Guidance for the provision of **Social Care** advice for Education, Health, Care Needs Assessments (EHCNAs)

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**Introduction**

The purpose of an Education, Health and Care Plan (EHCP) is to make special educational provision for the child or young person, to secure the best possible outcomes for them across education, health and social care and as they get older help prepare them for adult life. The majority of pupils with SEND will have their needs met from the resources ordinarily available in mainstream schools – this is called School Support. A small proportion (just over 3% of the pupil population) will require provision to be made through an EHCP.

There is a process associated with issuing an EHCP. It starts with a request to consider assessment ordinarily made by the child/young person’s educational setting (although parents can also make a request). All requests are considered at the Education Health Care Needs Assessment (EHCNA) Consideration Panel. If an assessment is agreed (there is e-learning on the learning gateway regarding this) key agencies will be contacted requesting their advice. This guidance has been written to support the Social Care elements of this assessment once agreed.

This guidance is aimed at **everyone** who could be asked to provide social care advice for an Education, Health and Care Needs Assessment (EHCNA), for example (but not limited to), youth workers, family support workers, family service workers and social workers from both Children and Adult Services. It’s aim is to assist you to provide good quality social needs advice for the child or young person that you know or are working with.

Everyone needs some kind of support for their social care needs. For many children and young people that support is provided by friends, family and local groups, for example universal services, youth groups or community groups. At times it may be necessary for particular support to be provided through services delivered or commissioned by West Sussex Local Authority, for example services within our Short Breaks Local Offer.

Identifying the social care needs of a child or young person with a disability does not necessarily require an assessment by a social worker. In most cases needs can be met through universal services or early help without the need for a formal assessment, provided there is a good understanding of those needs and families have access to clear information about what support is available and how to get it. These will be outlined in the local offer or other community resources i.e swimming classes, Brownies, Cubs, Beavers, after school clubs, special school clubs, SEND specific activities like Flipout or Leisure Centre special events.

The legal definitions may be helpful for anyone wanting to improve their understanding of the child/YP’s social care needs, this is contained in the link below under Annex A (page 36)

[https://councilfordisabledchildren.org.uk/sites/default/files/field/attachemnt/socialcare \_implementationofcfa2014\_online.pdf](https://councilfordisabledchildren.org.uk/sites/default/files/field/attachemnt/socialcare_implementationofcfa2014_online.pdf)

# Requests for input into Plans (direct request)

All requests for social care input come from the Special Educational Needs Assessment Team (SENAT) once a decision has been made to undertake an Education Health and Care Needs Assessment.

Please see page 11 for agreed process in a flow chart. For further information please use hyperlink below for further guidance on TriX.

https://proceduresonline.com/trixcms1/media/7687/social-care-advice-for-ehcna-guidance-revised-june-2020-jh-002.docx

Social Workers/Early Help Advisors

Once the request has been received you **MUST** return your completed advice **WITHIN 6 WEEKS**. This is a legal requirement under Section 31 of the Children and Families Act 2014. This is to ensure adherence to the legal time frame within which an EHCP must be completed and issued to the child or young person and their parents. If you are late with your advice it is likely to have a detrimental impact on West Sussex LA ability to issue the EHCP within the statutory **20 weeks**. This may in turn result in a delay to the child or young person’s needs being appropriately met, which we all want to avoid. Please also note that any information/reports you send will be put in the Annex of the EHCP. Therefore careful consideration is needed regarding data protection and what needs to be shared. I.e. a child protection conference report is not appropriate as holds information about the whole family and not just the child/young person.

# Developing an understanding of social care needs

Engaging children, young people and their parents or carers is the starting point for establishing social care needs. This engagement may have already taken place as part of your ongoing relationship or work with the child or young person.

There may have already been an assessment either through the Children and Families Assessment (CFA) completed by a social worker, where the needs of the child or young person may already be known or through an Early Help plan or /My Plans for children with Children with Disabilities team.

You may wish to look at the link below. Annex B on page 39 provides useful information on how assessments, processes and plans link to the EHC needs assessment process and or an ongoing EHC Plan

[https://councilfordisabledchildren.org.uk/sites/default/files/field/attachemnt/socialcare \_implementationofcfa2014\_online.pdf.](https://councilfordisabledchildren.org.uk/sites/default/files/field/attachemnt/socialcare_implementationofcfa2014_online.pdf)

You may also want to consider the following questions:

What is important to the child or young person?

* What do they do outside of school? Do they see their friends; attend groups, clubs or activities? What are their hobbies or interests? Where do they go to do these things? Do they face any challenges or barriers accessing these activities?
* What is going well for the child or young person and their family?
* What support do they receive from family, friends, community members and other professionals?
* What do the child, young person and family find difficult, challenging or stressful? What is not working well?
* Is the child or young person safe at home and in the community? Do they feel safe?
* Has the family had any previous assessments or involvements?
* Does the family know how to access the ‘Local Offer’ and Family Information Service?

Accessing the ‘Local Offer’ and signposting children, young people and their families to the services contained within the ‘Local Offer’ is an important task to undertake for anyone developing social care advice for the EHC and then recording this within the social care section of the plan itself.

Please use below link to access West Sussex local offer:

<https://westsussex.local-offer.org/>

# The Education, Health and Care Plan (Section D)

Once you have received the request for advice from the SEND Team or as part of the EHCP Annual Review you are only required to provide information relating to the parts of the EHC Plan that relate specifically to social care needs (Section D).

Within Section D, you should record all of the needs that you have identified. Please avoid compiling a list; remember this is the child or young person’s plan and they need to understand what you have written.

Examples provided by the Council for Disabled Children include :

***Adam*** *(12 years old) finds it difficult to engage in social activities as he cannot easily recognise social cues. This results in him being socially isolated outside the structure of the school day.*

***Toby*** *(18 years old) has a learning disability and is at the early stages of developing his adult independence skills. He understands how to use public transport but not how to maintain personal safety while using it. He has little understanding of how to manage his money and is at risk of others taking advantage of him.*

***Matthew*** *(14 years old) has Down Syndrome and finds it difficult to express himself. This can result in challenging behaviour in the home and in the community and is very difficult for his family to manage. He can have periods requiring both parents to contain his behaviour if he does not feel safe.*

***Kian’s*** *(6 years old) behaviour at home arising from his learning difficulties and autism means that there are times when his personal safety and that of his sibling can be at risk*

***Emma*** *(11 years old) has extremely limited mobility, as described within the health needs section. This means that she faces significant challenges in joining in with social activities of her choosing, including family outings and holidays.*

# The Education, Health and Care Plan (Section H1) – to be completed by Social Worker if open to Children’s Social Care or Early Help.

One of the pieces of legislation that enables the local authorities to deliver social care support to disabled children is Section 2 of the Chronically Sick and Disabled Person’s Act 1970 (CSDPA1970).

Any support that is being delivered in relation to the needs that you have identified in Section D that are being delivered under this legislation **must** be recorded within H1.

You should set out exactly what the support is, where it is taking place, how often it takes place and when it will be reviewed. The services that can be delivered under the CSDPA 1970 are broad and include support at home, support across the community and help with adaptations to the home. It is worth noting that overnight short break support is not delivered under CSDPA 1970 so should not be recorded in this section (please see H2).

*H1 will predominantly include Child In Need plans for children receiving support due to their disability needs.*

***Only for children aged 0 – 18 years. No overnight care. Include Social Care Direct Payments (for children allocated to the Children With Disability Team (CWD).***

Examples, some of which are provided by the Council for Disabled Children:

***Anna*** *(16 years old) will receive two hours per day help at home from a personal assistant to support feeding and dressing/undressing. The time will be split across morning and afternoon and be provided 7 days per week. This will be funded via a direct payment through the Children with Disabilities*

*Team*

***Amir*** *(12 years old) will have his home adapted to provide a lift from the ground floor to the first floor and for a walk in shower. This will be provided from a Disabled Facilities Grant and organised by the Occupational Therapy service.*

***Maria*** *(5 years old) will access Early Help Individual Payments (EHIPs) of £650 and purchase an annual pass to her local trampoline club. Maria will be able to access ‘rebound therapy’ and 60 group sessions over the next 12 months. The EHIP will be provided by the Short Breaks Team and managed through the pre-paid card process.*

*This will be reviewed in line with Maria’s re-application for Disability Living Allowance.*

***Jack*** *(10 years old) will access the specialist summer scheme operated by one of our commissioned providers through our ‘Local Offer’. Jack will attend every day for half the day; this will also provide his parents with a break from their caring responsibility.*

***Mike*** *(10 years old), Mike’s family and his short breaks worker will plan an individual activity programme for him which will give him access to a range of leisure activities away from his family home. Planning will be completed by the last week of the summer term to ensure that he has activities during the summer holidays.*

*The activity programme will consist of:*

* *One activity per week for two hours delivered on a one to one basis.*
* *One activity per month within a group setting of children with similar needs to Mike. This will be accessed via our commissioned services.*

# The Education, Health and Care Plan (Section H2)

This section relates to support delivered outside of the CSDPA 1970. This will include that is provided under the Children Act 1989, for example overnight short break support, cared for and child protection support, as well as some early help support. Support that is provided under the Care Act 2014 for young people who have eligible needs for care and support from adult services, must also be recorded in this section.

 Examples, some of which are provided by the Council for Disabled Children:

***Marcus*** *(14 years old) will receive 76 overnight short breaks at an independent residential short break provision in Cheadle. As this is over the 75 night threshold, Marcus will become a looked after child for the purpose of short breaks under Section 20 of the Children Act 1989. His case will remain allocated within the Children with Disabilities Social Work Team and he will be allocated an Independent Reviewing Officer, who will review his care plan in line with the ‘looked after procedures.*

*This will be funded via a direct invoicing arrangement and be paid for by the Children with Disabilities Service.*

(This is an example and funding arrangements may be different and just need to be identified and made clear. )

***Alan*** *(19 years old) will have his accommodation adapted to give him:*

* *A self-contained bedroom with a walk in shower.*
* *Storage space for the equipment that he uses on a day to day basis*

*This will be commissioned through Occupational Therapy by the Adult Learning Disabilities Team.*

***John*** *(17 years old) will work with his social worker from the Children with*

*Disabilities Team and his identified worker from adult services to identify two community based activities for him to take part in on the days that he is not at College.*

***Joanna*** *(13 years old) will be provided with 12 overnight short breaks within our own Short Break Foster Carer in Congleton. Joanna, her parents, the foster carer and the foster carers supervising social worker will agree the dates of these overnight breaks, however they should be on an approximate monthly basis. This will be funded through the fostering team and reviewed in 12 months.*

It is worth highlighting that there may well be situations where children and young people have support recorded in both H1 and H2, for example:

*In addition to his 76 overnights at Together Trust in Cheadle,* ***Marcus*** *also receives 6 hours support per week, via a personal assistant who helps with his personal care needs for 3 hours on a Saturday and Sunday*

*This equates to 312 hours support per year, which is a personal budget of £3,238.56. This is provided by the Children with Disabilities Service and will be reviewed in 6 months.*

TOP TIP : all overnight care, and any adult care needs to go in H2.

# The Education, Health and Care Plan (Section J)

Where there are specific requests from the parent or young person over the age of 16 for a personal budget to be defined within the EHCP the SENAT team will consider this. You should provide any details of a personal budget already agreed by social care (as demonstrated in the examples above).

**Frequently asked Questions:**

***Is there any training to help me as I’m still not sure what to do?***

There is SEND eLearning on West Sussex learning gateway and there will be some more training launching in the new Autumn term.

There is also free e-learning you can access through the Council for disabled children. The courses have been developed to improve knowledge, understanding and practical skills and support in range of key areas that impact children and young people, particularly those with special educational needs and disability.

<https://councilfordisabledchildren.org.uk/cdc-learning>

***Who can I ask for help ?***

Please contact the SENAT worker linked to your child on mosaic. They will be happy to help you.

SEND champions are currently being identified across Children Social Care and in the Autumn, drop in sessions for advice will be launched.

Contacting the MASH Children with Disability Social Workers who sit in the Integrated Front Door.

***What happens if a child/YP isn’t in school and not receiving any support and doesn’t have a plan ?***

If a child is not attending school there could be a variety of reasons for this and a range of supportive approaches ordinarily available to support that situation.

You can find further information here:

https://westsussex.local-offer.org/information\_pages/480-support-at-school-for-my-child-young-person

***Parent/carers want my advice regarding a EHCA or certain school placement ?***

Even though your intentions will be to try and offer support to the child, YP and parent it is absolutely not within Social Care’s role to make recommendations on educational placements or level of support needed in their educational setting. It is clearly stated in the SEND Code of Practice 2015, that professionals should limit their advice to areas in which they have expertise.

The type of educational placement or supportive approaches required within a setting are decisions which the SEN Assessment Team will make. To do this they will consider the holistic picture of the child provided through the assessment or annual review process – which is why it is so important that all professionals contribute their relevant professional view to the process.

SENAT have two panels which operate to make key decisions:

 – the EHC Needs Assessment Consideration Panel – which considers the suitability of EHC needs assessment

* The SEN Panel – which considers more complex and potentially costly decisions such as additional funding for a setting or request for an independent school.

Both panels have regular representation from a range of educational professionals as well as parent/carer representatives (via the West Sussex Parent/Carer Forum) and on a less frequent basis social care and health colleagues attend.

The EHCP is a legal document which requires the education specific elements to be delivered by law. There are various points where an appeal against the decisions reached can be undertaken by families. This is explained at each stage in writing through letters issued by the SEN Assessment Team.

This tribunal process can make legal directions around the educational elements of an EHCP, it cannot make legal direction around health and care elements but it can make recommendations through a special type of appeal called the ‘Single Route of Redress’. If these recommendations are not delivered by the Local Authority the family could raise a further challenge about this which could be subject to Judicial Review.

It is imperative that all professionals remain within their professional remit when contributing to all these processes. If a Social Worker or indeed any professional has made recommendations supporting an EHCNA, EHCP or type of placement that is used as evidence in a tribunal, the author of the report may be called to attend the tribunal hearing to explain their position.

To protect yourself as professionals and reduce confusion for families, please refrain from making recommendations about the need for an EHCP or for a specific educational setting. If a family is asking for support on this, explain you cannot comment on whether a child needs an EHCP or specialist setting as this is decided by the SEN Assessment Team, however you can contribute through a social work report to help them understand the needs and support the child is receiving from your service’s perspective.

West Sussex SENDIAS (SEND Information, Advice and Support) Service provides information, advice and support to children and young people who have special educational needs and/or disabilities and to their parent carers. Please signpost parents to this service who can talk to them about their rights under the SEND Code of Practice.

SENDIAS details:

<https://westsussexsendias.org/>

Advice and support can be offered on the telephone (0330 222 8555), and by email: send.ias@westsussex.gov.uk

Myself and the SENAT team manager are more than happy to come to team meetings to explain the process and legal framework that the whole LA (including social care teams) have to work under as set in the SEND Code of Practice further and answer questions should this be helpful. Please let me know if this would be something you would like to pursue by contacting me on: natalie.mcneill@westsussex.gov.uk



Produced by:

Natalie McNeill 07.10.21

Designated Social Care Officer (DSCO), SEND Commissioning

In consultation with West Sussex SENAT team, Legal services, Social care representatives, other DSCO’s, CDC and WSPCF.

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

Special Educational Needs Assessment Team (SENAT) send a request via the MASH (mosaic episode EHC needs assessment episode) when statutory advice is being requested.

 If a child/YP is known to Early Help

If child or young person is currently MASH SW complete the K13,

 known to a SW the episode but this is under review.

will be sent to that allocated

worker. The worker will complete

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.

 K13 of the form within

six weeks of the original request.

Social Workers may want to share what type of plan the chid/YP is on but please think carefully what you share and relevance as any information past to the SENAT service will be added as an Annex to the EHCP (if issued).

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 form information shared. If assessment is not needed information to families of universal offers and the assessment offer will be sent by email. 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 Child with Disability Team.

This guidance has been developed using the following legislation:

* The Children and Families Act 2014

<https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/359681/Young_Person_s_Guide_to_the_Children_and_Families_Act.pdf>

* The Chronically Sick and Disabled Person’s Act 1970 <https://www.legislation.gov.uk/ukpga/1970/44/enacted>
* The Special Educational Needs and Disability Code of Practice: 0-25 years, Department of Education and Department of Health, January 2015

<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

* The Care Act 2014

<https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#general-responsibilities-and-universal-services>

* Working Together to Safeguard Children 2018 <https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>

The SENAT team have 20 weeks to complete the assessment. A copy will be uploaded to Mosaic, please do not delete any steps related to SEND education as these are working steps. There are EHCP yearly reviews that Social Workers need to attend and best practice would be to co-ordinate these meetings with Social Care review meeting.