

SENsational Families

EHCP – Social Care

The Education Health and Care (EHC) Needs Assessment requires the local authority (LA) to seek advice and information about your child's social care needs.

When the Needs Assessment is being carried out, the LA must seek social care advice and information¹ (social care advice is provided by the LA). This information must include your child's needs and what provision may be required to meet such needs and the outcomes that the provision should bring about for your child.

Children Act (1989): all children who are disabled under the Children Act 1989 definition, are considered to be a 'Child in Need' (CiN). Most children with SEN (about 85%) will be considered disabled. You can ask for this assessment (under section 17) as part of your Needs Assessment, or at any other time.

Chronically Sick and Disabled Person's Act (CSDPA) (1970): where the LA determines that provision is required under this Act, it **must** provide it. An assessment under the Children Act determines what is necessary, but LAs can also agree to make provision, such as daytime Short Breaks, without you having to have a full Social Work assessment.

Not all children will require social care provision. Any social care provision which educates or trains a child or young person is to be treated as special educational provision², and must be written into section F of the EHCP.

EHCP: If your child is under 18, the EHCP must state any social care provision which must be made under the CSDPA and, any social care provision reasonably required for your child's SEN which is not made under the CSDPA can also be written in. If your child has a CiN or Child Protection plan, information about your child's *needs* can only be written in if you agree.

Local authorities **must** offer direct payments for social care services³. This does not mean you have to have a direct payment, you can ask the LA to arrange for the provision and pay for it directly.

The local authority must not seek new advice if existing advice is agreed by the LA and you as being suitable for an EHCP⁴. Remember though, any advice and information must include a description of your child's needs, provision and outcomes. If it does not, it will not be suitable and new advice and information must be sought.

¹ Special Educational Needs and Disability Regulations 2014, reg 6(1)(c)

² Children and Families Act 2014, s21(5)

³ Special Educational Needs and Disability Code of Practice 2015, s9.123

⁴ Special Educational Needs and Disability Regulations 2014, reg 6(4)