WHAT SHOULD YOU EXPECT FROM PROFESSIONAL ADVICE RELATED TO EDUCATION, HEALTH AND CARE PLANS?

This document refers to
SEND provision in England only

Introduction

An Education, Health, and Care Plan (EHCP) is a legally binding document that outlines the educational, health, and social care support that a child or young person with Special Educational Needs or Disabilities (SEND) requires. The EHCP process begins with a request for a needs assessment and if an EHCP is issued following this assessment, it continues through annual reviews to ensure that the plan remains effective in meeting the child's or young person's evolving needs.

Professional advice will be obtained within an initial Education, Health and Care Needs Assessment (EHCNA) process and subsequently once an Education, Health and Care Plan (EHCP) is in place and is being reviewed.

This DSA information resource has been written so that parents/carers know what professional advice might be obtained and the standards to which that advice should adhere to. It sets out the role of professionals in EHCP processes and what their advice should contain.

It is important to recognise that each child or young person who has Down's syndrome is an individual, and the advice that is secured relating to their education, health and care needs and provision will be unique to them.

Timely and person-centred assessments are crucial in developing an effective EHCP. Delays in receiving professional advice or providing generic recommendations that do not fully consider the child's or young person's unique circumstances can lead to inadequate support, hindering their development and well-being.

What does the SEND Code of Practice say?

The SEND Code of Practice (2015) provides clear guidance on the expectations surrounding professional advice:

> *9.21 Local authorities **must** consult the child and the child's parent or the young person throughout the process of assessment and production of an EHC plan. They should also involve the child as far as possible in this process. The needs of the individual child and young person should sit at the heart of the assessment and planning process.*
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> *9.46 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.*
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> *9.48 Decisions about the level of engagement and advice needed from different parties will be informed by knowledge of the child or young person held by the early years provider, school or post-16 institution they attend. For example, if the educational provider believes there are signs of safeguarding or welfare issues, a statutory social care assessment may be necessary. If there are signs of an underlying health difficulty, a specialist health assessment may be necessary.*

As well as having a duty to seek input from the child/young person and their parents, with appropriate information, advice and support to enable the child/young person and their parents to express their views and wishes, the SEND Code of Practice 9.49 states that the Local Authority must seek advice from:

- ***the manager, headteacher or principal of the early years setting, school or post-16 or other institution attended by the child or young person.*** *Where this is not available the authority must seek advice from a person with experience of teaching children or young people with SEN, or knowledge of the provision which may meet the child's or young person's needs. Where advice from a person with relevant teaching experience or knowledge is not available and the child or young person does not attend an educational institution, the local authority must seek educational advice and information from a person responsible for educational provision for the child or young person;*

- *An **educational psychologist** who should normally be employed or commissioned by the local authority. The educational psychologist should consult any other psychologists known to be involved with the child or young person;*

- *Medical advice and information from **health care professionals** with a role in relation to the child's or young person's health. This includes speech and language therapists, occupational therapists and physiotherapists who are all health care professionals;*

- *For **visual or hearing impairment,** educational advice and information must be given after consultation with **a person who is qualified to teach pupils or students with these impairments***

- ***Social care** advice and information from or on behalf of the local authority, including, if appropriate, children in need or child protection assessments, information from a looked after child's care plan, or adult social care assessments for young people over 18;*

- *advice and information related to provision to assist the child or young person in **preparation for adulthood** and independent living (from Year 9);*

- *Advice and information from **any person requested by the child's parent or young, where the local authority considers it reasonable to do so.** For example, a GP or other health professional (note: this may include independent professionals where appropriate);*

- *Any other advice and information which the local authority considers appropriate for a satisfactory assessment.*

This advice **must be provided to the local authority within six weeks of the request** (more quickly if possible) unless in exceptional circumstances such as missed appointments, a period of absence from the area, exceptional personal circumstances affecting the child/young person or their family, or the educational institution being closed for more than four weeks. Should this happen, you should be informed that the exemptions apply and the reason for the delay.

Delays should be kept to a minimum. All remaining elements of the process **must** be completed within their prescribed periods, regardless of whether exemptions have delayed earlier elements.

Everyone who has been asked to provide advice **must** also be given copies of representations and evidence submitted by the child's parent or the young person themselves.

It is important to note that within the Code of Practice, where it states **'must'** this is an absolute legal duty that must be followed and cannot be ignored. Where it states **'should'** this means that the guidance contained in the Code must be considered and that those who must have regard to it will be expected to explain any departure from it.

What should professional advice include?

It is important that professionals adopt a person-centred approach, where professionals and local authorities ensure that children, young people and parents are involved in all aspects of planning and decision-making.

Any new assessments needed should be organised in a way that minimises demands on the child/young person and their family.

Reports should use clear ordinary language and images rather than professional jargon.

Processes must ensure that learners who use different forms of communication still have a full opportunity to participate in decision making and planning. For learners who have Down's syndrome, professionals might consider producing an Easy Read or video report that can be understood by the learner themselves.

For learners who have Down's syndrome, depending on the individual, advice could be obtained relating to their:

- Learning needs related to their learning disability/cognition
- Speech, language and communication needs
- Social skills
- Behaviour
- Sensory needs
- Additional diagnoses eg. dual diagnosis with autism
- Social, emotional and mental health
- Vision
- Hearing
- Sleep
- Continence
- Fatigue - eg. related to Thyroid, Coeliac, OSA, Leukaemia
- Skin conditions
- Puberty - eg. menstrual pain
- Musculoskeletal health - eg. bones, joints, muscles, ligaments, tendons and connective tissues
- Health issues related to cardiac, respiratory, infections etc.
- Diagnostic overshadowing
- Healthy eating and exercise
- Vulnerability - eg. safety in the community or in relationships with others

This is not an exhaustive list. The advice sought from professionals will depend on the individual learner and not every child or young person who has Down's syndrome will need to have advice related to each of the needs listed above.

The purpose of the advice is to support local authorities to assess an individual pupil's needs and to produce high quality EHCPs for those who it has assessed as needing one.

This advice should be updated annually by professionals working with your child to help inform the local authority's decision about whether the EHCP should be updated/maintained/ceased at the annual review.

What does good quality advice look like?

- Evidence and advice submitted by those providing it, should be **clear, accessible and specific.**
- Advice **should include outcomes** relevant for the child or young person's age and phase of education and strategies for their achievement.
- Professionals should **limit their advice to areas in which they have expertise.**
- Professionals 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.

All professionals should act within their own knowledge, skills and experience when providing advice to local authorities.

Professionals already working with the learner and their family will often be best placed to provide the advice required. Many learners who have Down syndrome will already be under the care of a paediatrician or receiving therapy, meaning that further assessments may not be required as advice can be provided based on the existing relationship with the child and their family.

It is important that the views and experiences of learners who have Down syndrome and their families are considered in all steps of assessment processes.

Professionals should outline the impact of needs on accessing education (or training for young people) and should then recommend provision that will remove barriers to learning to support the learner to achieve their agreed outcomes and personal aspirations.

Recommendation for provision should always be based on the individual learner's needs and not what services are currently available.

If health or social care provision 'educates or trains' then it **must** be classed as special educational provision within an EHCP.

Please use QR code below to access digital version of this document with clickable links

Useful resources

Professionals have access to a range of guidance to support them in producing their advice, which you might find useful to be aware of, including:

- Guidance for Speech and Language Therapists
- Guidance for Educational Psychologists
- Council for Disabled Children - social care advice
- Council for Disabled Children - examples of good practice for EHCP content
- NDTi - Writing good Preparation for Adulthood outcomes

The following documents from the Down's Syndrome Association can be downloaded from our website:

- Down's syndrome resources for education - including good practice recommendations
- Down's syndrome resources for health and social care - including health condition/issue specific information and resources, as well as social care resources

The DSA can provide assessment and advice that is tailored to an individual learner's specific needs. Our Speech and Language Therapy Assessments explore all aspects of a learner's speech, language and communication skills, and associated cognitive skills (for example, attention and listening, memory, problem-solving, play), following which a written report will be provided with recommendations for type and frequency of speech and language therapy. See our website for further information.

If you need further help and support in relation to the Education, Health and Care Needs Assessment or annual review processes, you can contact the Down's Syndrome Association by telephone 0333 121 2300 (10am-4pm) or by email info@downs-syndrome.org.uk.

We would be very happy to assist you.

DOWN'S SYNDROME ASSOCIATION
your expert education partner
you can count on us