

Hertfordshire County Council

Guidance for the provision of Social Care advice for Education, Health and Care Assessments and Plans (EHCPs)

Contents

- 1) Practice guidance context and purpose
- 2) Introduction
- 3) EHC needs assessments and plans
- 4) Social and care needs advice and information
- 5) Who provides the social and care needs advice and information?
- 6) What to do when unmet need is identified
- 7) Updating social and care needs advice and information for EHCP annual reviews
- 8) Resolving difficulties in providing social and care advice and information
- 9) Quality assurance
- 10) Supporting Documents
- 11) Appendices

Advice form and exemplar

Links to examples of good practice

1. Practice guidance, context and purpose

This practice guidance sets out how we provide the advice and information about a child and young person's social and care needs and any agreed provision of services when requested as part of the EHC needs assessment and EHC plan annual review process.

Relevant legislation:

- Children Act 1989
- Children and Families Act 2014
- Chronically Sick and Disabled Persons Act 1970
- Care Act 2014
- Equality Act 2010
- Mental Capacity Act 2005 (over 16's)

2. Introduction

Social Care Advices within the education, health and care plan should reflect what a child or young person needs from those looking after them due to their Special Educational Need and/or Disability (SEND). Advice should also describe the support that a child or young person needs to participate in what they enjoy doing; enable them to be part of their community, to have friendships, protect them in vulnerable situations and develop their independence in preparation for, or during, adulthood in accordance with their age, care and support needs. We recognise and make sure that we are always focused on the National Children Social Care Outcomes, which are:

- Outcome 1: Children, young people and families stay together and get the help they need.
- Outcome 2: Children and young people are supported by their family network.
- Outcome 3: Children and young people are safe in and outside of their homes.
- Outcome 4: Children in care and care leavers have stable, loving homes

The Hertfordshire 'Outcome Bees' framework applies across Children's Services and incorporates our emphasis on the national framework. Outcomes are at the heart of our SEND approach and set out below:

- Be Safe
- Be Healthy
- Be Ambitious
- Be Independent
- Be Resilient
- **Be Included**

We want to understand a child or young person's **care** needs and the support required to meet needs. We also want to understand the child or young person's **social** needs and the support they require to maintain friendships and participate in local groups or leisure activities in the community that they are interested in. We want to understand the impact upon the family of caring for the child or young person has and the support the family requires.

All children and young people need support for their social and care needs to achieve their outcomes. For most children and young people their family, friends and local groups provide this support. The key to supporting the child, young person and their family is having a clear understanding of their social and care needs, their aspirations, and the outcomes they want to achieve and the support they require. The Children Act (1989) recognises disabled children as "children in need". However, identifying the social and care needs of disabled children and young people does not necessarily require a child and family assessment by a social worker. (Case law, CDC case law update R (L and P) v Warwickshire County Council [2015] EWHC 203 (Admin) Warwickshire Judgment 2014 <https://councilfordisabledchildren.org.uk/sites/default/files/field/attachemnt/case-law-update-1.pdf>)

Most Children with SEND find that their social and care needs will be met by their families who can access a range of information and advice, targeted support and other resources. It is important that families understand the help and support that is available to them and are able to access early help in order to promote their wellbeing and prevent needs becoming difficult for them to manage.

Hertfordshire SEND Local Offer [The Hertfordshire Local Offer](#) website provides comprehensive information, advice and signposting to local support and services for children and young people with SEND and their families. Supports include SENDIAS Services as well as a range of Preparation for Adulthood Supports.

3. EHC needs assessments and plans

An education, health and care plan (EHCP) is a legal document which records a

child's or young person's aspirations, intended outcomes, needs, and the provision in relation to their special educational needs and/or disability (SEND). An EHC plan can be requested for any child or young person aged 0 – 25 who has or may have SEND.

In order to decide if an EHC plan is needed an EHC needs assessment is undertaken.

An EHC needs assessment is an assessment of the education, health care, social and care needs of a child or young person. This can be requested by a child's parent or young person, a school or other educational setting, a health or social care service.

When conducting an EHC needs assessment the Children and Families Act (2014) requires that children, young people and their parents/carers are supported and assisted to participate as fully as possible in decision making, that their views, wishes and feelings and aspirations are considered, and that children and young people's development is supported so that they can achieve the best possible educational and other outcomes.

As part of the EHC needs assessment, advice and information is sought from a range of professionals who know and support the child or young person. This includes the setting, school or college staff, health care staff and social care services.

In formulating the advice, it is necessary to engage with the child, young person and their family to establish their social care needs with a focus on enabling them to achieve specific outcomes and their aspirations.

4. Social care needs advice and information

To inform the EHC needs assessment, social and care needs advice and information must be provided on behalf of the local authority where a child or young person is known or has been known to statutory children's or adult social care services, and advice and information from early help assessments (SEND Code of practice 9.49). This informs section D, E, H1 and H2 of the EHC Plan.

Where a child or young person has not been known to statutory services, those professionals who know the family well can provide social care advice and information which is then reviewed by a social worker to determine whether social care support is required.

When providing social and care needs advice for EHC needs assessments workers will need to consider carefully what information to share with others, considering the government's advice on information sharing which sets out the "seven golden rules".

1. Remember that the **General Data Protection Regulation (GDPR)**, Data Protection Act 2018 and human rights law are not barriers to justified information sharing, but provide a framework to ensure that personal information about living individuals is shared appropriately.
2. Be **open and honest with the individual** (and/or their family where appropriate) from the outset about why, what, how and with whom information will, or could be shared, and seek their agreement, unless it is unsafe or inappropriate to do so.
3. **Seek advice from other practitioners, or your information governance lead**, if you are in any doubt about sharing the information concerned, without disclosing the identity of the individual where possible.
4. Where possible, **share information with consent**, and where possible, respect the wishes of those who do not consent to having their information shared. Under the GDPR and Data Protection Act 2018 you may share information without consent if, in your judgement, there is a lawful basis to do so, such as where safety may be at risk. You will need to base your judgement on the facts of the case. When you are sharing or requesting personal information from someone, be clear of the basis upon which you are doing so. Where you do not have consent, be mindful that an individual might not expect information to be shared.
5. Consider safety and well-being: **base your information sharing decisions on considerations of the safety and well-being** of the individual and others who may be affected by their actions.
6. **Necessary, proportionate, relevant, adequate, accurate, timely and secure**: ensure that the information you share is necessary for the purpose for which you are sharing it, is shared only with those individuals who need to have it, is accurate and up-to-date, is shared in a timely fashion, and is shared securely.
7. **Keep a record of your decision** and the reasons for it – whether it is to share information or not. If you decide to share, then record what you have shared, with whom and for what purpose.

Children, young people and their families must agree to the information being provided. Workers will need to:

- Identify any social and care needs which relate to the child or young person's special educational needs, their aspirations and relevant outcomes:
- Consider the relevance of information about historical involvement (child in need, child protection of child looked after) to the child's or young person's current needs. The more time that has elapsed since historical information was gathered the less likely that information is to be relevant.
- Decide whether it is proportionate and necessary to include such information as part of their advice – does the benefit of including the information outweigh any negative consequences, particularly for the child or young person?
- Is there evidence that the information still has an impact upon the child or young person today?

In developing an understanding of the young person's social and care needs workers will need to:

- 1) review any records held about current or previous involvement
- 2) consider with the child, young people and their family:
 - What is important to the child or young person? What are their **aspirations**?
 - What does the child enjoy doing? Do they have friends, attend groups and clubs? What are their hobbies and interests and where do they go to do these things?
 - Do they face any challenges or barriers accessing these activities?
 - What is going well for the child, young person and their family?
 - What do the child, young person and family find difficult, challenging or stressful? What is not working well? What would help?
 - What support and help do the family receive from other family members, friends or social care professionals?
 - Is there any additional information that is relevant?
 - Is the child, young person and their family aware of the Hertfordshire's SEND Local Offer?
 - What are the anticipated needs of the young person as they prepare for adulthood?

Having considered any existing social care or early help records and the information from the family and child or young person, the worker then completes the social care advice form (see section 7).

Please look at the examples of good practice by following the links in appendices. These will help you understand how social and care advice fits within the EHCP.

5. Who provides the social care needs advice and information?

Information about social and care needs may come from a range of professionals working with or supporting the child, young person or their family. These include;

- Teachers and other Lead Professionals
- SFYP – Youth Workers and Careers Professionals
- Early Help
- Family / Preparing for Adulthood Practitioners
- Social Workers

The information and advice should be provided by someone who knows the child, young person and family well, if possible. This will vary depending on the circumstances of the child, young person and their family.

The child and young person's own voice about their social and care needs is key to include in the advice, as well as family and professionals' views. When exploring social and care needs with the child or young person it is important to consider their individual needs and the most effective approach and communication method to use.

When the Statutory SEND, Welcome and Assessment Team receive a referral for an EHC needs assessment, with signed parental consent, the child's information and advice officer (CIAO) should establish if there is an allocated social worker or an early help professional involved with the child/young person. They gather this information by reviewing the EHC needs application form and checking the electronic LCS system to see if the child/young person is or has been open to services, and has a worker assigned to them.

In the event that the child/young person is showing as known to a named social care worker, the CIAO will send an email to the named professional to check that the information in the form/system is correct, and the child/young person is currently known to them.

If the child/young person is not showing as having a current allocated social care worker, the CIAO will delegate the EHM 'stage 1' request form to the SCAPE SERVICE CIAO in The Gateway, who will then check and confirm whether the child/young person has or has not previously been known to social care services.

When the Child has a Social Care Worker or Lead Professional

Once the decision to undertake an EHC needs assessment has been made, the CIAO will contact the child/young person's allocated social care worker to request the social and care needs advice and information. This will be done through delegating the social care advice form on EHM. The CIAO will also email the allocated social care worker, copying in their team manager, to alert them to the request and remind them of the 6-week statutory timescales in which this form needs to be completed by.

Sometimes there are several professionals working with a family who are also qualified social workers. For example, adoption or fostering social workers whose role is primarily with the parent /carer but who will also know the child/young person well. There may also be an Independent Reviewing Officer for a child who is looked after by the local authority, or a youth offending worker. In these circumstances the child's allocated social worker is responsible for ensuring that all the relevant information from the different professional perspectives about the child/young's social care needs is included in the information and advice provided. When children are looked after then you should also work directly with Virtual School

Where a child or young person has a lead professional and a Families First Assessment has recently been undertaken then the CIAO will contact Intensive Family Support Team (IFST) or the Families First Lead Professional to provide the social care advice and information.

Where a child or young person does not have a social worker but is in receipt of a regular short breaks, **a Family Practitioner or a Preparing for Adulthood Practitioner**, will provide the advice and information.

Where the young person is a **care leaver** the **personal advisor** will provide the advice and information. If there is an allocated **adult social care social worker**, they will provide the advice and information.

A Care Act assessment and support plan may have already been completed by adult social care or be in the process of being completed. These will be considered in the advice and information shared. The young person must agree to the content of the advice being provided.

Operational Team Managers will have oversight and approval of all Social Care Advices that contribute to EHCP. These Managers will be qualified social workers.

The professional completing the advice form, should refer to the guidance and exemplar attached in the appendices. They may also wish to seek further support from a named SEND Champion, who can offer advice and guidance on completing the form.

The professional completing the advice form should do so in collaboration with the young person and their family, as well as through the reviewing of information already known to the team and listed in the young person's care plan. In formulating the advice, it is necessary for the professional to engage with the child/young person and their

family to establish their social care needs, goals and aspirations.

All advice provided must be proportionate and relevant to the EHC needs assessment request. The child/young person and their family must agree to the content of the advice being provided and once the advice has been written this must be reviewed by those who have parental responsibility, to confirm that they are agreeable with the content that is being shared. Where appropriate, the content should also be agreed directly with the young person.

In addition, the Team Manager must have oversight of the completed advice form and is responsible for quality assuring the document, before it is finalised and returned to the CIAO via EHM.

When there is no identified current social care worker

When the CIAO considers the referral for the EHCP needs assessment and establishes from the referral and by cross referencing with LCS that there is **no current allocated social care worker or lead professional currently allocated to the child or young person**, the CIAO will send the advice request form via EHM, to **SCAPE in the Gateway Service**. When a new request is received for 18plus, this is managed by an Adult Social Worker, the task should be placed in the **18+ Social Care Advices Tray**

The CIAO in the front door service will then re-check the system to ensure the child/young person is not currently known to a social care worker. In addition, the CIAO will check the social care history.

If it is found that the child/young person is currently known to a social care worker, then the CIAO in the front door service will delegate the form to the worker and send them an email to alert them to this; copying in their team manager. The process defined above will then be followed.

If the child/young person is not currently open to a social care worker but has been supported by a social care worker in the last three months, then the CIAO in the front door service will contact the previous Team Manager and agree that the request will be delegated to the previous allocated worker or manager. The process defined above will then be followed.

If the child/young person has not had any involvement with a social care worker in the last three months, then the advice form will be completed by the CIAO in the Gateway, with the oversight of the Consultant Social Worker (CSW). To complete the form the CIAO/CSW will need to review any social care history on the young person's electronic records and review any social care information provided in the EHC needs application form. Where available, additional evidence provided by other

professionals who know the child well should also be reviewed e.g., social care information provided by the school.

The CIAO/CSW will also contact the parent/carer of the young person to establish whether the young person's care and social needs are being, or can be met, via local area universal services and the SEND local offer. The CIAO/CSW will provide information and advice about how to access further support in the future, for example the SEND local offer website and the SENDIAS phone number. The CIAO/CSW will also work collaboratively with those who have parental responsibility to agree the information that is relevant and proportionate to include in the social care advice form.

The CIAO/CSW will complete an electronic recording of the conversation held with the parent/carer, as well as inputting the information agreed with the parent/carer into the social care advice form. The completed social care advice form will then be quality assured by the Team Manager in the Gateway Service, before being returned to the CIAO in the SEND service.

If the above triage of information establishes that there are needs which might require support via Short Breaks, early help or from children's social care, with the family's consent other referrals pathways can be initiated.

Where the young person or adult is known to adult social care and are in receipt of services, but do not have an allocated social worker, the SEND Team will request the social care information and advice via the 0-25 Together Central Team will identify a suitable colleague to respond.

Where a young person is not currently or previously known to adult social care, with consent, the SEND Team will refer to 0-25 Together Central Team to provide the advice and information. If an assessment form Adult social care is declined by the young person, then formal advice will need to be sought from those who know the young person well.

6. What to do when unmet need is identified

Where there is evidence of **unmet social and/or care needs**, with appropriate consent then existing referral pathways for social care can be followed to request support.

Lead Professionals

The person completing the advice will consider if any identified social care needs can be met via local area universal services and the SEND local offer. The child, young person and family will be provided with details of how to access further support in the future should they require this including for example, Short Break Local Offer and contact details for SENDIAS. The Lead Professional can trigger

referrals for short breaks, early help or children's social care if needed via Children Services existing pathways.

If unmet needs are identified for a young person aged 18 and over a referral should be made to 0-25 Together Central Team. An assessment will be completed in line with the eligibility criteria outlined in the Care Act 2014. If eligible the social worker will work with the young person to develop a support plan. If the young person is not eligible for support from adult social care, they will be given information about universal and community led services that may be able to help.

7. Updating social care needs advice and information for EHCP annual review

EHC plans must be reviewed at least annually by the date the initial plan was issued or sooner if required, due to the young person's age or change in circumstances.

The local area delegate responsibility to settings, schools and colleges for arranging and leading the annual review meeting. It is a requirement for updated social care advice to be provided ahead of the review meeting. Social care needs advice and information should be provided by the person who knows the child, young person and family best.

The updating advice will need to set out what difference any existing support being provided has made in the life of the child, young person and their family, and how the support has helped progress towards or achieving the child's aspirations and intended outcomes.

Preparing for adulthood is a key element of the annual review process. Particularly from age 14 the anticipated needs of the young person when they become an adult and the provision required to support the young person prepare for adulthood need to be considered.

For children and young people aged 0-17

Where children and young people's social care needs are met by the SEND providers within the local offer then they, along with contributions from the setting, school or college and the child, young person and their family, will provide updating social care needs advice and information ahead of and during the review meeting to ensure section D is current.

Where the child or young person has an allocated social worker, Family Practitioner or Preparing for Adulthood Practitioner or CWD or there is a lead professional as part of an early help plan, they are responsible for:

- contacting the setting, school or college to establish when the next annual review meeting is,
- providing the updating social care advice, in collaboration with the child/young person and their family, ahead of the meeting in the format used by the setting, school or college
- attending and contributing to the annual review meeting so that sections D, H1 and 2 are current.

If the annual review meeting identifies unmet social care need then the meeting will agree how best to meet this and if necessary, who will make the referral to the relevant team for the completion of an assessment (early help assessment or s17 child and family assessment). In the event an early help lead professional or social worker is allocated to undertake assessment, they can provide updated social care needs advice once the assessment is completed and attend any subsequent EHCP planning or review meetings.

Young people aged 18- 25

Where the young person has an allocated social worker or a personal advisor (for care leavers), they are responsible for:

- contacting the setting, school or college to establish when the next annual review meeting is,
- providing the updating social care needs advice and information, in collaboration with the child/young person and their family, ahead of the meeting in the format used by the setting, school or college
- attending and contributing to the annual review meeting so that sections D and H2 are current.

Where a young person does not have an allocated social worker or personal advisor but is known to adult social care and in receipt of ongoing support:

- The setting, school or college will contact adult social care via the contact centre to advise when the next annual review meeting is. The contact centre will direct this through to the relevant team to action.
- The duty worker from the relevant team will provide social care needs advice and information, in collaboration with the young person, ahead of the meeting in the format used by the setting, school or college

- Where possible a worker from adult social care will attend the annual review meeting so that sections D and H are current.

Where a young person is not known to adult social care, getting views directly from the young person and their family about their social care needs and progress towards their aspirations and outcomes is key. It is expected that the professionals involved who know the young person and their family best, such as the school or college also contribute. Young people may well behave differently in the home and outside the home, for example at school or college, so a rounded perspective of their social care needs, and the support required to achieve their aspirations and intended outcomes is essential. A referral to adult social care should also be considered and made in accordance with the guidance detailed in section 6.

8. Resolving difficulties in providing social care needs advice and information

If there are difficulties with timely social care needs advice and information being provided for children aged 0-17, the issue will be escalated by any person to the Designated Social Care Officer (DSCO), see intranet for contact information

9. Quality assurance

The EHC plan needs to be signed off by the LA's statutory social care services. This also includes reviewing any social care information and advice that is included in Sections D, E, H1 and H2. LAs need to make arrangements for appropriate social care decision makers to sign off the plan or delegate this responsibility appropriately

The Designated Social Care Officer is the key operational link between Childrens Social Care and SEND Teams. Together with Quality Assurance and Audit Manager (SEND) these Social Work professionals works closely with SEND Teams to ensure statutory requirements are met, through day-to-day casework management as well as other relevant audit and quality assurance activities. Each child, young person or adult who receives advice will have oversight through Social Work Team Managers and Consultant Social Workers.

10. Supporting Documents

Special educational needs and disability code of practice: 0 to 25 years. Statutory guidance for organisations which work with and support children and young people who have special educational needs or disabilities. DfE & DoH : January 2015

<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

Social care: guide to the 0 to 25 SEND code of practice. Advice for social care practitioners and commissioners. DfE : September 2014

<https://www.gov.uk/government/publications/send-guide-for-social-care-professionals9>

Identifying the social care needs of disabled children and young people and those with SEN as part of Education, Health and Care Needs assessments; a briefing from the Council for Disabled Children: May 2016

https://councilfordisabledchildren.org.uk/sites/default/files/field/attachemnt/Identifying%20the%20social%20care%20needs_0.pdf

Securing good quality social care advice for education, health and care (EHC plans, council for disabled children: June 2017

<https://councilfordisabledchildren.org.uk/sites/default/files/field/attachemnt/Social%20Care%20Advice.pdf>

Information sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers, HM Government: July 2018

<https://www.gov.uk/government/publications/safeguarding-practitioners-information-sharing-advice>

Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children. HM Government: July 2018

<https://www.gov.uk/government/publications/working-together-to-safeguard-children-2>

Appendix - Links to CDC examples of good practice

Education, health and care plans – examples of good practice

<https://councilfordisabledchildren.org.uk/sites/default/files/field/attachemnt/EHCP%20Exemplar%20Guide%202017.pdf>

Education, health and care plans – examples of good practice year 9 and beyond

<https://councilfordisabledchildren.org.uk/sites/default/files/field/attachemnt/EHC%20Exemplar%20yr%209%20and%20beyond%20-%20Final%20Draft.pdf>

