

**Principles
and practical advice for
professionals writing
statutory advice for
Education, Health and
Care needs
assessments**



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1.0 Introduction

This guidance has been written for professionals providing statutory advice for Education, Health and Care (EHC) needs assessments. This is the assessment process as set out in the Special Educational Needs and Disability Code of Practice 2015. The assessment determines if a child or young person requires an Education, Health and Care plan (EHCP) to meet their needs. You will be asked to provide advice by the Local Authority and you have 6 weeks from the date of the request to submit your advice.

This guidance has been produced to provide a common framework and to support professionals when they have been asked to provide advice. It is hoped that advice writers will find this guidance succinct and relevant to their professional role. There has been a focus throughout on primary sources of evidence and examples from practice.

Advice submitted must be relevant to the area of expertise, and remit of the professional contributing. Any advice required related to health and social care, will be commissioned from relevant professionals.

2.0 Context

2.1 Families say, as part of an EHC needs assessment they want:

- To see that professionals have listened to their views and included those views in their written advice;
- To see that the assessment/planning/intervention process starts with what young people and families want and need, not with what services typically do or deliver;
- Reports that are written primarily for parents, carers and young people to read: jargon-free, personal, as brief as possible, with unambiguous professional opinions, advice and conclusions and specific recommendations regarding needs and provision.

2.2 The Special Educational Needs and Disability (SEND) Code of Practice

The SEND Code of Practice states that children, young people and their families must experience the assessment and planning process as a partnership leading to the co-production of the EHC plan.

In particular,

'The local authority must gather advice from relevant professionals about the child or young person's education, health and care needs, desired outcomes and special educational, health and care provision that may be required to meet identified needs and achieve desired outcomes.' (Paragraph: 4.4).

'The evidence and advice submitted should be clear, accessible and specific. They should provide advice about outcomes relevant for the child or young person's age and phase of education and strategies for their achievement. The local authority may provide guidance about the structure and format of advice and information to be provided. Professionals should limit their advice to areas in which they have expertise. They may comment on the amount of provision they consider a child or young person requires and local authorities should not have blanket policies which prevent them from doing so.'
(Paragraph 9.49)

'Advice and information requested by the local authority must be provided within six weeks of the request, and should be provided more quickly wherever possible, to enable a timely process. (This is subject to the exemptions set out in paragraph 9.42.)'

(Paragraph 9.52)

3.0 Guiding Principles

3.1 Quality First Teaching

Quality First Teaching is a high quality, inclusive teaching style for all children and young people which is aimed at ensuring all learners can receive instruction from the teacher and not from a teaching assistant outside of the classroom.

Quality First Teaching is indicated in the 2015 government document **Special educational needs and disability Code of Practice: 0 to 25 years**. The Code of Practice (2015) focuses on what schools can do to support those with additional needs. Chapter 6.37, pg. 99:

'High quality teaching, differentiated for individual pupils, is the starting point in responding to pupils who have or may have SEN. Additional intervention and SEN support cannot compensate for a lack of good quality teaching. Schools should regularly and carefully review the quality of teaching for all pupils, including those at risk of underachievement. This includes reviewing and, where necessary, improving, teachers' understanding of strategies to identify and support vulnerable pupils and their knowledge of the SEN most frequently encountered.'

Ordinarily available provision is what is made for children whose special educational provision can be reasonably provided from the resources ordinarily available to the school. The SEND Code links high quality teaching with ordinarily available provision, explaining in para 6:15 that ".....higher quality teaching ordinarily available to the whole class is likely to mean that fewer pupils will require such support."

Schools should assess each pupil's current skills and level of attainment on entry, building on information from previous settings and key stages where appropriate. At the same time, schools should consider evidence that a pupil may have a disability under the Equality Act 2010 and, if so, what reasonable adjustments may need to be made for them.

3.2 Person-centred planning

For professionals writing advice about an individual, person-centred planning means that the assessment should be conducted as far as possible according to the individual's needs and wishes. Assessments should be conducted in a manner that takes account of the individual's needs and wishes; enables them to express their views; enables them to understand what is being done and proposed; and describes the individual as far as possible in terms that they would choose to describe themselves. Person centred planning should have the person's aspirations and outcomes at the heart of the process. Aspirations are longer term and outcomes should be identified which will support children and young people to go on to meet their aspirations.

The 'golden thread' linking outcomes, needs (the barriers to achieving the outcomes) and the provision (what is needed to help the child or young person address their needs and achieve their outcomes) should be evident in advice provided. **It is important to remember that an EHC plan is only required if special educational needs require specialist educational provision which is over and above that which would ordinarily be available in the educational setting for all children and young people.** The advice should help with the decision making with regards to the needs identified and the provision required to meet the outcomes.

3.3 Outcomes-focused

From the SEND Code of Practice:

'EHC plans must be focused on education and training, health and care outcomes that will enable children and young people to progress in their learning and, as they get older, to be well prepared for adulthood. EHC plans can also include wider outcomes such as positive social relationships and emotional resilience and stability. Outcomes should always enable children and young people to move towards the long-term aspirations of employment or higher education, independent living and community participation.'

(Paragraph 9.62).

An outcome can be defined as the benefit or difference made to an individual as a result of an intervention. It should be personal and not expressed from a service perspective; it should be something that those involved have control and influence over, and while it does not always have to be formal or accredited, it should be **Specific, Measurable, Achievable, Realistic and Time bound (SMART)**

Outcomes are not a description of the service being provided – for example the provision of three hours of speech and language therapy is not an outcome. In this case, the outcome is what it is intended that the speech and language therapy will help the individual to do that they cannot do now and by when this will be achieved.'

(Paragraph 9.64)

When agreeing outcomes, it is important to consider both what is important to the child or young person – what they themselves want to be able to achieve – and what is important for them as judged by others with the child or young person's best interests at heart. In the case of speech and language needs, what is important to the child may be that they want to be able to talk to their friends and join in their games at playtime. What is important for them is that their difficult behaviour improves because they no longer get frustrated at not being understood.

(Paragraph 9.65)

Outcomes underpin and inform the detail of EHC plans. Outcomes will usually set out what needs to be achieved by the end of a phase or stage of education in order to enable the child or young person to progress successfully to the next phase or stage. An outcome for a child of secondary school age might be, for example, to make adequate progress or achieve a qualification to enable him or her to attend a specific course at college. Other outcomes in the EHC plan may then describe what needs to be achieved by the end of each intervening year to enable him or her to achieve the college place. From year 9 onwards, the nature of the outcomes will reflect the need to ensure young people are preparing for adulthood. In all cases, EHC plans must set out clearly the special educational provision that will enable the outcomes to be achieved.

(Paragraph 9.66)

3.4 Co-production

The SEND Code of Practice states the Local Authority needs to ensure 'that children, young people and parents feel they have participated fully in the process and have a sense of co-ownership.

(Paragraph 4.9)

Co-production does not mean that professionals have to give advice that always agrees with and supports young people and their families' wishes and aspirations. It is entirely credible and acceptable that professional advice will disagree or diverge from what a young person wants, but where this happens the professional should refer to this disagreement, explain how it has arisen and justify their own position.

Common feedback has identified the following:

- A poor quality plan might be written based on good professional advice, but a good plan cannot be written based on poor professional advice.
- Advice should be outcomes-focused, and not provision-focused e.g. "Janette will be able to play with a group of friends of her own age" should be the focus, rather than "Janette needs a social skills programme".
- Practitioners should understand the difference between submitting a report and providing advice – advice includes conclusions and recommendations for provision.

4.0 Identifying links between Needs/Outcomes/Provision

4.1 Provision

Section F of the EHC plan includes special educational provision, i.e. the support, intervention and resources needed to enable the CYP to meet all the needs described in Section B, achieve the outcomes set out in Section E and move towards their aspirations.

Special educational provision is defined as "provision that is different from or additional to that normally available to pupils or students of the same age, which is designed to help children and young people with SEN or disabilities to access the National Curriculum at school or to study at college" (CoP, p 285).

This can be in relation to:

- Modifications to the curriculum
- Environment, facilities, equipment and resources
- Staffing arrangements

Provision must be detailed and specific and should normally be quantified, for example, in terms of the type, hours and frequency of support and level of expertise, including where this support is secured through a Personal Budget. Provision must be specified for each and every need specified in section B. It should be clear how the provision will support achievement of the outcomes. Where health or social care provision educates or trains a child or young person, it must appear in this section (CoP Section 9.69).

The specificity of Section F is derived from the advice provided - advice and contributions to the EHC Plan should be clear on the provision and interventions needed to meet the outcomes and should also include the details of who/where/how often/for how long.

Professional advice may not give enough specification or quantification. Often information regarding 'how often' provision should be available is not provided, or vague words are used, such as "as appropriate", "as required", "regular" or "periodic". "The real question ... is whether [the statement] is so specific and so clear as to leave no room for doubt as to what has been decided and what is needed in the individual case": L v Clarke and Somerset [1998] ELR 129.

4.2 Identified Areas of Needs

All of the child or young person's identified special educational needs must be specified across the four areas of needs as relevant:

- Communication and Interaction
- Cognition and Learning
- Social, Emotional and Mental Health
- Physical and Sensory
- A SEN is a learning difficulty or disability which requires special educational provision. Special educational provision is educational or training provision that is additional to, or different from, that made generally for others of the same age in ordinary schools or other settings, or any educational provision for a child under two.
- Each and every SEN must be specified, whether it is to be provided for by the school/FE college, the LA, the health service or any other provider.
- If the same broad area of need requires more than one type of provision it must be split into more than one need e.g. gross motor difficulties, fine motor difficulties. A judge has compared this section to a list of symptoms, each of which must be answered by an item in the list of special educational provision.

4.3 Specifying Outcomes

For professionals writing statutory advice the best approach to advising on outcomes will be to start with an understanding of the achievable outcomes the individual is aiming for; then to specify the provision that will be needed to make this happen.

The overarching aim of any outcome is to move the child or young person towards their aspiration. Think of outcomes as steps on the journey towards the aspirations.

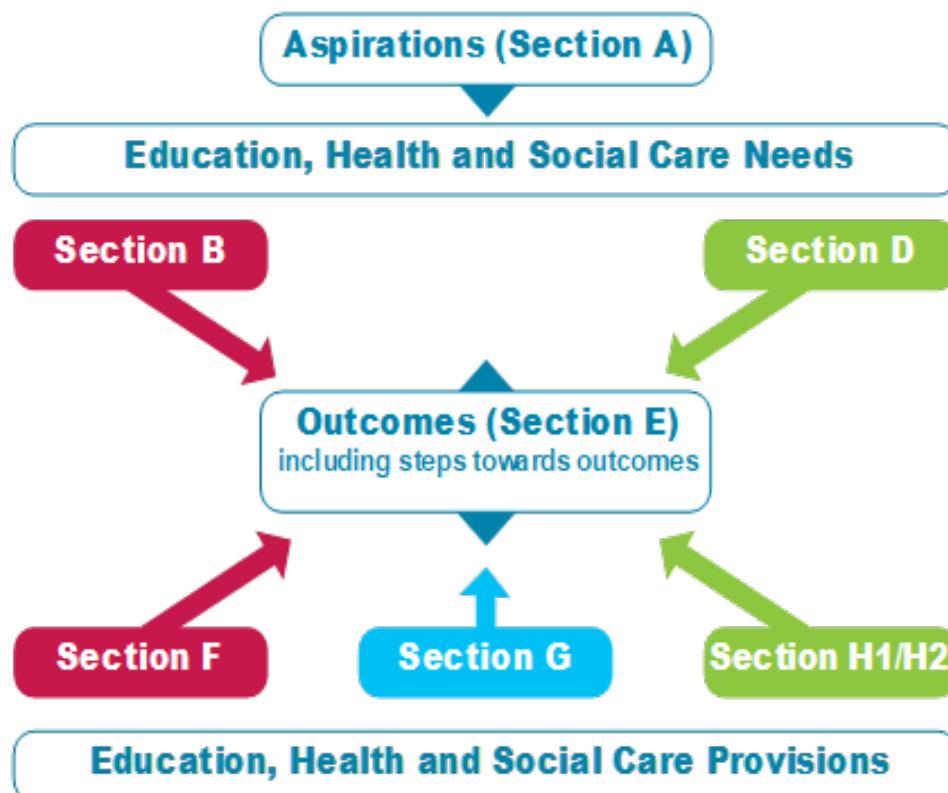
This is accomplished by:

- Building on what is working well for the individuals and their family
- Focusing on changing things that are not working well
- Addressing needs -writing a good outcome takes practice

It involves following a number of steps to gather information, integrating the different perspectives of all the relevant people and then working together to produce a personalised and meaningful outcome.

The link through from aspiration to provision and back again should be obvious (the golden there should be a range of outcomes over varying timescales, covering education, health and care as appropriate but recognising that it is the education and training outcomes only that will help determine when a plan is ceased for young people over 18. Therefore, for young people aged over 17, the EHC plan should identify clearly which outcomes are education and training outcomes.

See para 9.64 of the Code for more detail on outcomes. There must be a clear distinction between outcomes and provision. The provision should help the child or young person achieve an outcome; it is not an outcome in itself.



5.0 Outcomes

5.1 Some tips for writing outcomes

Outcomes should state clearly what the benefit is for the child or young person.

A good example of an outcome is 'for my friends to be able to understand me so that I can join in with their games at playtime' or 'to be able to buy my ticket and travel on the bus by myself.'

X This is not an outcome: 'to improve intelligibility when speaking'.

Outcomes should be expressed from the child or young person's perspective, rather than the adults and professionals.

A good example of an outcome is: 'Emily will get dressed by herself by 8.00 am, so she can catch the bus at 8.30 am with her friends'

X This is not an outcome: 'to provide Emily with mobile technology assistance to support independent morning life skills'

Outcomes should be important to the person and measurable.

A good example of an outcome is:

'Sam will move around the school building independently ready for his transition to secondary school.' X
This is not an outcome: 'To improve my independence.'

It is neither specific to the CYP nor measurable. We have no way of judging whether it has been achieved. We do not know what being independent looks like or feels like to this CYP, or why it is important to them.

5.1 What is a SMART Outcome?

An Outcome should be **SMART**

- **Specific** – to that CYP, not a generalised target that could apply to anybody with a similar category of need
- **Measurable** – this does not just mean 'progress can be evidenced using a standardised test!' How can the individual demonstrate that the outcome has been met? Is it clear what 'success' looks like? How do we see the 'difference or benefit' made? In addition to the usual assessment regime, NASEN (Wilcox, 2015) suggests a range of creative options: interviews; self-completion tools – surveys, diaries, tests; group discussion; observation; photographs, drawings, videos; social media including blogs, podcasts and video storytelling, and social network sites
- **Achievable and Realistic** – is provision in place to support the development of the CYP towards their aspiration by achieving the outcome? Is it something that those involved have appropriate influence and control over?
- **Time bound** – have you identified an appropriate time scale (see earlier question)

How long a time period should an 'Outcome' be written for?

Outcomes written for an EHCP will usually set out what needs to be achieved by the end of a phase or stage of education e.g. 'By the end of Key stage 1'.

The Department for Education advises that 'long term' is best understood as a period of a few years, perhaps the end of the current Key Stage in a child's education or a transition point between the current school and the next phase of education.

At the same time professionals must not lose sight of children's and families' realistic aspirations that go beyond this time frame. Even for very young children, parents often express their ambitions in terms of adult living and choices, and they want education, health and care support to be informed by this, and professional advice to have a view on it.

5.3 How to test your Outcome

The 'so that' test can help determine if you have a good outcome. When writing your outcome, the benefit or difference that it will make to the CYP (the 'so that') should be explicit. If this is not the case, then ask yourself whether this is an outcome.' If you have 'so that' written in your outcome, it is what comes after that that is the 'benefit or difference' i.e. the outcome. If you do not use the words 'so that', ensure that the 'benefit or difference' is explicit.

5.4 Separating Outcomes from Provision

These are all statements of provision, NOT outcomes

- Simon will receive 15 minutes of targeted individual word-level literacy support each day
- Simon will require a daily speech and language programme focussing on comprehension of instructions containing three key items of information
- Simon needs an individual daily visual timetable that is discussed with him at the start of each day by a member of staff
- Simon will remain under review by the community paediatrician
- Simon should be assessed by the occupational therapist
- Simon should have a Circle of Friends intervention set up and run by a teaching assistant

5.5 Moving from Outcomes to Provision

Examples of the progression from outcomes to steps to outcomes and their link with specific Provision

Outcome	Provision
By the end of Key Stage 2 Simon will be able to describe, explain and control his own behaviour at age appropriate levels so that he can be educated alongside his peers and achieve age appropriate learning achievements.	Simon will receive weekly small group support led by a suitably experienced TA focussed on understanding thoughts, feelings and behaviour. This work will be supervised by a qualified teacher and be linked to objectives seeking to develop Simon's social interaction skills in the classroom and during unstructured times at school. The impact of this work will be monitored on a daily basis by key staff working with him.
By the end of Key Stage 2 Simon will have developed age appropriate spoken and social interaction skills, enabling him to join in play and work cooperatively with others.	School to explain and discuss this target with Simon and then monitor his progress in small group activities that occur as part of the differentiated class curriculum across the year. Parents will be aware of this target and supported by school in drawing Simon's attention to it as appropriate at home. All staff working with Simon will be aware of this target and take all available opportunities to raise Simon's awareness of his skills in this area and provide him with specific praise for his efforts to improve.
By the end of Key Stage 2 Simon will be able to walk independently so that he can do the things he enjoys and have fun with his family and friends.	A programme aimed at developing mobility as recommended by the physiotherapist and delivered by the teacher and support staff for 30 minutes per day monitored by the physiotherapist termly.
By the time Simon is at the end of year 6 he will be able to follow instructions containing 4 key words in a small group situation to enable him to become independent in his learning.	Programme developed and monitored by the speech and language therapist termly. Delivered by teaching staff 3 times per week for 20 minutes. Breaking down instructions into small parts, asking them to repeat the instruction, use of visual aids e.g. objects, symbols and photos

Top Tips

Do Say	Don't Say
<p>Parents / School/Sam have expressed concerns about Sam's education for the following reasons....</p> <p>My assessment indicates that Sam would benefit from</p> <ul style="list-style-type: none"> • Daily opportunities to work with an adult to support him to remain focussed on tasks due to his ADHD • Small group work on a regular basis to reduce Sam's anxiety • Adult support to mediate social interactions to support Sam's social interaction difficulties etc. <p>You CAN describe the</p> <ul style="list-style-type: none"> • Child/young person's needs and difficulties <p>But NOT</p> <ul style="list-style-type: none"> • What mechanism it will be provided by (EHCP, additional funding, transport by the Local Authority) • What type of school / how much support is needed 	<p>I fully support school in applying for an EHCP</p> <p>Sam needs to attend a 'XXX' school</p> <p>Sam needs access to specialist educational provision</p> <p>Sam needs an EHCP</p> <p>Sam needs transport to and from school</p>

The SEND Team may have internal discussions with you to seek your professional opinion on the type of placement, school places and transport, but this opinion should not be recorded within advice submitted