



## A Guide to EHC Needs Assessments

Applying for an Education, Health and Care (EHC) needs assessment can feel overwhelming, especially if you're not sure where to start or what your rights are. This guide is designed to help you feel informed, confident, and in control of the process.

In this guide, you will find clear information on:

- When an EHC needs assessment may be needed
- Who can apply and your legal rights
- Statutory timescales for each stage of the process
- What happens during the EHC needs assessment
- How to prepare for the EHC needs assessment
- Key questions to think about when writing your request
- A practical evidence checklist
- A template EHC needs assessment request letter
- A clear EHC needs assessment timeline checklist

### When an EHC Needs Assessment May Be Needed

An Education, Health and Care (EHC) needs assessment may be needed when a child or young person is experiencing ongoing difficulties that are affecting their learning, development, or daily life, and the support available through SEN Support is no longer enough. This might show as slow or limited progress despite interventions, increasing emotional distress, anxiety, school avoidance, behaviour linked to unmet needs, or growing gaps between your child and their peers.

An assessment should also be considered where a child needs specialist professional input, such as from an educational psychologist, speech and language therapist, occupational therapist, paediatrician, or mental health services, and those needs cannot be met through ordinary school resources.

You do not need to wait for a formal diagnosis to apply. What matters is the impact of your child's needs.

An EHC needs assessment may also be necessary if your child's attendance is being affected, if they are at risk of exclusion, if they are unable to access learning full-time, or if their needs are making daily school life overwhelming or unsafe. Equally, if your child is approaching a key transition point - such as moving to secondary school, post-16 education, or adulthood and their needs are complex, this is often an important time to request an assessment.

## **Your Legal Rights and the EHC Needs Assessment Process**

### What Is an EHC Needs Assessment?

An Education, Health and Care (EHC) needs assessment is the legal process a local authority must follow to decide whether a child or young person needs an Education, Health and Care Plan (EHCP). A request for an assessment can be made by a parent, a young person over 16, or someone acting on behalf of a school or post-16 institution. This right is set out in [Section 36\(1\) of the Children and Families Act 2014](#).

Parents do not need permission from the school to apply. Anyone with parental responsibility has the legal right to make a request directly to the local authority.

### **The Legal Test the Local Authority Must Apply**

A local authority must carry out an EHC needs assessment if:

- a) the child or young person may have special educational needs, and
- b) it may be necessary for special educational provision to be made for them through an EHC plan.

This legal test comes from [Section 36\(8\) of the Children and Families Act 2014](#). This is a low legal threshold - you do not have to prove that your child definitely needs an EHCP, only that they may need one.

### **The 6-Week Decision Deadline**

Once the local authority receives your request for an assessment, they must notify you of their decision within 6 weeks. This duty comes from [Regulation 5 of the Special Educational Needs and Disability Regulations 2014](#).

This notification must also include:

- Whether the assessment will go ahead
- Your right to appeal if the assessment is refused
- Information about mediation
- Details of support and information services

If the local authority decides not to assess your child, they must write to you explaining clearly:

- That they are refusing to assess
- The reasons for the refusal
- What your rights are next

This legal duty is set out in [Section 36\(5\) of the Children and Families Act 2014](#).

### **What Must Happen During an EHC Needs Assessment**

If the assessment is agreed, the local authority must seek professional advice from specific people, including anyone that the parent or young person reasonably requests. This includes Educational Psychology, health professionals, and social care where relevant. This duty applies to reassessments as well and is set out in [Regulation 6\(1\)\(h\) of the SEND Regulations 2014](#).

When another professional body (for example, an Educational Psychologist, speech and language therapist or Occupational therapist) is asked to provide advice as part of the assessment, they must cooperate and provide that advice within 6 weeks of the request. This legal requirement comes from [Regulation 8\(1\) of the SEND Regulations 2014](#).

### **The 20-Week Legal Deadline for the Whole Process**

From the date the local authority receives your request for an assessment, to the date the final EHCP is issued, the entire process must be completed within 20 weeks. This legal requirement is set out in Regulation 13 of the SEND Regulations 2014.

After the assessment is completed, the local authority must notify the parent or young person whether it:

- Intends to issue an EHC plan, or
- Has decided not to issue one

They must also explain the reasons for that decision. This duty is set out in [Section 36\(9\) of the Children and Families Act 2014](#).

### **When Delays Are (and Are NOT) Lawful**

Delays to EHC needs assessments are only lawful in very limited situations, including:

- Exceptional personal circumstances
- The child or parent being out of the area for 4 weeks or more
- Missed appointments for assessment
- The educational setting being closed for at least 4 weeks

This is confirmed in [paragraph 9.42 of the SEND Code of Practice 2015](#).

Local authorities often say assessments are delayed due to:

- Staff shortages
- Waiting lists
- Difficulty accessing Educational Psychologists

These are NOT lawful reasons for delay. Lack of staff, funding pressures, or service capacity is not a legal excuse. If the local authority cannot meet its duties using its own staff, it must secure advice another way

Where a local authority fails to meet its legal deadlines, it can be found at fault.

### **Making the Most of the EHC Needs Assessment: How to Prepare**

An EHC needs assessment is your opportunity to make sure your child's needs are fully understood and properly recorded. The more clearly those needs are evidenced, the stronger the foundation will be for any future support or an EHC plan. Preparing in advance can make a real difference to how effective the assessment process is.

Start by gathering together everything that shows how your child's needs affect them in daily life. Try to build a clear picture of what school (or college) looks like on a typical day for your child. Written examples are especially helpful including:

- Reports
- Emails
- Behaviour logs
- Your own notes

When professionals are involved in the assessment, be honest and detailed in what you share. You know your child best, and your input carries real weight. If your child has good days and bad days, make sure professionals understand the full range of their needs - not just what is seen in a short observation. If your child can mask their difficulties at school but struggles at home, this should be clearly explained.

If your child or young person is able to share their own views, encourage them to do so in a way that feels safe and appropriate for them. Their feelings about school, friendships, stress, anxiety, or learning are highly important and should form part of the assessment evidence.

Finally, keep everything organised. Create a simple folder (paper or digital) with copies of all reports, letters, emails, and forms. Keep a timeline of key events.

## **Key Questions to think about when writing your EHCNA request**

### **1. Understanding Needs in School**

- Can you clearly describe your child's difficulties across the four areas of need?
- Does your child currently have a SEN Support Plan, PDP, IEP, or one-page profile in place?
- What interventions and strategies has the school already put in place?
- How does your child cope with whole class teaching or with small group work?
- Which specific areas of learning are the hardest (for example: reading, writing, math's, comprehension)?
- How is your child performing academically compared with their peers?
- Has your child made sustained progress despite the support already in place?

### **2. Impact on Progress, Attendance & Confidence**

What is the impact on:

- What is the impact on your child's progress, attendance, confidence and self-esteem?
- How does your child manage homework?
- How does your child manage transitions between lessons?
- How does your child manage changes in routine or setting?
- Can you describe any behaviours or difficulties that significantly affect your child's ability to learn or interact with others?

### **3. What You See at Home**

- How does your child present at home (for example: exhaustion, anxiety, meltdowns, emotional distress after school)?
- How do their difficulties affect family life? Daily routines?
- Does your child need significant extra support outside school to manage homework, self-care, or daily living skills?

### **4. Health, Therapy & Medical Needs**

- What professional support has been involved?
- Have any formal assessments been carried out?
- Are there any ongoing medical treatments or therapies your child is receiving?
- Has your child had any significant medical treatment, hospital admissions, or long-term health conditions?

- How does your child's health impact their concentration, energy levels, and emotional well being?

### **5. Support History**

- What support has previously been requested and what has actually been provided?

### **Looking Ahead – Outcomes & Hopes**

- What are your hopes for your child's education and future?
- What worries you most if the right support is not put in place?
- What outcomes would you like to see for your child (for example: academic progress, emotional wellbeing, independence, friendships, confidence)?

### **Evidence Checklist - (Helpful but Not Mandatory)**

You can include:

- School reports
- SEN Support plans
- Educational Psychology reports
- Speech & Language Therapy reports
- Occupational Therapy reports
- CAMHS or mental health reports
- Paediatrician letters
- GP letters
- Attendance records
- Behaviour Logs
- Exclusion or suspension records
- Examples of work
- Parental observations
- Your child's views

You do not need all of this to apply. The local authority has a legal duty to gather missing evidence if they agree to assess.

## **Template Letter: Requesting an EHC needs assessment**

Please amend all in **RED** and **remove** any **red** statements which are there to give suggestions.  
This template letter can also be downloaded on our website.

**[Your Full Name]**

**[Your Address]**

**[Postcode]**

**[Email Address]**

**[Phone Number]**

**To:**

**SEN Team – [Name of Local Authority]**

**[Local Authority Address]**

**[Director of Children’s Services Email – if known]**

**Subject: Request for Education, Health and Care Needs Assessment for [Child’s Full Name and Date of Birth]**

Dear SEND Assessment Team,

I am writing as the parent of **[child/young person’s full name]**, who was born on **[date of birth]** and currently attends **[name of school/college]**, to formally request an Education, Health and Care Needs Assessment (EHCNA) under Section 36(1) of the Children and Families Act 2014.

I understand that the legal test the local authority must apply is set out in Section 36(8) of the Children and Families Act 2014. The first part of the test is that the child or young person has or may have special educational needs.

**Delete the paragraph which is not applicable**

**[Child’s name] has already been identified as having special educational needs by [school/college name].**

**They have identified the following needs:**

**OR**

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

[List the SEN already identified by the school / or the reasons why you feel your child may have SEN and provide any supporting evidence - for example school reports, SEN Support Plan, IEP, PDP, or one-page profile.]

Cognition and Learning - explain current academic levels and learning difficulties such as reading, writing, math's, memory, attention, processing speed.

[Here you may wish to include: whether your child is working below age-related expectations and what evidence you are attaching.]

### Communication and Interaction

[Describe any speech, language, understanding, or social interaction difficulties.

Here you may wish to include: difficulties with friendships, understanding instructions, expressive or receptive language.]

### Sensory and/or Physical

[Describe any sensory sensitivities, coordination difficulties, physical disabilities, medical needs, fatigue, or therapy needs.

Here you may wish to include: difficulties with dressing, toileting, organisation, safety awareness, stamina, or age-appropriate independence.]

### Social, Emotional and Mental Health

[Describe anxiety, emotional regulation, behaviour linked to unmet need, school avoidance, mental health needs.

Here you may wish to include: whether your child masks at school but experiences emotional distress, meltdowns, shutdowns, or exhaustion at home.]

These challenges are having a significant impact on [his/her/their] ability to e.g. access education, make progress, regulate emotions, and interact socially, despite the interventions the school has already tried.

Currently, [child's name] has been supported by [list professionals involved] and is waiting to be seen by [current referrals].

(Here you may wish to include: impact on attendance, reduced timetable, persistent absence, school refusal, exclusions, internal exclusions, repeated calls home, or difficulty coping with full-time education.)

(Here you may wish to include: difficulties with transitions, unstructured times such as break and lunch, changes in routine, assemblies, corridors, or moving between lessons.)

The second part of the legal test is that it may be necessary for special educational provision to be made through the issuing of an EHC Plan.

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

[Name interventions already used]

[Explain what has not worked or is no longer sufficient]

[Explain what support is still missing]

[Document what evidence you are attaching]

(Here you may wish to include: the risks to your child's education, wellbeing, or safety if the right provision is not put in place.)

(Here you may wish to include: your hopes for your child's future education, independence, wellbeing, and long-term outcomes.)

The two-part test outlined above is the only test to be applied under the law. It would be unlawful for a local authority to apply a higher threshold when deciding whether to carry out an EHC needs assessment. This test is different to the test applied when deciding whether to issue an EHC plan.

We believe that the local authority should carry out an EHC needs assessment to determine the full extent of [child's name]'s needs.

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

Please confirm when this EHC needs assessment request is received.

Yours faithfully,

[Your Full Name]

## **EHC needs assessment Timescale**

### What the Law Says & What You Can Do If Deadlines Are Missed

The law sets out strict statutory timescales that local authorities must follow when carrying out an Education, Health and Care (EHC) needs assessment. These duties come from:

- Children and Families Act 2014
- The Special Educational Needs and Disability Regulations 2014
- SEND Code of Practice 2015

These are legal duties, not guidance.

### **Stage 1: Request for an EHC Needs Assessment**

#### **Day 0 – You Submit Your Request**

A parent, a young person over 16, or a school or college can request an assessment at any time. You do not need to wait for a diagnosis, school agreement, or a certain number of assess, plan, do, review cycles.

#### **Stage 2: Decision Whether to Assess (Within 6 Weeks from the date the request was submitted)**

Once your request for an EHC needs assessment has been received, the local authority must decide whether to carry out the assessment within **six weeks**. They must write to you to confirm their decision.

If they agree to assess, the process moves forward to gathering professional advice. If they refuse to assess, they must clearly explain their reasons and notify you of your right to mediation and appeal. If the six-week deadline is missed, this is a breach of statutory duty and you are entitled to challenge the delay.

### **Stage 3: Advice and Evidence Gathering (Up to 6 Weeks After Assessment Is Agreed)**

If the local authority agrees to carry out an EHCNA, they must seek advice and information from the required professionals. This includes advice from you as the parent, your child's school, an Educational Psychologist, and relevant health and social care professionals. They must also seek advice from any professional that you reasonably request. Once these requests are made, all professionals are under a legal duty to respond within six weeks. If advice is delayed or missing, the local authority remains responsible and must take action to ensure it is obtained, including commissioning independent professionals if necessary.

### **Stage 4: Decision Whether to Issue an EHCP (By Week 16)**

By week 16 of the process, the local authority must decide whether it will issue an Education, Health and Care Plan. If the decision is to refuse to issue a plan, they must notify you in writing and explain their reasons, along with your right to mediation and appeal. If they agree to issue a plan, they must provide you with a Draft EHC Plan for review.

### **Stage 5: Draft EHCP and Parental Comments**

Once the Draft EHC Plan is issued, you must be given 15 days to review it. During this time, you can request amendments, submit further evidence, and ask for a specific school or placement to be named. This is an important opportunity to ensure that your child's needs, provision, and outcomes are accurately and fully recorded before the plan is finalised.

You can book with us for a FREE draft EHCP check or download our guide on reviewing EHCPs at [www.send-empowerment.co.uk](http://www.send-empowerment.co.uk)

### **Stage 6: Final EHC Plan Issued (No Later Than 20 Weeks)**

From the date the local authority receives the original request for assessment, the entire process must be completed within **20 weeks**. This means the Final EHC Plan must be issued by this deadline if the local authority has agreed to issue one. This is an absolute legal maximum, and delays beyond this point are only lawful in very limited circumstances. If the 20-week deadline is missed without a lawful reason, the local authority is acting unlawfully and the delay can be challenged.

### **Need Support with Any Part of the Process?**

Applying for an EHC needs assessment and navigating the timescales, evidence, and legal rights can feel overwhelming - but you don't have to do it alone. If you need

support at any stage of the process, including writing your request, gathering evidence, challenging delays, or understanding your next steps, you can contact us at SEND Empowerment for guidance and support.

We are here to help you understand your rights, take confident action, and ensure your child gets the support they need. Please get in touch if you require advice or would like help with any part of the EHC needs assessment process

Website: [www.send-empowerment.co.uk](http://www.send-empowerment.co.uk) Email: [info@send-empowerment.co.uk](mailto:info@send-empowerment.co.uk)



