

Education, Health and Care Assessment

Parent / Carer's Guide



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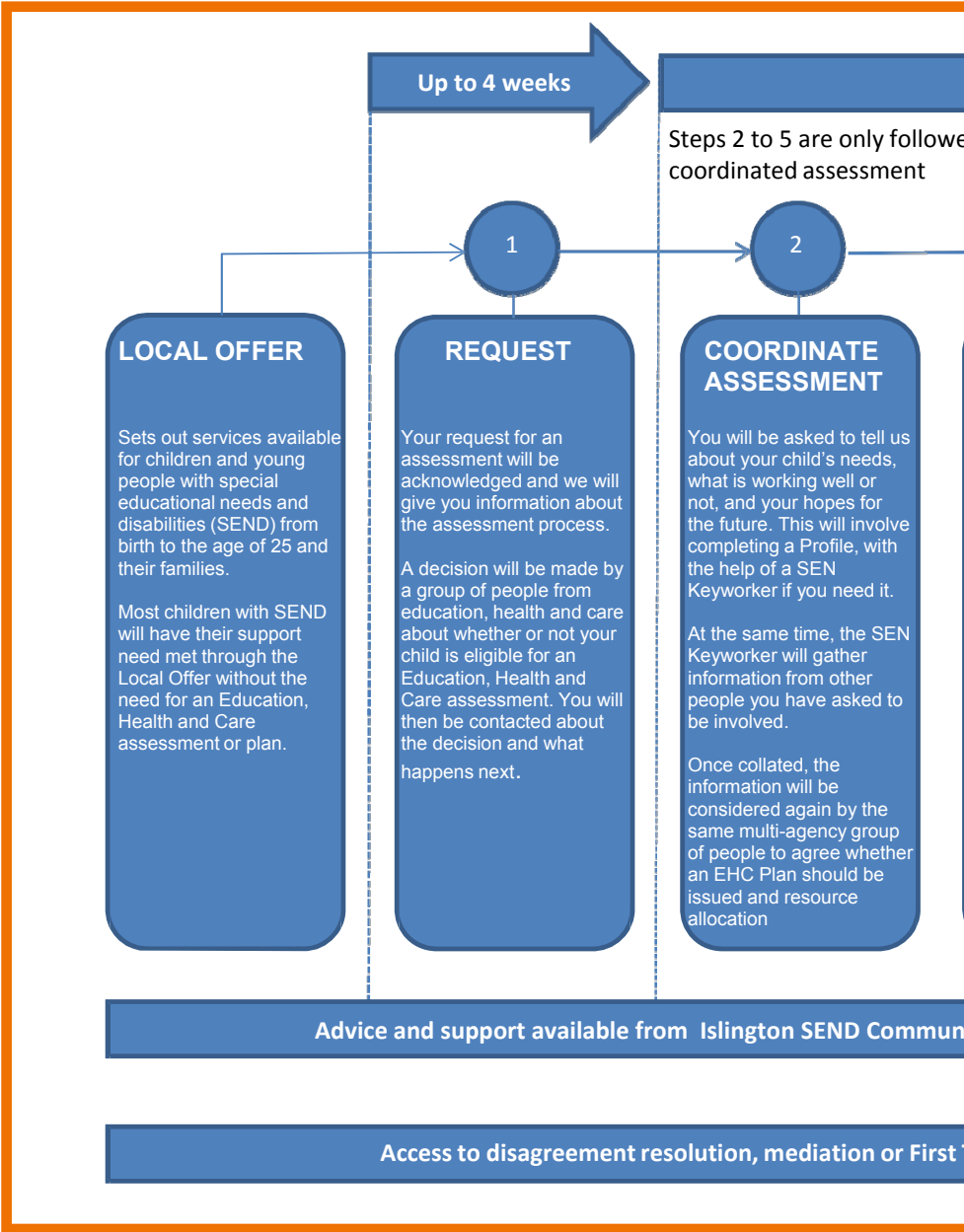
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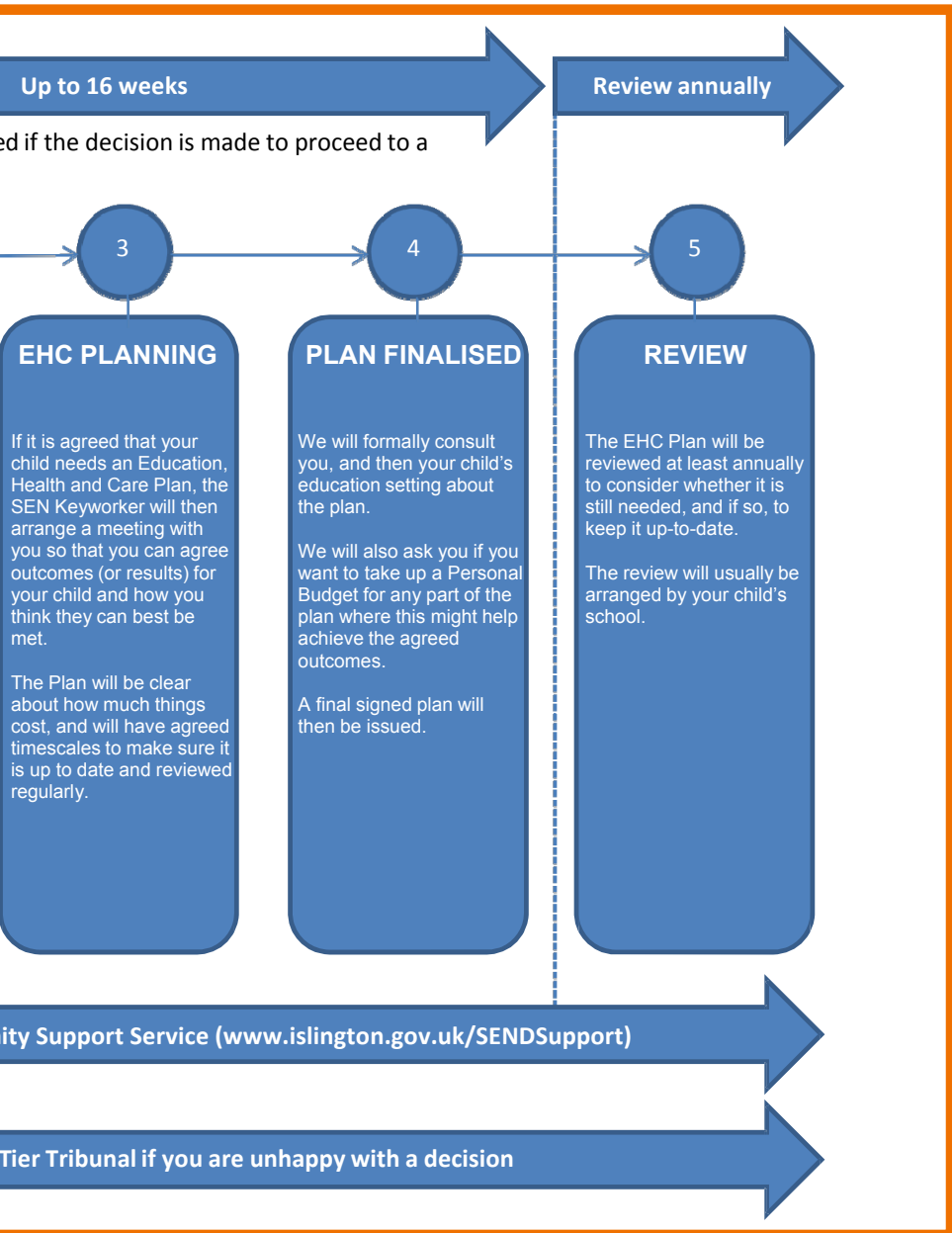
1. Education Health and Care Assessment - Quick Guide

- First, we will look at the information available to see if we think we should go ahead with an assessment.
- If we agree an assessment, you and your child will have the opportunity to say what's working, what's not working and what you think needs to change. A Special Educational Needs (SEN) Keyworker will help you with this.
- At the same time, the SEN Keyworker will gather information from the other people involved. Near the end of this period, a multi-agency group will look at this information and confirm whether your child needs an Education, Health and Care Plan, and decide what support you might be eligible for.
- If it is agreed that your child needs an Education Health and Care Plan, the SEN Keyworker will then arrange a meeting with you so that you can agree the outcomes (or results) that should be in the plan and how you think they can best be met.
- The plan will be clear about how much things cost, and will have agreed timescales to make sure it is updated and reviewed regularly. The Plan will go with your child as they change schools or service, and also, if it is still needed, when they leave school and go to college.
- The whole process lasts 20 weeks.



1.1 Education, Health and Care Plan Pathway





1.2 What is an Education, Health and Care Assessment?

- Most children will have their needs met from the services that are normally available locally. A statutory Education, Health and Care assessment is something that will only be considered if, despite access to all of the available local services and supports, your child is not making the progress that they may be capable of.
- This should apply to a very small number of children.
- The purpose of the assessment is to bring together all existing relevant information about your child to see whether your child may need an Education, Health and Care Plan. If further assessments are needed, a 'SEN Keyworker' from the SEN Team assigned to your family will arrange for them to happen.
- It is called a 'statutory' assessment because the steps that have to be taken are set out in law (or statute).
- The assessment process takes a maximum of 20 weeks but could be less if no further assessments are needed and all the necessary information has been received.

1.3 Who can request an Education, Health and Care assessment?

Requests for an assessment of education, health and care needs can be made by:

- You, as the child's parent (or somebody on your behalf)
- A young person if over the age of 16 (or somebody on their behalf)
- A person acting on behalf of an early years setting, school or post 16 institution (but this should be with your knowledge and agreement only)



2. The Local Offer

2.1 What is the Local Offer?

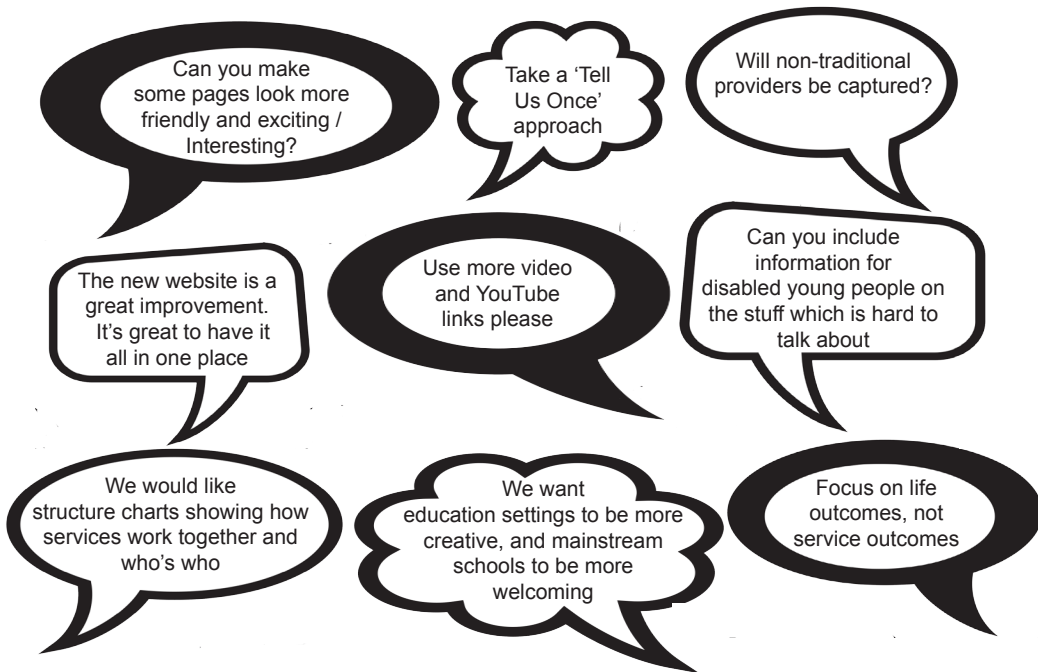
- From September 2014 every Local Authority must publish information about services they expect to be available in their area for children and young people from birth to 25 who have special educational needs and also services outside of the area which they expect children and young people from their area will use. This will be known as the 'Local Offer.'
- The Local Offer will put all the information about education, health and care services, leisure activities and support groups in one place. It has two main purposes:
 - o To provide clear, comprehensive and accessible information about the support and opportunities that are available; and
 - o To make provision more responsive to local needs and aspirations.
- The Government says the Local Offer must be developed and reviewed in partnership with children and young people, parents, and local services, including schools, colleges, health and social care agencies.
- In Islington, we have worked with parent representatives from local parent forums and service providers to plan exactly what should be included in our Local Offer and the best way to present information.

2.2 Who is the Local Offer for?

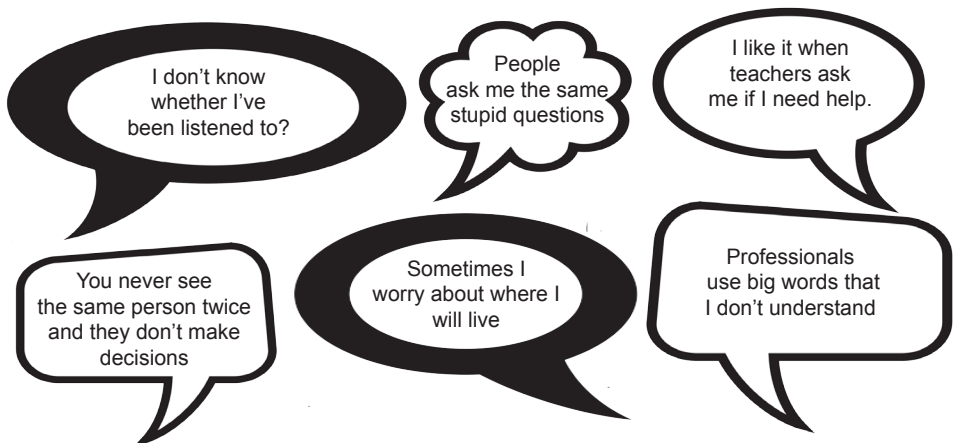
- The Local Offer is primarily designed for use by parents and children and young people with special educational needs. However, it will also enable practitioners and professionals to see clearly what services are available in their local area and how and when they can be accessed.
- All the services involved with the Local Offer will be asked to provide and maintain up-to-date information that can be easily accessed by the user. For instance, information might include who the service will suit, opening hours, accessibility, or costs.
- The Local Offer will also help you find the services that are nearest to you and most suitable for your child's needs.
- There will also be guidance to help you find out what you need to ask practitioners and professionals and how you can be helped, with similar guidance that children and young people can access directly.
- The Local Offer will also include information on giving feedback and raising issues and concerns and making a complaint.
- The Local Offer is therefore not simply a directory of information or a list of services available.



2.3 Feedback from Parents on the Local Offer



2.4 Feedback from children and young people on the Local Offer

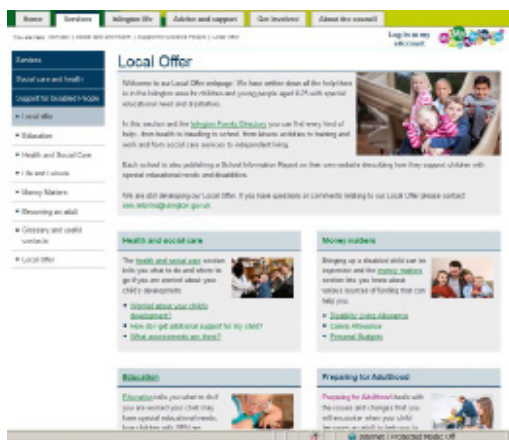


2.5 Where can I find the Islington Local Offer?

The Local Offer must be published by 1 September 2014 – however given the vast scale of the information that needs to be included, and the need to work with parent carers and young people to develop the Local Offer, it will be a ‘work in progress’ for a few months whilst more information is added.

Islington’s Local Offer can be found at:

www.islington.gov.uk/Localoffer



3. Stage 1: Assessment request

3.1 Is an Education, Health and Care assessment needed?

- All assessment requests must go through the Education SEN Team
- The application can be made by you or someone with your permission, by completing a 'request for assessment' form. The request will normally be Education led.¹ (see 'Who can request an assessment on page 9)
- Support for you to complete a request can be provided through the **Islington SEND Community Support Service** (see page 38 of this leaflet) or other support groups detailed within the Local Offer (see www.islington.gov.uk/localoffer).
- In the box to the right you can see the Education information that the Local Authority (LA) will need to consider a request to carry out an Education, Health and Care assessment. [Please note that any incomplete requests will be returned to the referrer for any missing information to be provided].
- As soon as a completed request has been received, an SEN Keyworker will contact you to introduce themselves and explain the process to you. You will also receive a letter and a copy of this information leaflet.

¹ When a child has exceptional need for education, health and social care need that cannot be met from resources / assessments / interventions normally available, they will need an EHCP. Where a child's health or care needs are considered exceptional, but their education needs can be met from the resources normally available, they would not normally require an EHCP. Children with exceptional education only needs may require an EHCP.

3.2 Education information required to consider a Coordinated Education, Health and Care Assessment request

- The education providers arrangements (costed), which are additional to and different from what is normally available for all children.
- Copies of Individual Plans for your child with records of regular reviews and their outcomes.
- Evidence of a baseline assessment (i.e. how well your child was doing when they first started attending) – from which progress can be measured.
- Review dates - with recorded evidence of formal reviews and subsequent adaptations to targets and strategies.
- Goals set and your child's achievement towards these
- Your involvement in discussion of special needs, supporting your child's achievement of goals, home / education setting agreement etc.
- Advisory professionals involved – including specialist educational advisers, outside agencies working in consultation with teachers e.g. speech and language therapist; Educational Psychologist involvement is essential at this stage unless there are exceptional circumstances.
- Evidence of a cycle of assessment, planning, implementation and review of progress with the outside agencies involved.
- Strategies used with details of arrangements which are beyond differentiation and are additional to and different from those normally available in school.
- Additional resources made available to the child that would enable the child to achieve the targets
- Information about your child's attendance; children who attend education for less than 96% of the time do less well. The poorer the attendance, the poorer the child's progress.
- Where such evidence is missing, the referral is likely to be considered invalid and cannot proceed: If an educational provider's individual plan / provision map format does not contain all the elements above, separate documentation will be required to establish these details.

3.3 Eligibility / Thresholds for an Education, Health and Care Assessment

- A Education, Health and Care (EHC) Assessment is intended only for those children and young people with the most severe and complex needs.
- This is defined locally as a child or young person whose needs cannot be met from the resources normally available through the Local Offer.
- This is likely to include all children who attend a special school. It may also apply to a very small number of children who attend mainstream school and whose needs can be regarded as 'exceptional'.
- The way money is given to schools (model of delegation) reflects this 'threshold' as they all receive formula funding to meet a 'predicted' (or usual) profile of special educational needs.
- We expect that children with 'predictable' needs will have their education needs met without the need for an EHC Assessment, with any identified health and care needs met by the relevant services.
- The LA promotes the use of a local 'SEN Support Plan' to capture arrangements for children and young people with high needs but who do not meet the threshold for an EHCP assessment.
- This plan should provide reassurance to parents, as well as helping to make sure that provision is outcome (or results) focused.

Q: Who will receive an Education Health and Care Plan?

A: Anyone who needs one.

Q: Who will need an Education, Health and Care Plan?

A: Anyone whose needs cannot be met through the Local Offer.

Education, Health and Care Assessment and Early Years

- 'Very young children's needs can change so quickly that often, meeting their needs through the support set out in the Local Offer may be more valuable than beginning an EHC assessment' (Code of Practice, 5.34).

Education, Health and Care Assessment and Post 19

- The Children and Families Act 2014 places new duties on LAs to enable a young person with special educational needs who may need to stay in education after the age of 19 to finish a course, or do some further study to get the right job or living skills, to do so.

3.4 Outcome of Assessment Request

- All applications will be considered by a group of senior officers from Education, Health and Care as well as Headteachers from Schools (called an Multi-Agency Panel) to decide whether the threshold for a an Education, Health and Care Assessment is met. This will be always be the same people the so that there is consistent decision making.

There are three possible outcomes of an application:

- It does not meet the threshold for a Co-ordinated Assessment (see 'What happens if the LA decides that an EHC assessment is not necessary?' on page 19).
- There is need for co-ordinated support (from more than one service) but at a 'targeted level' rather than a 'specialist level'
- The application meets the threshold for an Education, Health and Care Assessment.
- You will be contacted by your SEN Keyworker to let you know the outcome of your request. The LA will also write to you. This will be within 6 weeks of receiving a completed request to carry out an Education, Health and Care Assessment.

3.5 What happens if the Local Authority decides that an EHC assessment is not necessary?

- If the Local Authority decides that an EHC assessment is not necessary, it must inform you, the current education provider and the health and social care service, and give the reasons for this decision.
- This must take place within 6 weeks of the initial request.
- We must also tell you that you have the right to appeal to the First Tier Tribunal against the decision and set out the time limits for appeal, and the availability of parent partnership, disagreement resolution and mediation services (which you must at least consider before the Tribunal will accept your appeal).
- In these circumstances it is likely that the information gathered during the assessment will have indicated ways in which your child's education provider can meet their needs from within available resources through an SEN Support Plan. We will ask an Educational Psychologist to help with drawing up or revising this plan.

3.6 What happens if an assessment is agreed?

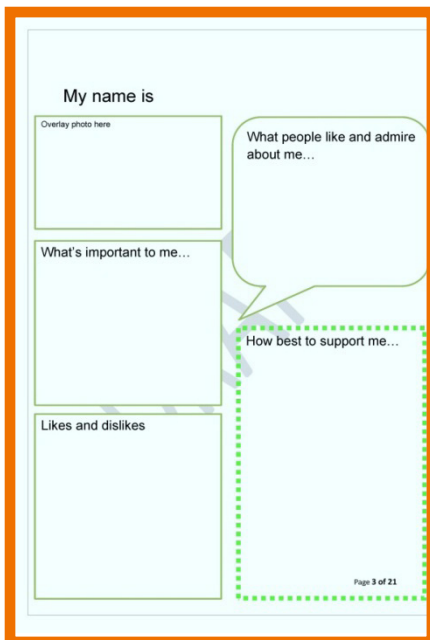
- If an assessment is agreed, you will move on to Stage 2.

4. Stage 2: Co-ordinated Assessment

4.1 Managing the assessment

- Your SEN Keyworker will discuss with you:
 - o Suitability of existing assessment reports for the statutory process.
 - o Who else should be involved in the assessment process.
- The Keyworker will work out a timetable for your Assessment so that everything can be completed within 20 weeks.
- The Keyworker will arrange to complete a Profile, which will be an important part of any support plan for your child:

4.2 Pupil Profile



My name is

Overlay photo here

What people like and admire about me...

What's important to me...

How best to support me...

Likes and dislikes

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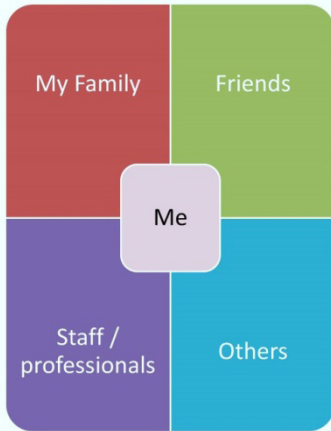
How I communicate and make decisions

How I communicate

What you can do to support me to communicate and make decisions

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People important to me



My story so far

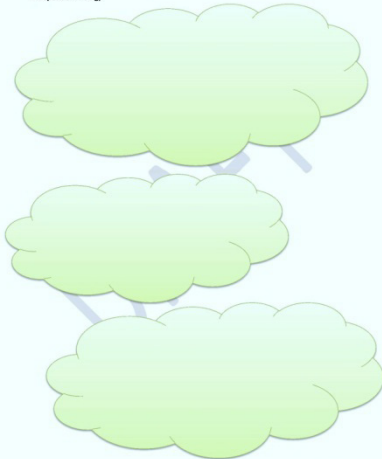
My history (where I was born, where I have lived, where I've been to school)

Who is in my family

What I am good at and my achievements

My dreams and aspirations for the future

(e.g. hobbies, health, friendships, further education, employment, relationships and independent living)



4.3 Information-gathering

- The Keyworker will liaise with the different professionals who make up your child's Assessment Team to share information and discuss how the assessment will move forward.
- The Assessment Team will gather information following their own professional frameworks, but giving consideration to the questions/areas for investigation that have been raised at Stage 1 and in your child's Profile.
- Professionals will submit reports of the information they have gathered in the following form:
 - o A clear description of your child's needs from their professional perspective
 - o Impact these needs could have on current and future education provision
 - o The outcomes that can be expected for your child

4.4 Request for Advice

Education, Health and Care (EHC) Assessment Summary

Name of child/ young person:

DOB:

Name of assessor:

Date completed:

Assessor's name:

Role:

Summary of the child/ young person's strengths

Summary of needs/ difficulties

HEALTH OR SOCIAL CARE NEEDS (NOT RELATED TO EDUCATION)

Summary of needs/ difficulties

Their impact on the child and family

*The sections titled 'Recommended provision' (bold) and 'Judgement on resources' (pink) are only to be submitted in agreement with the budget holder for your service.

Recommendations on medium term goals (the next 2-3 years or the end of education 'phase')	Recommendations on the steps towards achieving these goals (1-12 months)	Recommended provision* (What, how, when, who)	Judgement on the amount of resources required / cost*

Total resource cost per year

- Once collated, the information will be considered again by the same Multi-Agency Panel to agree whether an EHC Plan should be issued and resource allocation.
- The LA will write formally to you to let you know the outcome of that discussion.

4.5 What happens if the Local Authority decides that an EHC plan is not necessary?

- If, following assessment, the LA decides that an EHC plan is not necessary, it must inform you, the current education provider and the health and social care service, and give the reasons for its decision.
- This must take place within 16 weeks of the initial request.
- The LA must also tell you that you have the right to appeal to the First Tier Tribunal against the decision and set out the time limits for appeal, and the availability of parent partnership and disagreement resolution services (which you must at least consider before the Tribunal will accept your appeal).
- In these circumstances it is likely that the information gathered during the assessment will have indicated ways in which the school / provider can meet your child's needs from within available resources through an SEN Support Plan.

4.6 What happens if it is agreed that my child needs an Education, Health and Care Plan?

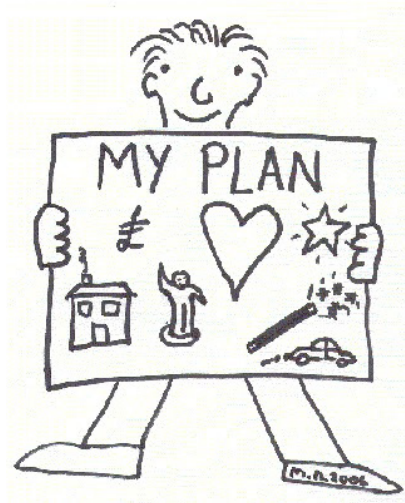
- If it is agreed that your child needs an Education, Health and Care Plan, you will move on the Stage 3.

5. Stage 3: Education Health and Care Planning

- If it is agreed that your child needs an Education, Health and Care Plan, the Keyworker will then arrange a meeting with you so that you can agree the outcomes that should be in the plan and how you think they can best be met. We will start a draft plan that you can work on together.

5.1 Focus on outcomes

- All plans should be written in collaboration with you and your child. They should be outcome driven.
- Plans should not be about input determined by a professional, but one that has your child at the centre, with your child and your family fully involved in identifying what is personally important to deliver the outcomes you seek.



What do we mean when we are talking about 'goals' and 'outcomes'?

- Goals are what a child/young person (and their family) want to achieve.
- Outcomes are what they actually achieve.

Example:

Your goal is to achieve a healthy weight by the beginning of the summer holidays.

By the summer, we'll know if you have achieved it.

Goals/outcomes may be to

- Maintain a child or young person's situation (e.g. to continue to live at home), or to
- Change their situation (e.g. to improve their language skills)

Goals and outcomes are not:

- Services (e.g. short breaks)
- Activities (e.g. going swimming)
- Outputs (e.g. speech and language therapy session)
- Resources (e.g. 5 hours of TA support)
- The plan will be clear about how much things cost, and will have agreed timescales to make sure it is updated and reviewed regularly. The Plan will go with your child as they change schools or service, and also, if it is still needed, when they leave school and go to college.
- The completed EHC Plan, including the agreed school placement will be signed off following further consultation with providers.

5.2 Funding for SEN Support

SEN Funding for Islington Mainstream Schools

- All mainstream schools are provided with funding that they should use to support those with additional needs, including children and young people with special educational needs.
- In April 2013 the government made changes to the way that funding is provided to schools and colleges.
- From that date and for all LAs, funding is distributed by a locally agreed formula and given to schools under three main headings, called elements:

Element 1: Basic, per pupil funding:

- An amount of money for each child in the school (approximately £4000 per child), used to provide education and support for all pupils in the school including those with SEND.

Element 2: Additional Support funding ('predicted profile'):

- Every school receives an additional amount of money to enable them to provide special education for children and young people.
- The government now require that schools use this funding to pay for up to £6,000 worth of special educational provision to meet a child's SEN. [Most children with SEN will require special educational provision costs to less than £6,000].
- In Islington, we have allocated a higher amount for Element 2 than is recommended nationally to match a 'predicted profile' of local need. This is so that schools can provide early help, have more stability of funding and meet more needs without statutory intervention from resources 'normally available'.

Element 3: Top-Up funding ('exceptional needs'):

- Whilst the needs of almost all mainstream children can be met through the school budget, there will always be a small number of children whose needs are so complex or unusual that money to support them can only be allocated on an individual basis. In these cases the school can apply locally for Exceptional Needs funding.
- If a school can show that a pupil with SEN has 'exceptional' needs that could not be predicted, it can request 'exceptional needs' top-up funding. An 'exceptional need's fund will provide for around 60 children in Islington mainstream schools, academies and settings with the most complex, exceptional needs.
- Which children should receive this funding, how much they should receive and for how long will be decided by an Exceptional Needs Panel of Headteachers, supported by professionals with relevant experience.
- Where funding is not allocated, the Panel can still offer advice and support through LA or outreach services.

Aims of local funding approach

Our local funding scheme has three key aims:

- To make resources available to those children who need them as early as possible.
- To enable schools to make decisions about how funds are used for special educational needs.
- To enable every school to have stability in planning, provision for special educational needs year on year, and for that planning to be transparent to parents and children.

How is the funding calculated - 'Notional' SEN Budgets

- LAs must identify the formula by which schools receive funding to provide support for pupils with special educational needs. This is called a 'Notional SEN Budget'. It is called 'notional' because no-one tells schools exactly how they should spend their money. They can spend it in the way they think is best. But schools have a duty to identify, assess and make special educational provision for all children with special educational needs; and the LA has a duty to set out what schools are expected to provide from their delegated budget and to publish this information in the Local Offer.
- It is from this notional budget that mainstream schools are expected to:
 - o meet the needs of pupils with low cost, high incidence SEN; and
 - o contribute, up to at least the first £6,000 of the costs of provision for pupils with high needs (not all pupils with SEN require this amount).
- From this, schools must provide a standard offer of teaching and learning for all pupils, including those with 'predictable' high needs, to enable them to access the school's teaching and learning offer.
- In Islington, as well as additional allocations for named pupils with SEN, the Schools Forum have also delegated / devolved further funds from the High Needs Block to give schools maximum flexibility over the deployment of resources to meet a 'predictable' range of needs.

Why is this system more effective?

- It makes sure schools get the funding they need at the right time and can target to the right children.
- It reduces the amount of paperwork required to get funds to where they can be used effectively to help children.
- It helps schools to have control over the planning and use of their resources.
- It is a fair system that ensures all schools are working within the same guidelines.
- It will help make better use of specialist support services.
- As resources are readily available to schools through the funding scheme, more children will have their needs met without the need for exceptional funding and/or an EHCP.
- It will reduce the need for statutory intervention.

6. Stage 4: Education, Health and Care Plan Finalised

- We will formally consult you, and then your child's school about the plan.
- We will also ask you if you want to take up a Personal Budget for any part of the plan where this might help achieve the agreed outcomes.
- A final signed plan will then be issued

6.1 Personal Budgets

What is a personal budget?

- From September 2014, families of children with the most complex special educational needs who have an Education, Health and Care Plan will have the right to request a personal budget.
- A personal budget is a clear amount of money per year allocated by a service or services (social care / health / education) as a direct payment.
- The availability of a personal budget will always be based on the support needs of your child in order to achieve an agreed set of outcomes.
- Outcomes are what we set out to achieve for your child through the Plan. They will be the basis for identifying what support is needed. They will also be the basis for reviewing the plan in an agreed time period. They will help all involved know how well the plan and the personal budget has helped your child achieve the agreed goals, and how the plan would need to change in the future.

- Personal budgets can provide your family with more choice, flexibility and control, helping you to live more independently and build resilience.

Who can have a personal budget?

- In some cases an Education, Health and Care Plan may not result in your child having personal budget because the supports needed cannot be paid for in that way. In other cases, your child may have a personal budget from more than one source, i.e. social care, education and/or health.
- In some circumstances, the choice of taking a personal budget may be withheld, e.g. for safeguarding concerns.
- Direct Payments do not count as income so they do not effect tax or benefits.
- If you don't want a personal budget, services will be delivered in the usual way.

Personal budgets for Education

Mainstream schools receive funding for children with SEN in three ways:

- 'Base' (or pupil) funding - this pays for classrooms and buildings.
- A 'notional' SEN budget allocated by formula - this normally pays for additional teachers or teaching assistants, specialist programmes and specialist services commissioned by the school.
- Any individual ('top-up') funding allocated through a statement / Education, Health and Care Plan.

It is the Government's view that funding to support personal education budgets:

- Can definitely come from funding provided from the high-needs block (individual or 'top-up' funding).
- Can possibly come from funding managed by an education provider ('base' and 'notional' funding), but only where the Headteacher is in agreement. In other words, there is no expectation that the school will release funding from its own budget, but there is the opportunity for a school to choose to do this if it is clear that this will be the best way to improve the outcomes for the child or young person agreed in their Plan.

Special schools

- Special school costs are normally based on agreed and fixed classroom staffing arrangements and programmes of intervention, so it would not normally be possible to release any 'top-up' funding for a personal budget.
- However, as for mainstream schools, it would be open for a school to consider this if this is requested by the parent and it is clear that this will be the best way to improve outcomes for the child or young person.

Personal budgets for Health

- The Government's aim is that in future, everyone who could benefit from one will have the option of a personal health budget. This commitment includes parents of children with special educational needs.
- From October 2014, the NHS will offer personal health budgets more widely - for example to those with long term health conditions or with mental health problems who could benefit.

- By April 2014, those eligible for NHS continuing healthcare will have the right to ask for a personal health budget. A personal health budget is an amount of money to support identified health and wellbeing needs, planned and agreed with the local NHS team.

Personal budgets for Social Care

- Personal budgets are available as an option to children and young people with severe and complex needs who have had a social work assessment which has identified a need for additional support.
- The personal budget can be spent in any way as long as it meets the child's needs and the outcomes identified in their support plan.
- The amount of money allocated for a personal budget is worked out through a social work assessment.

What you cannot spend a personal budget on?

- It sounds obvious, but personal budgets cannot be spent on anything that would put your child at risk of harm or on anything that would not clearly benefit them.
- It cannot be used to buy services from a LA, but a 'mixed' approach is possible, with your child's needs being met in part by a LA service and part by direct payments.
- As a general rule, a personal budget cannot be used to employ a family member who lives in the same household as your child, though there may be exceptional circumstances where a LA will agree to this.
- Families receiving Personal Health Budgets cannot use the funds for emergency GP services.

7. Stage 5: Review

- The EHC Plan will be reviewed at least annually (more frequently for very complex cases or younger children). The review will take place via a meeting that is usually arranged by your child's education placement for this purpose.

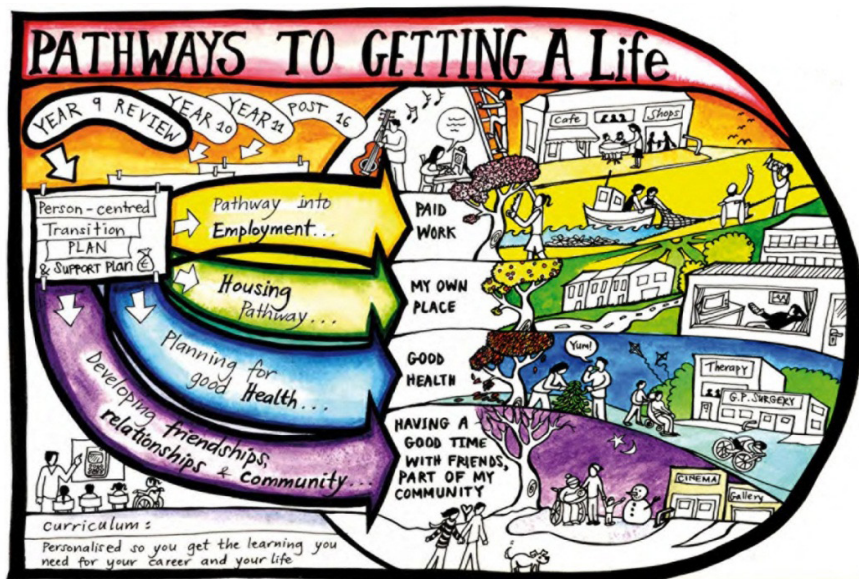
7.1 Preparing for Adulthood

What do we mean by Preparing for Adulthood?

- All young people and their families face big changes when a young person leaves school, and needs to make plans for their future. National guidance suggests that what young people want most is to 'get a life' and be part of their local community. This is the same for young people with SEND.
- Preparing for Adulthood is the strand of the new system that aims to support disabled young people move into adulthood with fulfilling lives. It focuses on young people aged 14 to 25: the age at which they start to work out what they want to do with their lives. This requires a shift in thinking for families and for those working with younger children too.
- Raising aspirations for people with SEND and planning services to help them reach their goals needs to start in a child's early years, or as soon as their additional needs come to light.

- The Preparing for Adulthood programme have identified four Preparing for Adulthood life outcomes, based on what disabled young people say is important to them as pathways to getting a life ...
 - o Paid employment
 - o Independent living
 - o Good health
 - o Community inclusion

These are the long-term outcomes that we will seek to reflect in all local EHCPs.



8. **How the Local Authority will work with you**

What you can expect of professionals in Islington when assessing your child’s needs and drawing up a plan.



Children and Young People's Participation

“Children who are capable of forming views have a right to receive and make known information, to express an opinion, and to have that opinion taken into account in any matters affecting them. The views of the child should be given due weight according to age, maturity and capability of the child.”

The United Nations Convention on the Rights of the Child, 1989

- There is a fine balance between giving a child a voice and encouraging them to make informed decisions, and over-burdening them with decision-making where they have insufficient experience and knowledge to make appropriate judgements without additional support.
- Where possible, children should participate in decision-making processes including:
 - o Setting learning goals and outcomes
 - o Contributing to assessment and planning
 - o Having discussions about choice of school and provision
 - o Contributing to review and progression planning

9. Information, Advice and Guidance

The law requires three levels of Service to be provided for parents:

9.1 Information, Advice and Guidance

- Local Authorities (Education and Social Care) and Health must make arrangements for children and young people with special educational needs and their parents to be provided with information and advice. This should be provided:
 - o At arm's length from the Local Authority and Health Services
 - o Free, accurate and confidential
 - o To help promote independence and self-advocacy
- Staff providing the information, advice and support should:
 - o Work in partnership
 - o Ensure the views of children, young people and parents inform policy and practice

Arrangements in Islington

Children's Centres, schools and other services working with families of children and young people with SEND will be able to offer valuable advice on many things.

The Local Authority and the Islington Clinical Commissioning Group jointly commission Family Action to deliver the **Islington SEND Community Support Service**.

The **Islington SEND Community Support Service** provides

- Information Advice and Guidance about SEN and disability related issues
- Disagreement Resolution on SEN and disability matters.

Where to find Islington SEND Community Support Service

Islington SEND Community Support Service
The Northern Health Centre
580 Holloway Road
N7 6LB

T 020 3316 1930

E islingtontend@family-action.org.uk

Further information

W www.islington.gov.uk/sendsupport

9.2 Disagreement Resolution

- Any disagreement regarding special educational needs assessment or provision should try to be resolved through disagreement resolution. This could be between parents/ young people with schools, colleges or the LA. The LA must make disagreement resolution services available to parents and young people. (Parents/young people can of course also use existing complaints procedures).

Disagreement Resolution is currently provided in Islington through the Islington SEND Community Support Service.

9.3 Mediation

- Mediation must be available to any parent or young person who is not happy with the final version of their Education Health and Care Plan. (Any disagreement about anything else is open to disagreement resolution, not mediation).

Level 1 – Mediation Advice

- Access to mediation must be via an independent Mediation Adviser, who can advise parents on what is involved, and can refer them (via the LA) to a mediation service. They can seek mediation about any of the three elements of their plan (Education, Social Care, Health).

Mediation Advice is currently provided by **Islington SEND Community Support Service** (see previous page of this leaflet for contact details).

Level 2 – Mediation Service

- The LA must commission a separate independent Mediation Service, which will provide the actual mediation for those who want it. If the parent/young person chooses to seek mediation, relevant representatives of the LA and Health must take part, and must be represented by people able to make a decision on behalf of their Authority.
- Parents must consider (though not necessarily take part in) mediation before they can appeal to the First Tier Tribunal. This must be certified by a Mediation Adviser before the Tribunal will accept the Appeal (see below).
- If the mediation concerning Social Care or Health is not successful, parents can pursue a complaint through the normal complaints process.

A Mediation Service is currently provided in Islington through Kids UK.

9.4 The First-Tier Tribunal (SEN and Disability)

The Tribunal (part of the First-tier Tribunal [Health, Education and Social Care Chamber]) hears appeals against decisions made by LAs in relation to children's EHC assessments and plans. It also hears disability discrimination claims against schools.

Who can appeal?

Parents (in relation to children from 0 to the end of compulsory schooling) and young people (over compulsory school age until they reach age 25) can appeal to the Tribunal about EHC assessments and EHC plans, following contact with a mediation adviser (see above). Young people can register an appeal in their name but can also have their parents' help and support if needed.

What parents and young people can appeal about?

Parents and young people can appeal to the Tribunal about:

- A decision by a LA not to carry out an EHC assessment (or re-assessment).
- A decision by a LA that it is not necessary to issue an EHC plan following an assessment.
- The description of a child or young person's SEN as specified in an EHC plan, the special educational provision specified, the school specified in the plan or that no school or other institution is specified.
- An amendment to the EHC plan.
- A decision by a LA not to amend an EHC plan.
- A decision by a LA to cease to maintain an EHC plan.

Parents and young people unhappy with decisions about the health and social care elements of an EHC plan can complain through the health and social care complaints procedures, but cannot appeal to the Tribunal.

Conditions of appeal

Parents can only appeal once the plan is finalised and must do so within two months of the LA decision (or Mediation, whichever is the later date). When the parent or young person is appealing about a decision to cease to maintain the EHC plan, the LA has to maintain the plan until the Tribunal's decision is made.

Tribunal powers

The Tribunal has prescribed powers under the Children and Families Act 2014 to dismiss appeals, order the LA to carry out an assessment, or to make and maintain an EHC plan, or to maintain a plan with amendments. The Tribunal can also order the LA to reconsider or correct a weakness in the plan, for example, where necessary information is missing.

Disability discrimination claims

The parents of disabled children and disabled young people in school have the right to make disability discrimination claims to the Tribunal if they believe that their child or the young person themselves have been discriminated against by schools. Claims must be made within six months of the alleged instance of discrimination. The parents of disabled children, on behalf of their children, and disabled young people in school can make a claim against any school about alleged discrimination in the matters of exclusions, the provision of education and associated services and the making of reasonable adjustments, including the provision of auxiliary aids and services. Claims about admissions to state-funded schools are made to local admissions panels.

Islington SEN Team

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