

## EHC Needs Assessment Eligibility Guidance

The London Borough of Bromley works closely with educational settings and other partners to ensure that children and young people (CYP) with special educational needs and disabilities (SEND) can access the right support at the earliest possible opportunity.

All pre-schools, schools and colleges are expected to meet the needs of CYP with SEND and strive to be fully inclusive. Most children and young people with SEND receive support through high quality teaching/practice and interventions and provision offered at 'SEN Support' level, without the need for an Education, Health and Care Plan (EHCP).

Educational settings follow a Graduated Approach to meeting needs, using an **Assess; Plan; Do; Review** process. This is outlined in the SEND Code of Practice 0-25 (2015)<sup>1</sup> – statutory guidance published by the Department for Education (DfE).

Educational settings must make reasonable adjustments<sup>2</sup> to avoid disadvantage and ensure CYP can access learning and development. CYP with medical needs<sup>3</sup> should be supported with their physical and mental health to remain healthy and achieve their potential.

**It is essential to ensure that every relevant reasonable adjustment, intervention and high quality teaching/practice have been put in place at SEN Support level, in support of a CYP's learning, care and health needs.**

### The Importance of High Quality Teaching and Practice for CYP with SEND

**Special educational provision is underpinned by high quality teaching and is compromised by anything less.'** *SEND Code of Practice 0-25 (2015)*

Every teacher is a teacher of SEND. Teachers are responsible and accountable for the progress and development of the pupils in their class, including where pupils access support from teaching assistants or specialist staff. High quality teaching, adapted for individual pupils, is the first step in responding to pupils who have or may have SEND. A range of resources, support and guidance is available to all Bromley professionals

High quality teaching involves daily decisions on the following elements: positive classroom organisation, carefully planned resources, strong lesson structure/delivery, behaviour management and optimal deployment of any support staff. Progress for all pupils is achieved by adjusting, adapting and assessing based on each CYP's strengths and needs.

#### What is high quality practice in an Early Years setting?

The EYFS (Early Years Foundation Stage) requires that all children are allocated a keyworker. Practitioners must consider the individual needs, interests, and development of each child in their care, and must use this information to plan and adapt a challenging and enjoyable experience for each child in all areas of learning and development. In planning and guiding what children learn, practitioners must reflect on the different rates at which children are developing and adjust their practice appropriately. It is important that early delays or difficulties lead to the right sort of help and are not necessarily regarded as an indication of a long-term special educational need or disability. The SEND Code of Practice states that if a child's progress in any prime area gives cause for concern, practitioners must discuss this with the child's parents and/or carers and agree how to support the child.

<sup>1</sup> See: Department for Education Statutory Guidance [SEND Code of Practice 0-25 \(2015\)](#)

<sup>2</sup> 'Many children and young people who have SEN may have a disability under the Equality Act 2010'. Education settings '**must** make reasonable adjustments...to ensure that disabled children and young people are not at a substantial disadvantage compared with their peers. This duty is anticipatory'. *SEND Code of Practice 0-25*

<sup>3</sup> Bromley's [Medical Needs Policy](#) sets out guidance in meeting statutory medical needs guidance

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## Identifying SEND

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If a child or young person is not making good progress, despite high quality teaching, the teacher/practitioner will work with the SENCo to assess if they may have SEND. Settings will gather evidence, including the views of parents/carers and CYP and keep parents informed at each stage. Support should be put in place immediately and not wait for the outcome of assessments. The teacher/practitioner remains responsible and accountable for the CYP's progress and development.

If, following assessment a CYP is identified as having SEND the SEND Code of Practice 0-25 (2015) states that teachers/practitioners are required to remove barriers to learning and put effective special educational provision in place through SEN support.

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## How does SEN Support work and what is a 'Graduated Approach'?

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How much help and the type of help a child/young person is given will be based on their individual assessed needs. It is important to remember that support is based on needs and not diagnosis.

A Graduated Approach has a cycle of four stages of action: **Assess; Plan; Do; Review** (APDR) which are set out in the SEND Code of Practice 0-25 (2015)

**Assess:** This starts the process by assessing/ analysing a child/young person's needs and identifying what support they might need

**Plan:** A plan is made about what support to give a child/young person, when it should be given and what outcomes it should achieve

**Do:** This means putting into practice the support that is in the plan

**Review:** A review of how things are working and if the outcomes are being achieved. The review will inform and lead on to the next plan and the cycle continues as long as a child/young person needs the extra support.

The graduated approach *'draws on more detailed approaches, more frequent review and more specialist expertise in successive cycles in order to match interventions to the SEN of children and young people'* SEND Code of Practice 0-25 (2015).

Cycles of Assess; Plan; Do; Review are best evidenced in robust provision maps, reviewed over time. For more information on the SEND Graduated Approach click [here](#).

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## What support is available to education settings without an EHCP?

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Schools can seek enhanced support for CYP through a Pupil Resource Agreement (PRA), which is a non-statutory plan setting out needs and provision. PRAs can enable a CYP's needs to be met over a finite period and provide more time to assess whether these needs are sustained and enduring.

Pre-school children may be eligible for SEN Inclusion Funding (SENIF) to meet emerging needs.

A comprehensive set of resources, support and guidance is available to SENCos and other professionals on [Bromley Education Matters](#).

## Eligibility for an Education, Health and Care Plan (EHCP) in Bromley

**Before an EHC Needs Assessment Request is submitted, it is essential to ensure that all reasonable adjustments, interventions and high quality teaching/practice have already been put in place at SEN Support level and there is evidence to prove that it is not working in addressing the individual support needs.**

In Bromley, we hold panel meetings to consider whether children and young people may require an Education Health and Care Needs Assessment. These panel meetings consist of professionals across agencies who work with children and young people. They will review and discuss the documentation that has been submitted, whether it is from an educational setting or a parent, or another professional working with a child/young person. The panel will also consider whether the child or young person's needs can be better met through a Pupil Resource Agreement or other ways to support settings without needing an EHC Plan.

In reaching a decision the panel will make particular reference to the Special Education Needs and Disabilities Code of Practice 0-25 (January 2015) which states:  
***9.14 In considering whether an EHC needs assessment is necessary, the local authority should consider whether there is evidence that despite the early years provider, school or post-16 institution having taken relevant and purposeful action to identify, assess and meet the special educational needs of the child or young person, the child or young person has not made expected progress.***

Each individual case will be reviewed on its own merit.

To inform their decision the local authority will need to take into account a wide range of evidence, and will pay particular attention to:

- evidence of the child or young person's academic attainment (or developmental milestones in younger children) and rate of progress:
- information about the nature, extent and context of the child or young person's SEND
- evidence of the **Assess; Plan; Do; Review** actions already being taken by the setting to meet the child or young person's SEND and where this has not been successful. Typically, three cycles of APDR and reviewed provision maps will provide robust evidence. APDR cycles may not be necessary for a very high complexity of need.
- evidence that, where progress has been made, that it has only been as the result of significant additional intervention/support over and above [Ordinarily Available Provision](#)
- evidence of the child or young person's physical, emotional and social development and health needs, drawing on relevant evidence from clinicians and other health professionals and what has been done to meet these by other agencies, and
- where a young person is aged over 18, the local authority must 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, achieve their education and training outcomes and prepare for adult life.

Settings will be requested to provide evidence regardless of who made the request. Guidance is available to education settings on the evidence which will be considered:  
Schools/colleges: [Pre-submission checklist for SENCos](#)  
Early Years: [Bromley Early Years Providers SEN Toolkit](#)

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