

## Education Health Care Plan Requests

### Legal Duty

Local authorities have a duty under Section 17 of the Children Act 1989 to safeguard and promote the welfare of 'children in need' in their area, including disabled children, by providing appropriate services to them. These services might include short breaks for parent carers, equipment or adaptations to the home. The courts have held that local authorities have to assess all children who are or may be 'in need' – so there is a duty to assess any child who is, or might be, disabled. Where there is an EHC needs assessment, it should be a holistic assessment of the child or young person's education, health and social care needs. EHC needs assessments should be combined with social care assessments under section 17 of the Children Act 1989 where appropriate.

All assessments should be child centred, focused on outcomes, transparent, timely and proportionate to the needs of each child. The maximum timeframe for a social care assessment to conclude that a decision can be taken on next steps is 35 working days from the point of referral following an assessment. If services are to be provided ( following assessment) there should be a 'child in need plan' which sets out who is going to do what, where and when to help the child. Help and support should be given to the child and family as soon as a need is identified and not wait until the completion of an EHC needs assessment.

Local authorities with their partners should develop and publish local protocols for assessment which should set out how the needs of disabled children will be addressed in the assessment process and clarify how statutory social care assessments will be informed by and inform other specialist assessments including EHC needs assessments leading to an EHC plan.

This is a request under the Childrens and Families Act 2014 for a Children & Families Assessment under section 17 of the Children Act 1989 and is part of the EHC needs assessment process. Social care are required in law to respond to this request within **6 weeks** through the provision of a report, whether a section 17 assessment is to be completed or not. The report is to be completed on the provided template and must be completed focussing on social care needs, outcomes and provision.

**Children's Social Care is required in law to provide the information and advice within 6 weeks of the EHCP request being received.**