

 ***Request for advice for an Education, Health and Care Needs Assessment.***

***What do I do now?***

**CONFIDENTIAL guidance for Social Workers / Early Help**

***(Appendix: Managing Tribunals)***

**Agreed procedure in West Sussex for completing an EHCNA Statutory Request for Advice (Social Care / Early Help):**

1. Special Educational Needs Assessment Team (SENAT) send a request via the MASH when statutory advice is being requested.
2. If child or young person is known to a SW or an EH practitioner it will go to that allocated worker, who will complete the form below within six weeks of the original request.
3. If child or young person is not known to Children’s Social Care, the request for statutory advice will be sent to the CDT social worker based in the MASH. S/he will complete the form below within six weeks of the original request.
4. The CDT MASH social worker in consultation with her manager and/or ‘SEND Champions’ in the service, will consider whether a Social Care Assessment is required at this point.
5. Should an assessment be needed, this will be screened in the same way as any referral to MASH and will be passed to Early Help, A&I or CDT.
6. The allocated social worker or Early Help practitioner would then complete the request for statutory advice within six weeks of the original request
7. Allocated worker to use guidance below when completing the statutory request for advice.

**Why am I being asked for advice?**

* **The Special Educational Needs and Disability Regulations 2014:**
* **6.**—(1) Where the local authority secures an EHC needs assessment for a child or young person, it must seek the following advice and information, on the needs of the child or young person, and what provision may be required to meet such needs and the outcomes that are intended to be achieved by the child or young person receiving that provision—
* (e)advice and information in relation to social care;

**Beyond the Statute….**

* The Education, Health and Care Needs Assessment is a process that requires consideration of the child in a holistic manner. Whilst they must have a special **educational** need for the assessment to be appropriate it will be most effective and result in the most appropriate outcomes for the child/young person where the SEN Assessment Team are fully aware of all areas of need. The experience for the family will also be far more positive where they can see services working in a joined-up manner to consider the child/young person’s needs and provision.

**What do I need to do?**

* You need to complete the form that came with the request for advice.
* **IMPORTANT – You need to complete this and return it to the SEN Assessment Team within 6 weeks of the request.**
* This is a statutory deadline which enables timely assessment of the child/young person and a key performance indicator that the Local Authority is judged against.

**What is the SEN Assessment Team asking for?**

* The attached guidance provides information about what we need on our form.
* In summary we need to understand the child’s needs from a care perspective, details of any assessments that have taken place, details of support being provided and of the outcomes you are seeking for the child/young person by putting this support in place.
* If they have a personal budget details of this personal budget are also essential.

**Common pitfalls:**

* It is important that all advice providers remain within their professional remit. As a care assessor and provider for the child/young person it is important you provide information relating to your assessment/knowledge of the care needs and provision in place and what may be required in the future.
* You can comment on how the child/young person’s needs impact on their life and how they are managed/supported at home but you should avoid recommending education or health provision that falls outside of your professional remit.

**Any questions**

* If you have any questions do not hesitate to contact the SEN Assessment Team. Contact details will be on the request you receive and are also on Mosaic.

**SOCIAL CARE ADVICE FOR** 

**EDUCATION HEALTH AND CARE NEEDS ASSESSMENT (EHCNA) GUIDANCE**

**A description of what we are seeking in each section can be found in red font including helpful hints at the bottom.**

To carry out an EHCNA the local authority must gather advice from relevant professionals about the child or young person’s special educational, health and social care needs, desired outcomes and the provision that may be required to meet these. The local authority must take into account the views, wishes and feelings of the child, child’s parent or the young person, advice and information from a range of education, health and social care professionals as detailed in Section 9.49 of the Code of Practice for Special Educational Needs 0-25 (2014).

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| **Please ensure you complete section 1 fully.** |
| 1. **Name of child/young person:**
 | **Date of Birth**: |
| **Address**: | **Name of setting/school**: |
| **Who has Parental Responsibility?** |  |
| 1. **Background Information**

**Please provide details of current or recent (i.e within the last 6 months) involvement of social care services****What is the nature of the social care involvement (Early Help, Child and Family Assessment, Child in Need, Child Protection, Looked After, Adult Social Care Plan)** |
| 1. **The child or young person’s social care needs that relate to their special educational needs**
2. Is the child a Child in Need under Section 17 Children Act 1989?
3. Child/young person’s (under 18 yrs) social care **needs** that require provision under section 2 of the Chronically Sick and Disabled Person’s Act 1970.

**This section must specify any social care needs which relate to the child or young person’s SEN or which require provision for a child or young person under 18 under section 2 of the Chronically Sick and Disabled Persons Act 1970. You might need to give clearer instructions here and an example eg a child who has carers in the home to support them with personal care or is attending holiday clubs to support with their social integration and to provide parents with some breaks from caring etc**1. Social care **needs** that are subject to a current plan i.e. Early Help, Child in Need, Child Protection, Looked After, Adult Social Care Plan.

**This section should specify other social care needs which are not linked to the child or young person’s SEN or to a disability. This could include reference to any child in need, child protection plan, Child Looked After care plan or Pathway plan which a child may have relating to other family issues such as neglect. This will help the child and their parents manage the different plans and bring greater co-ordination of services.****Inclusion must only be with the consent of the child and their parents.** 1. Where the child/young person is not already known to social care (including Early Help), appropriate consideration of the pupil’s needs must take place to confirm whether or not social care assessment is required to inform the EHC needs assessment.

**It is important that we take a view at this point from the available information whether an assessment by social care is needed. It may be evident that the family have little support and are struggling to manage the child’s behaviour, for example. It is not appropriate to just say ‘not known’. If it is evident that the main need is around additional support required in school and that the family have a lot of resources in place, then we can cite this as our reason for not considering that an assessment is needed at this point.** |
| 1. **The desired outcomes for the child or young person and when to be achieved**

**When considering appropriate outcomes for this section you should consider that outcomes should:**  **Be SMART (Specific, Measurable, Achievable, Realistic and Time-Limited);**  **Be person-centred rather than service-led;**  **Link clearly to the identified needs and Provision.**  **Focus on preparing the young person for adulthood.** **In addition to this you should specify how often and by whom the outcomes would be reviewed.**  |
| 1. **The social care provision reasonably required for the child or young person, that relates to their special educational needs**
2. Any social care **provision** that may be made for a child under the age of 18 years under section 2 of the Chronically Sick and Disabled Person’s Act 1970 (H1)

**Within this section you should be specifying the social care provision which must be made resulting from section 2 of the Chronically Sick and Disabled Persons Act 1970 and the outcomes that it aims to achieve.** **Provision can include the following:**  **practical assistance in the home**  **provision or assistance in obtaining recreational and educational facilities at home and outside the home**  **assistance in travelling to facilities**  **adaptations to the home**  **facilitating the taking of holidays**  **provision of meals at home or elsewhere**  **provision or assistance in obtaining a telephone and any special equipment necessary**  **non-residential short breaks (included in Section B1 on the basis that the child as well as his or her parent will benefit from the short break)** 1. Social care **provision** reasonably required as a result of the child or young person having special educational needs (H2)

**Social care provision reasonably required may include provision identified by Early Help, Child in Needs assessments and Safeguarding assessments for children. This will include any adult social care provision reasonably required to meet eligible needs for young people over 18 set out in an adult care and support plan under the Care Act 2014 (including where this is to be secured by a Personal Budget). It can also include any other social care provision required that is not linked to their learning difficulties or disability but appropriate and relevant to the EHC Plan.****Provision must be related to the outcomes described in section 4.** |

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| **Name/Title of person completing the advice:** | **Service/Agency:** |
| **Address** | **Telephone**:**Email**: |
| **Signature:** | **Date advice completed:** |

**Helpful Hints:**

**The following points should be considered:**

 **Professionals should limit their advice to areas in which they have expertise.**

 **Bullet points should be used to help keep writing succinct.**

 **All of the young person's social care needs must be specified and should set out needs that are easy to identify.**

 **Care should be taken not to confuse needs with provision**

**Appendix 1: SEND Tribunals Procedure for Social Care**

On occasions there may be a request for advice or input in relation to a SEND Tribunal <https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>. This is where a parent is appealing decisions made by the Local Authority in respect of the EHCP process, whether a refusal to assess, refusal to issue an EHCP or an aspect of the proposed plan. This can include appeals that require consideration of social care needs.

A similar approach will be taken to how West Sussex manages statutory requests for advice.

**Procedure as follows (where Social Care are required to be part of the appeal):**

1. Legal contact MASH to alert to a Tribunal matter that may relate to social care needs.
2. A Team Manager from SENAT may also make the initial contact via MASH where there is a potential social care need that is relevant to the Tribunal.
3. The notification goes to the allocated SW or EH practitioner if open to CSC.
4. If not open or known, MASH CDT SW screens for threshold decision.
5. In principle, all children in West Sussex who are involved in SEND Tribunals **that require consideration of social care needs** will be offered an assessment by CSC as good practice.
6. An assessment is completed by Early Help, A&I or CDT depending on level of need.
7. Relevant social care team members will remain involved with appeal proceedings as required and work with SENAT and Legal Services to ensure a collaborative approach to the appeal.
8. SEND Champions**\*** to be contacted for advice at any stage of this process.

**\*Currently Justin Colman, Service Lead for CDT, Caroline Lees, Service Manager for CDT. Others to be developed across CSC**