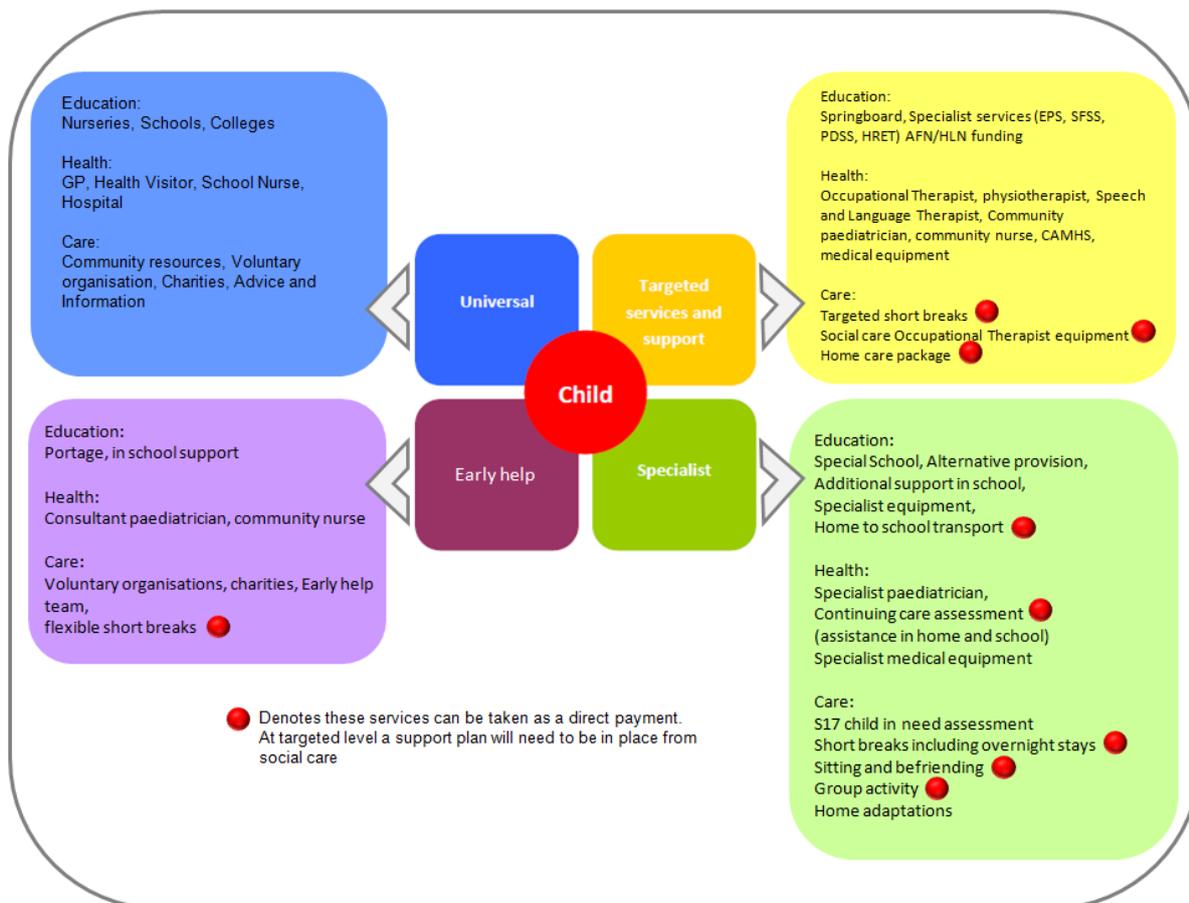


Figure 8: Services and support available in Nottinghamshire

## How will a personal budget be funded?

There are three main sources of funding for a personal budget, which are:

- **Education** - this funding will be drawn from Element 3 of the County Council's Education High Needs Block.
- **Social care** – this funding will provide support to the child/young person to achieve the outcomes in the EHC plan and for the family to have a short break. This is determined through the definition of whether the disabled child is a child in need as defined by the Children's Act and local eligibility.
- **Health** - will offer individual funding to fund children with complex health needs as established by the criteria set out within the Continuing Care decision-making tool.

This joint funding approach will require trust and confidence between agencies so that the EHC Co-ordinator is not seen to be seeking to minimise the cost pressure within any one agency at the expense of a partner.

There are four ways in which parents and/or young people can choose to control their personal budget:

- Direct payments – where individuals receive cash to contract, purchase and manage services themselves
- An organised arrangement – where the local authority retains funds and commissions the support specified in the plan (these are sometimes called notional arrangements and can also be used where contractual or funding arrangements mean that cash cannot be released as a direct payment or where economies of scale may be present)
- Third party arrangements/nominees – where funds are paid to an individual or another organisation on behalf of the parent/young person and they manage the funds
- A combination of the above.

In the longer term, there may be opportunities for local services to establish pooled budget arrangements which will streamline the assessment and planning approach leading to a single budget compiled from one or more funding streams.

## **Preparing a personal budget**

A summary of what is involved in preparing a personal budget across each stage of the EHC plan pathway is shown in figure 9.

Where a child/young person is eligible for an EHC plan we will have an early discussion with parents or the young person about the options that are available and what a personal budget might entail for them. These discussions will take place at Stage 3 ('My Story') of the pathway.

At this stage the EHC Co-ordinator will advise the young person and parent/carer of their right to ask for a personal budget to be prepared once the assessment has been completed. The Co-ordinator will also explain what services and support are available as a personal budget and which elements are available as direct payments.

During the assessment process the EHC Co-ordinator will be working with the child/young person and their family to develop a clear understanding of the outcomes to be achieved and the resources that will be required to meet these outcomes.

At Stage 4 ('My Plan') of the process a MAM will be held (see Stage 4 – page 24). At the meeting the outcomes required to meet the needs of the child/young person will be clarified, together with the resources that are available to meet those needs which will form the notional budget.

After the MAM the EHC Co-ordinator will seek approval of the resources identified in the personal budget from the relevant Commissioner. The proposed plan will then be issued identifying the personal budget.

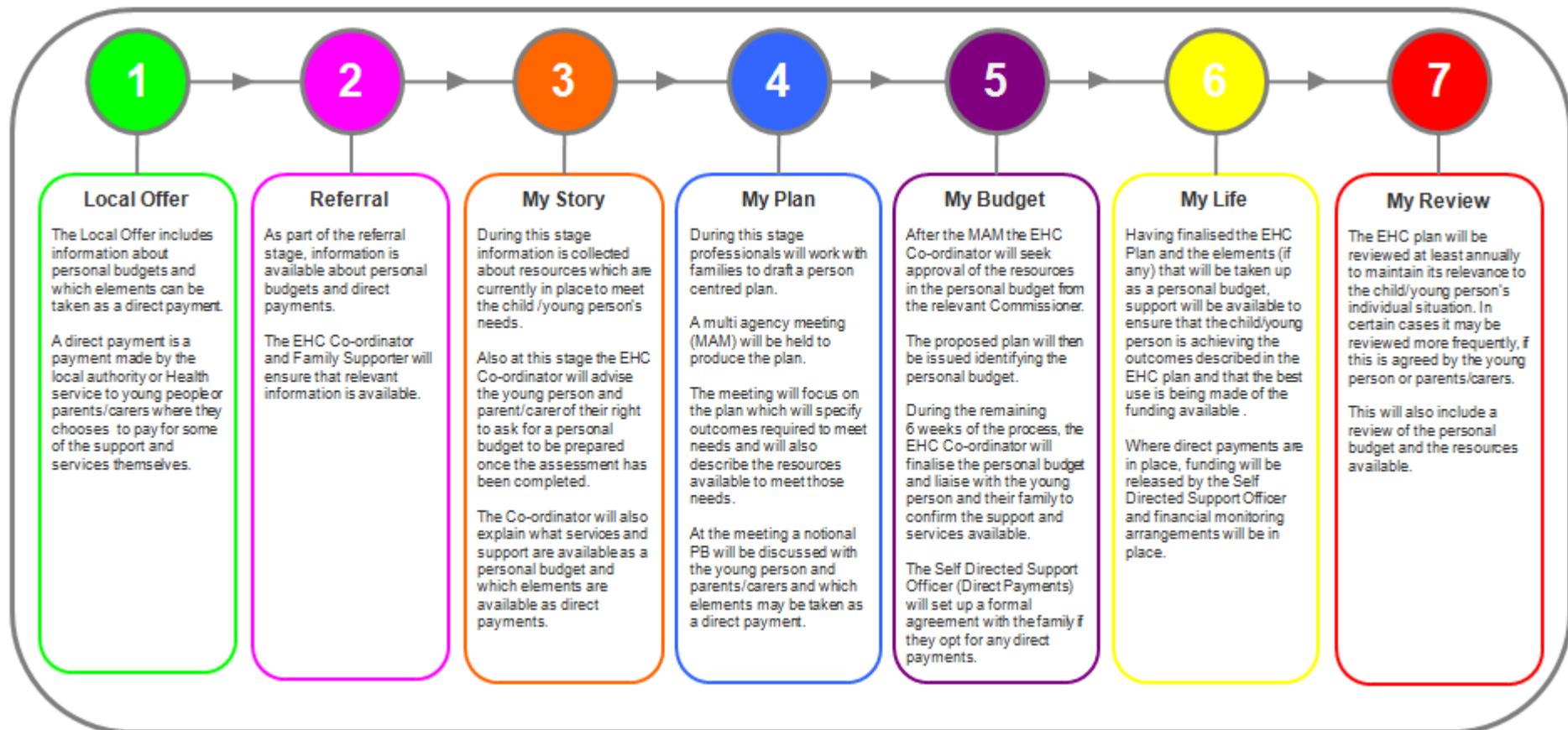


Figure 9: Preparing the personal budget and what is undertaken at each stage of the EHC plan pathway

During the remaining 6 weeks of the process, the EHC Co-ordinator will finalise the personal budget and liaise with the young person and their family to confirm the support and services available.

The Self Directed Support Officer (Direct Payments) will set up a formal agreement with the family if they opt for any direct payments. There are additional responsibilities that are then placed on the young person or parent which include the responsibility to ensure that the direct payment is used to buy a service which the child/young person has been assessed as needing as a part of the EHC plan. The direct payment will be monitored to ensure that it is being used appropriately to deliver the agreed outcomes in the EHC plan.

The personal budget will be reviewed at Stage 7 ('My Review').

Further advice and information about personal budgets can be requested from the following contacts:

- **Glyn Connolly**, Children's Social Care Team on 01623 433405
- **Alison Holloway**, SEND Policy and Provision on 0115 9774778
- **Paula Vyze**, Care Commissioning and Assessment Manager for Children and Young People on 0115 9772676



## Living My Life

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At this stage the EHC plan will have been finalised. This stage is concerned with implementing the outcomes of the co-ordinated assessment as described in the EHC plan. The content of the plan will have been shared with everyone who has been involved in its development. All partners should be clear about what is expected of them and should make appropriate plans to ensure that the child/young person's outcomes are achieved.

Where a family have developed a multimedia Wiki, this can be used to demonstrate success and achievements through their life. In fact there is no boundary on the Wiki just stopping once the age of 25 has been reached. It should be seen as a support tool for life should the young adult wish to continue.

Where a family have opted to take elements of the personal budget as a direct payment, support and advice will be offered on how to achieve the best results from the resources available. Parents/young people will continue to be involved in reviewing and contributing to the ongoing development and implementation of their EHC plan.



## My Review

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This stage offers the opportunity for all partners to meet and reflect on the success of the EHC plan through a formal review. The EHC plan will require reviewing on a regular basis. The timescales for review are dependent on the circumstances of each child/young person. However, Local authorities must arrange for a review of every child/young person's EHC plan at least annually, beginning within 12 months of the date the EHC plan was finalised.

If a child/young person's needs change significantly, a review must be held as soon as possible to ensure that the provision specified in the EHC plan is still appropriate.

The purpose of the review will be to determine whether the EHC plan, supported by a personal budget, where appropriate, is meeting outcomes and being delivered within budget in a safe and appropriate way.

Review meetings must comply with the following requirements:

- The parents and/or young person must be invited and given at least two week's notice of the date of the meeting. The meeting must be person centred and take account of the views of the child/young person, their wishes and feelings and children and young people should be supported to engage in the review
- Relevant representatives from education, health and social care must be invited. These representatives must also be given two week's notice of the date of the meeting.
- The meeting must focus on the child/young person's progress towards achieving the outcomes specified in the EHC plan, and on what changes might need to be made.

Where a child or young person is expected to leave education or training within the next two years, the review meeting should focus on arrangements that assist the young person in preparing for adulthood and independent living.

The Commissioners in the SEND Multi agency Hub will have a role in monitoring the quality of EHC plans and the equitable use of resources. When necessary they will liaise with the Integrated Commissioning Hub to support decision making about service development.

Those in the Integrated Commissioning Hub are in a strategic position and have information on the range of needs and the packages to meet those needs. Information from EHC plans will help commissioners to refocus services and identify both new areas for commissioning and services which may need to be redesigned or decommissioning.

# Timeframe for transition to Education, Health and Care plans

It is expected in the legislation that the overwhelming majority of children and young people with statements and Learning Difficulty Assessments (LDAs) will require EHC plans. It is recognised that transferring these children and young people to EHC plans in a way that maximises the benefits that they offer will be a significant undertaking. We want to be sure that this transition happens at a pace that is achievable and which maintains the quality of support both to children and young people making the transition and to those who are still part of the previous system.

To allow a gradual and orderly transition to the new EHC plan for those with existing statements and LDAs, there will be a period during which both the new and the old systems operate in tandem.

The legislation proposes that:

- the transfer of all children and young people with existing statements to the new system of support of EHC plans be **completed within three years**; and
- the transfer of all young people with existing LDAs be **completed within two years**.

This would mean that on 1 September 2016 legislation and guidance relating to LDAs would be repealed and LDAs would cease to have effect; and on 1 September 2017, legislation and the current Code of Practice relating to statements would be repealed and they would cease to have effect.

We are proposing that in Nottinghamshire the best point for the transition to an EHC plan to take place would be at the time of the annual review/transition review at Year 9. Processes and communications are currently being developed to support this.

## Local resolution arrangements

The legislation will require local authorities to make available to parents and young people disagreement resolution services. The arrangements are seen as voluntary and have to be with the agreement of both parties. The service, while commissioned by the local authority, must be independent of it.

These arrangements are distinct from the mediation arrangements set out later, which specifically apply to parents and young people who are considering appealing to the Tribunal.

The disagreement resolution service is available to help resolve disagreements about two types of complaints or to prevent them from escalating further:

- the first is between parents or young people and local authorities, the governing bodies of maintained schools and maintained nursery schools, early years providers, further education institutions or the proprietors of academies about how these authorities, bodies or proprietors are carrying out their education, health and care duties for children and young people with SEN. These duties include duties on the local authority to keep their education and care provision under review, the duties to assess and draw up EHC plans and the duty on governing bodies and proprietors to use their best endeavours to meet children and young people's SEN.
- the second is disagreements between parents or young people and early years providers, schools or post-16 institutions about the special educational provision made for a child or young person, whether they have plans or not.

A decision by parents and young people not to use disagreement resolution services has no effect on their right to appeal to the Tribunal and no inference will be drawn by the Tribunal if the parties to a dispute have not used the disagreement resolution services. Disagreement resolution meetings are confidential and without prejudice to the Tribunal process and the Tribunal will disregard any offers or comments made during them. Partial agreement achieved by use of disagreement resolution services can help to focus any subsequent appeals to the Tribunal on the remaining areas of disagreement.

Our local arrangements are in the process of being developed jointly with Health.

## **Pre-legislative arrangements for Nottinghamshire**

Prior to September 2014, the EHC plan does not have any legal status. However, because Nottinghamshire have Pathfinder status and are offering the EHC plan from September 2013, an interim set of arrangements have been developed to ensure that Nottinghamshire parents are not disadvantaged during this period of testing.

These interim arrangements have been developed in consultation with the County Council's Legal Services, and are in accordance with the advice issued to Pathfinder areas by the Department for Education on 12 September 2013.

They provide those with an EHC plan the same legal right of appeal as those with a Statement of Special Educational Need. Under the current SEN arrangements parents have the right to appeal to the First Tier Tribunal on the following grounds:

- the Local Authorities refusal to assess their child's special educational needs;
- the Local Authorities decision not to issue their child with a statement; and
- there is disagreement over the educational content of their child's statement.

Appeals can only be heard by the First Tier Tribunal in relation to the existing educational legal framework; as a consequence of this the following conditions will apply:

- The right of appeal will only apply to educational content of the EHC plan, as it currently does for a Statement of Special Educational Needs.
- Referrals should be made to the appropriate complaints procedures for social care and/ or health, where there are issues concerning the provision or the absence of provision in the EHC Plan relating to either of these services.
- The right to appeal will only apply to children and young people engaged in educational provision.
- Young adults with an EHC plan who are not in education and who are over 19, but wish to appeal against the educational content of their EHC plan would need to use the County Council's complaints procedure. This is because the First Tier Tribunal currently does not have the jurisdiction to hear such cases.
- Any appeal lodged against a refusal to assess would be heard by the Tribunal in the normal way because exactly the same rights apply to decisions relating to the statement assessment process as will apply the EHC assessment process.
- The need for parents to appeal against a decision "not to issue an EHC Plan", as they currently can if the County Council decides not to issue a statement of SEN, will not arise. This is because in the new pathway, all cases that proceed to Assessment will automatically result in the issue of an EHC plan.
- An appeal against the content of an EHC plan can only be made in relation to the educational content of the plan. Where this element of the plan is in dispute, the EHC plan will be rewritten in the form of a statement and issued to the parents in order that their appeal can be lodged with the First Tier Tribunal. The First Tier Tribunal will hear the case in the normal way. In all cases mediation will be offered as a means to resolve disagreement.

These conditions do not remove the right of appeal, but offer the same level of protection to parents that they currently experience in relation to Statements of Special Educational Needs.

# Mediation/appeals process

## Mediation information and advice

Parents and young people who wish to make an SEN appeal to the First-tier Tribunal (SEND) may only do so after they have contacted an independent mediation adviser and discussed whether mediation might be a suitable way of resolving the disagreement. Mediation aims to enable disagreements to be disposed of more amicably and quickly than the appeal.

The mediation arrangements complement but are distinct from the disagreement resolution arrangements. The disagreement resolution arrangements are voluntary for both parties and are designed to resolve disagreements about:

- the performance of duties and
- SEN provision and are voluntary for both parties.

The mediation arrangements are to provide an opportunity to resolve disagreements before an appeal to the Tribunal.

Parents and young people **must** consider mediation before registering an appeal and if they want to go to mediation local authorities **must** attend.

Engagement with the mediation and appeal processes does not prevent parents, young people and local authorities from making use of the disagreement resolution arrangements at the same time if the parties are in agreement to do so.

Local authorities **must** set out the arrangements they have made for securing mediation information services and mediation itself before an appeal to the Tribunal in the local offer.

## Process

When the local authority makes a decision in relation to a matter which can be appealed to the Tribunal they **must** include, with the decision, a notice informing the parent or young person of contact details for at least one independent mediation adviser. If the parent or young person wants to appeal they **must** contact a mediation adviser, within two months, which may be that mediation adviser or another of their choice.

The adviser will provide information on mediation and answer any questions which the parent or young person may have. The information will normally be provided on the telephone, although information can be provided in written form, through face-to-face meetings or through other means if the parent or young person prefers that. Once the information has been provided it is for the parent or young person to decide whether they want to go to mediation. Where the parent or young person decides not to go to mediation following contact with the mediation adviser the

adviser will issue a certificate, within three working days, confirming that information has been provided. The certificate will enable the parent or young person to lodge their appeal, within one month of receiving the certificate.

Parents and young people are not able to register an appeal at the Tribunal without a certificate.

## Going to mediation

If the parent or young person decides to proceed with mediation then the mediation adviser will contact the local authority and the local authority **must** ensure that a mediation session takes place within 30 calendar days, although it may delegate the arrangement of the session to the mediator.

If the parent or young person wants to go to mediation then the local authority **must** also take part. If the local authority is unable to arrange mediation within 30 days it **must** tell the mediator. The mediation adviser **must** then issue a certificate within three days. On receipt of the certificate the parent or young person could decide whether to appeal immediately or to wait for mediation to take place. If the parent or young person initially indicates that they want to go to mediation but change their mind they can contact the mediation adviser who can then issue a certificate with which an appeal can be registered.

A mediation session or sessions which arise out of these arrangements **must** be conducted by independent mediators. Once mediation is completed the mediation adviser **must** issue a certificate within three working days confirming that it has concluded. If the parent or young person still wants to appeal following the mediation they **must** send the certificate to the Tribunal when they register their appeal. Parents and young people have one month from receiving the certificate to register an appeal with the Tribunal. The certificate will not set out any details about what happened in the mediation – it will simply state the mediation was completed at a given date. When cases are registered with the Tribunal following mediation the Tribunal will deal with the appeal on the facts of the case. The Tribunal may cover similar ground to that explored in the mediation but will reach its own independent findings and conclusions.

## Registering an appeal with the Tribunal

In those limited instances where agreement still cannot be reached through mediation, the following options will be available:

- a referral to the appropriate complaints procedures for social care and/or health, where there are issues concerning the provision or the absence of provision in the EHC plan relating to either of these services;
- a statutory right of appeal to the First Tier Tribunal against educational provision or the absence of educational provision within the finalised EHC plan; and

- a right of access to the appropriate service's complaints procedure where the complaint concerns the EHC process or the conduct of individuals within that process.

Parents and young people have two months to register an SEN appeal with the Tribunal:

- from the date of the decision not to proceed with an EHC plan and
- the date of the Final EHC plan and accompanying letter

The matters which can be appealed by young people or parents are set out as follows:

- a decision by a local authority not to carry out an EHC needs assessment or re-assessment
- a decision by a local authority that it is not necessary to issue an EHC plan following an assessment
- the description of a child or young person's SEN specified in a plan, the special educational provision specified, the school or other institution or type of school or other institution (such as mainstream school/college) specified in the plan or that no school or other institution is specified
- an amendment to these elements of the plan
- a decision by a local authority not to amend an EHC plan following a review or re-assessment
- a decision by a local authority to cease to maintain a plan.

# List of appendices

## Appendix 1: The Local Offer

1(a)	Nottinghamshire's Education Health and Care Plan Pathway (Parents' Leaflet)
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## Appendix 2: Referral

2 (a)	Referral form for parents
2 (b)	Referral form for schools
2 (c)	Referral form for other professionals
2 (d)	Acknowledgement following referral from parents
2 (e)	Acknowledgement to parent following school/professional referral
2 (f)	Acknowledgement following referral from school/professional
2 (g)	Letter requesting information from professionals following referral from parents/other
2 (h)	Form for gathering information from professionals (to inform eligibility decision)
2 (i)	EHC plan eligibility form (Recommendation/Decision)
2 (j)	Decision to proceed (Yes)
2 (k)	Invitation to MAM (for parents) - <b>TO BE DRAFTED</b>
2 (l)	Invitation to MAM (for professionals)
2 (m)	Decision not to proceed (No)
2 (n)	Letter to professionals to advise of 'No' decision and further action <b>- TO BE DRAFTED</b>

## Appendix 3: My Story

3 (a)	Examples of completed 'All About Me' profiles <b>TO FOLLOW</b>
3 (b)	Letter to professionals for additional information
3 (c)	Proforma for professionals to provide additional information
3 (d)	What is a Wiki website
3 (e)	Application for a Wiki
3 (f)	Introducing your Wiki (Staying Safe)

## Appendix 4: My Plan

4 (a)	Template for EHC plan
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## Appendix 5: General

5a	Send Multi-agency Hub Process checklist
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# Glossary

<p>Co-ordinated assessment</p>	<p>The process of establishing a child/young person's needs are. The assessment has been designed to be a single point of entry for co-ordinated support from more than one <b>specialist</b> services.</p> <p>Assessments will be co-ordinated across education, health and social care, so that procedures aren't duplicated and information is shared appropriately.</p> <p>The co-ordinated process is being introduced to avoid unnecessary duplication of assessments for children/young people with a wide range of needs and to ensure that relevant information is considered.</p>
<p>Common Assessment Framework (CAF)</p>	<p>The Common Assessment Framework (CAF) is a standard assessment that can be used by all services working with children and young people. It is particularly suitable for use in integrated <b>early intervention work</b>, where a child or young person is experiencing difficulties. The CAF helps practitioners to identify a child or young person's strengths, needs and goals. It can be shared between services and used as a starting point for planning coordinated multi-agency action.</p>
<p>Clinical Commissioning Groups (CCG's)</p>	<p>Clinical commissioning groups (CCGs) are NHS organisations set up by the Health and Social Care Act 2012 to organise the delivery of NHS services in England. They have replaced Primary Care Trusts.</p> <p>CCG's are clinically led groups that include all GP groups in a geographical area. They operate by commissioning (or buying) healthcare services, with the aim of giving GPs and other clinicians the power to influence commissioning decisions for their patients.</p>
<p>Co-production</p>	<p>When a child/young person and their family are involved as an equal partner in designing the support and services they receive. Co-production recognises that the child/young person who uses education, health and care services have knowledge and experience that can be used to improve services.</p>
<p>Commissioner</p>	<p>A person or organisation with responsibility for planning the services that are needed by the child/young person and their family living in the area covered by the organisation. The Commissioner is also responsible for ensuring that services are available.</p> <p>Sometimes the commissioner will pay for services, but not always. The Council is the commissioner for education</p>

	and social care. NHS care is commissioned separately by local clinical commissioning groups.
Conversions	The process to transfer children and young people with existing statements and Section 139a Learning Difficulty Assessments to EHC plans.
Direct payments (see also personal budget)	Money that is paid to the child/young person and their family (or someone acting on their behalf) so they can arrange their own support, instead of receiving services arranged by the local authority or health service.
Education, Health and Care (EHC) plan	<p>Education, Health and Care Plans bring together a range of planning for a child/young person aged 0 to 25 into a single plan. The EHC plan focuses on the outcomes the child/young person seeks to achieve across education, health and care.</p> <p>The EHC plan sets out how services will work together to meet the child/young person's needs and in support of those outcomes.</p> <p>EHC plans are based on a co-ordinated assessment and planning process which puts the child/young person and their parents at the centre of the decision making. The statutory assessment will not always lead to an EHC plan.</p>
Education, Health and Care (EHC) plan pathway	Nottinghamshire's pathway which comprises of seven stages beginning with Stage 1 'The Local Offer'. This may then progress to a referral and a decision being made by a SEND Multi-agency Hub as to whether the criteria for an Education, Health and Care Plan has been met and a co-ordinated assessment and plan should be initiated and put in place.
Eligibility criteria	<b>TO BE ADDED</b>
Learning Difficulty Assessments (Section 139a)	Assessments that are undertaken to identify and set out the needs/aspirations for those young people moving to a Further Education or other post school establishment. They are normally undertaken in Year 9 of school.
Local offer	A single source of information accessible across a single web site and available in other formats, which is published by the Local Authority and partners about services available across Nottinghamshire for children and young people with SEND aged 0 to 25 years.
Notional budget	<b>TO BE ADDED</b>
Outcomes	Outcomes will be specified in the EHC plan and will describe the goals/ambitions/aspirations that a child/young person is looking to achieve.
Personal budget (see also direct payments)	Personal budgets are available where a child/young person has an EHC plan. A personal budget is an amount available to obtain provision described in the plan which

	<p>the young person or parents may be involved in securing.</p> <p>There are four ways in which parents and/or young people can choose to control their personal budget:</p> <ul style="list-style-type: none"> <li>• Direct payments – where individuals receive cash to contract, purchase and manage services themselves.</li> <li>• An organised arrangement – where the local authority retains funds and commissions the support specified in the plan (these are sometimes called notional arrangements and can also be used where contractual or funding arrangements mean that cash cannot be released as a direct payment or where economies of scale may be present).</li> <li>• Third party arrangements/nominees – where funds are paid to an individual or another organisation on behalf of the parent/young person and they manage the funds.</li> <li>• A combination of the above.</li> </ul>
Personalisation	<p>A way of thinking about the support that puts the child/young person at the centre of the process of working out what their needs are, choosing what support is required and having control over their life. It is about the child/young person being considered as an individual rather than their needs being addressed as part of a whole.</p>
Referral	<p>A request for an assessment of a child/young person's needs.</p>
SEND Multi-agency Hub	<p>The SEND Hub will co-ordinate the EHC plan pathway and act as the single point of entry for children/young people to be assessed for a co-ordinated response from specialist services across education, health and social care.</p>
<p>Special educational needs (SEN)</p> <p>Special educational needs and disabilities (SEND)</p>	<p>The term SEN is used for a child or young person with a learning difficulty or disability which calls special educational provision to be made for them if they:</p> <ul style="list-style-type: none"> <li>a) have a significantly greater difficulty in learning than the majority of others of the same age; or</li> <li>b) have a disability which prevents or hinders them from making use of educational facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post 16 institutions.</li> </ul> <p>A child under compulsory school age has SEN if they fall within the definition at (a) or (b) above or would do so if special educational provision was not made for them.</p>

	The term SEN covers where a child/young person has a disability or health condition which requires special educational provision to be made.
Transition points	<b>TO BE ADDED</b>
Targeted services	<b>TO BE ADDED</b>
Universal services	Services such as transport, leisure, health and education that are services available to everyone in the local area and are not dependent on assessment or eligibility.
Wiki web site	Easy build web site technology that can be provided to children/young people and their families to upload photos, video, text, documents and web links for them to create a personalised site which they then choose who they want to invite to view and contribute to it.