

Requesting an EHC needs assessment: Letter P – request made by parent for child and when young person lacks capacity

All of the parts of this letter in bold will need to be changed or deleted so that they are relevant to your situation.

Once you have prepared your request, you should email it to one of the following (it will be forwarded on to the correct team if necessary):

Aylesbury: senaylesbury@buckinghamshire.gov.uk

Wycombe: senwycombe@buckinghamshire.gov.uk

Chiltern and South Bucks: sencsb@buckinghamshire.gov.uk

[Your address and contact details]

Integrated SEND team
Buckinghamshire Council

[Date]

Dear **[Sir or Madam]**,

[Child or young person's name], DoB [date of birth]: Request for EHC needs assessment

I am writing as the parent of the above child to request an assessment of their Education, Health and Social Care needs under section 36(1) of the Children and Families Act 2014.

OR

I am writing as the parent of the above young person **to** request an assessment of their Education, Health and Social Care needs under section 36(1) of the Children and Families Act 2014. X lacks the mental capacity to make this request, so I am making it as their 'alternative person'.

[Child / young person's name] currently attends **[name of school/college / is out of school/college]**.

I understand that the test that the LA must apply in considering this request is contained in section 36(8) of the Children and Families Act 2014 and has two parts.

Part one of the test is that the child or young person has or may have special educational needs.

[Delete the paragraphs below which are not applicable:]

[Child / young person's name] has already been identified as having special educational needs by **[name of school / college]**. They identified them as:

[List the SEN already identified by school/college and provide any supporting evidence – for example reports from school/college or professionals. You can also add any other needs that you think your child has which have not yet been identified by your school/college.]

[Or:]

I feel that **[child / young person's name]** has or may have special educational needs because:

[List the reasons why you feel your child has SEN and any evidence you have to support what you are saying – for example school reports, evidence of exclusions, and letters from any medical or other experts.]

Part two of the test is that it may be necessary for special educational provision to be made for the child/young person through the issuing of an EHC plan.

My reasons for believing that **[child / young person's name]** may need an EHC plan are:

[List any reasons you have which show why you think that an EHC plan may be needed to support the child or young person in education or training. If you can, it would be helpful to provide evidence that the school may not be able to provide the support the child or young person needs out of their own resources. Examples include a need for specialist teaching, individual support beyond what the school can provide, therapies from external specialists, or specialist equipment, bespoke learning programmes, independent living skills provision, travel training. Evidence could include reports from professionals or the school/college recommending particular support, and/or evidence that the child or young person is not making progress despite the school or college putting interventions in place.]

The two-part test outlined above is the only test to be applied under the law. I understand that it would be unlawful for a local authority to apply a higher threshold for accessing an EHC needs assessment. Furthermore, this legal test is different to that which must be applied in the decision about whether or not to issue an EHC plan. I believe that the local authority should carry out an EHC needs assessment to determine the full extent of **[child / young person's name]**'s needs.

[If this request is for a young person aged 18 or over] I also understand that for young people 18 and over Section 36 (10) of the Children and Families Act says that the Local Authority must also consider:

*whether the **young person requires additional time**, in comparison to the majority of others of the same age who do not have special educational needs, **to complete their education or training***

[Young person's name] has not completed their education or training because: **[give reasons]**

The education/ training they need to complete is: **[list what they need to learn – this does not need to lead to a qualification. E.g. it could be small steps in managing money, keeping safe, communicating with others.]**

Their long-term goal is: **[what they want to be later on -e.g. career, volunteering role, living as independently as possible]**

[If young person is 19 years or older] Without an EHC plan **[Young person's name]** will not be able to complete their education and training because they will no longer be funded to remain in education.

I would like you to seek advice from the following people, who are involved.

[List the people involved, giving addresses where necessary]

I will forward further information in due course.

I understand that you are required by law to reply to this request within six weeks, and that if you refuse, I will be able to appeal to the First-tier Tribunal (Special Educational Needs and Disability).

Yours faithfully,

[Your name]

