

# EHCP - Social Care Needs Advice Protocol

Providing social care needs advice and information for education, health and care plan needs assessments and EHCP annual reviews.

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## 1. Practice guidance purpose

This practice guidance is a co-produced document that sets out how we, in Stockport will provide the advice and information about a child and young person's social and care needs when this is 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)

### 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>

### 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](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>

## 2. Introduction

We understand the term ‘social and care needs’ to mean the specific daily **care** that a child or young person needs from those looking after them due to their individual needs and/or disability, and the support that a child or young person needs to participate in what they enjoy doing; that enables them to be part of their community and have friendships, protects them in vulnerable situations and develops their independence in preparation for, or during, adulthood in accordance with their age and ability.

The Stockport SEND outcomes framework is a series of ‘I’ statements that children, young people and families want to experience:

- I am confident and able to achieve my goals
- My voice is heard and acted upon
- I enjoy good health and wellbeing
- I feel safe
- I feel part of my local community
- I am happy and have people I can trust
- The people who love me and care for me are enabled to do this

We want to understand a child or young person’s **care** needs and the support required to meet these 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 and to achieve the above outcomes. For many children and young people their family, friends and local groups provide this support. This could be information, advice or practical support. At times it may be assessed as necessary for support to be provided through social care services delivered or commissioned by the local authority.

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.

Under the Children Act 1989 disabled children are regarded 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: Warwickshire Judgement 2014). In many cases need can be met through Stockport’s SEND (special educational needs and/or disability) local offer or local area universal services or early help services providing there is a good understanding of those needs through an early help assessment and families have access to clear information about what support is available and how to get it.

**Stockport’s SEND Local Offer** website provides comprehensive information, advice and signposting to support and services available in Stockport for children and young people with SEND and their families. The SEND local offer can be accessed by this link: <https://stockport.fsd.org.uk/kb5/stockport/fsd/localoffer.page>

There are established pathways to refer to individual services within Stockport to access specific support. A professional working with a child, young person or family can support with this and coordinate the plan of support. Information about individual services is available on the SEND local offer.

Families can get advice and support from the early help advisors in the MASSH **SEND hub** by telephoning **0161 217 6928** and selecting **option 2**. The hub offers a central point of contact for families and young people at any stage in their SEND journey. The early help advisors will work with the enquirer to provide support, signpost to the best support options, and offer guidance and information that is available and with consent can initiate referrals to CWD short breaks, early help or children’s social care.

**Preparation for adulthood** starts at the earliest opportunity. As a young person reaches 16 and it is thought that they may need care and support when they become an adult, a referral to adult social care can be made by the young person, their family, their allocated children’s social worker (if they have one) or any other person involved to look specifically at transition arrangements and support needed longer term. A social worker from the Early Adulthood Team in adult social care will work closely with all the professionals involved with the child or young person.

Young people and adults who are 18 and over can be referred to adult social care if it is identified they may need care and support. An **adult social care social worker** will complete an assessment in line with the Care Act 2014 to determine the young person’s eligibility for support from adult social care.

### 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. This is led and coordinated by the EHCP team. 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. Therefore, there needs to be clear evidence of this within the EHC needs assessment and if issued the EHCP.

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 statutory 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 (Code of practice 9.49). This informs section D, 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.

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".

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 to 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 Stockport SEND Local Offer?
  - From age 14 the anticipated needs of the young person as they prepare for adulthood need to be considered.

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 appendix c. These will help you understand how social and care advice fits within the EHCP.

Preparing for adulthood should be considered

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

Information about social care needs may come from a range of professionals working with or supporting the child, young person or their family. For example, teachers, youth workers, family workers or an allocated social worker. 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 effect approach and communication method to use.

### **Child or young person under 18 years of age**

When the EHCP team receive a referral for an EHCP needs assessment the EHCP caseworker will establish if there is an allocated social worker, CWD short breaks coordinator or early help lead practitioner working with the family. Once the decision to undertake an EHC needs assessment has been made, the EHCP team will contact the allocated worker to request the social and care needs advice and information.

Where a child or young person is under 18 and has an **allocated social worker** and has a team around the child (TAC) plan, child protection plan, or child looked after plan (CLA), the allocated social worker or CWD short breaks worker will provide the advice and information. Young people approaching 18 may also have a transitions social worker involved from adult social care who can also contribute to or provide advice and information.

The worker will consider information in the child's current plan and their engagement with the family. The family will need to agree for the information to be provided.

In addition to the child's social worker 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 or young person well. There may also be an Independent Reviewing Officer if the child is looked after, or a youth offending worker or MOSAIC

worker involved who know the child well. 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's social care needs is included in the information and advice provided.

Where a child or young person under 18 does not have a social worker but **is in receipt of a CWD short break, the CWD short breaks co-ordinator**, will provide the advice and information.

Where a child or young person has a lead professional and an early help plan **the EHCP team** will contact the **lead professional** to provide the social care advice and information. The person providing the advice should use information already known to the team providing early help and through discussion and agreement with the child, young person and their family. The child, young person and family must agree to the content of the advice being provided.

When the **EHCP caseworker** considers the referral for the EHCP needs assessment and establishes from the referral and by cross referencing with liquid logic that there is **no current allocated social worker, CWD short breaks coordinator or lead professional currently allocated to the child or young person under 18**, or the child or young person has previously been known to Children's social care, the EHCP team will complete a contact record on the child or young person's EHM casefile to notify the MASSH of the request for the EHCP needs assessment and request a MASH enquiry to establish if there are any needs that require support. This is undertaken immediately when the referral is considered and before the decision about whether to undertake a needs assessment is made by the EHCP Team.

The **early help advisors in the MASSH** will contact the family and complete an early help triage enquiry to establish whether the child or young person's care and social needs are being, or can be met, via local area universal services and the SEND local offer. They will provide information and advice about how to access further support in the future, for example the SEND local offer website and the MASSH SEND hub phone number. If the early help advisor establishes that there are needs which require support via either a CWD short break, early help or from children's social care, with the family's consent the early help advisor can initiate the relevant pathways to avoid any delay in support being assessed and provided.

The early help advisor will record the detail and outcome on the early help triage form and when complete this will notify the EHCP team the triage has been completed and will sit on the child's liquid logic casefile in EHM.

If the EHCP team undertake an EHCP needs assessment they will consider the completed MASSH enquiry form. Where it is confirmed that no additional support is required, the information in the EHCP early help triage form can be used alongside information from other professionals involved, to inform the social and care needs

advice. If the early help triage form indicates referrals were made, the EHCP coordinator will check liquid logic to identify who the social worker, CWD short breaks coordinator or early help practitioner is and request the formal social and care needs advice from them. The aim is that by the time formal advice is sought, the recently allocated professional will have made progress to assessing and providing support for the family.

### **Young people and adults aged 18 to 25**

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.

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 post 18 EHCP team will request the social care information and advice via the **adults contact centre** who will pass the request to **the appropriate adult social care team for the duty worker** to action.

Where a young person is not currently or previously known to adult social care the post 18 EHCP team will refer to the adult services contact centre for the **adult social care duty worker** 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**

For children aged 0 – 17 where there is evidence to **unmet social and/or care needs**, with the family's consent existing referral pathways can be followed to request support.

### **Early Help advisors**

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, the SEND local offer and the MASSH SEND hub phone number. The early help advisor can trigger referrals to CWD short breaks, early help or children's social care if needed via the existing pathways from the MASSH. The EHCP early help triage form on the child's file will reflect the detail of needs, how they are met, and any action that has been undertaken.

### **CWD short breaks coordinator**

Where the CWD short breaks coordinator identifies the need for early help assessment they will refer to the early help advisors in the MASSH to trigger the early help hub pathway. Where the CWD short breaks coordinator identifies the need for an assessment by children's social care, they will discuss this with the CWD team leader to initiate step up directly to the CWD team.

### **Early Help lead professional**

Where the lead professionals for the child or young person's early help plan identifies there is a need for CWD short break they will initiate this request by contacting the early help advisors in the MASSH to initiate the CWD short breaks referral within LCS in liquid logic.

**If unmet needs are identified for a young person aged 18 and over a referral should be made to adult social care.** 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. How to provide social care needs advice and information**

When an EHC needs assessment is agreed the EHCP caseworker will identify who to send the request to as set out above in section 5. The information is requested and provided within the Liquid Logic case management system Early Help Module. There is a step by step guide setting out how to do this at appendix b. The EHCP caseworker will create the social care needs advice form and assign this to the professional who will provide the advice. When the form is completed this will be quality assured by the team leader and social care service leader before being submitted.

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. Agreement is needed from the child, young person and their family to the information that will be submitted.

Once the advice form has been filled in it is returned to the EHCP team via liquid logic. **The statutory timescale for returning the advice is no later than six weeks from the date of request.**

## **8. Updating social care needs advice and information for EHCP annual reviews**

EHC plans must be reviewed at least annually by the date the initial plan was issued or sooner if needed. 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 by the worker who will also attend. 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 or CWD short breaks co-ordinator (direct payments or commissioned outreach support), 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 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 MASSH requesting 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 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 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. The post 18 EHCP coordinator will contact the young person and their family and attend the annual review to ensure that the young person's social care needs information is updated. 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.

## **9. 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 children's social care service leader who sits on SEN panel (currently service leader for the children with disabilities team - Philip Wilkinson) and the operational lead for

SEN (John Gelder) who together will assist with problem solving to find an agreeable solution.

For young people and adults over 18 the lead for post 18 EHCP issues requiring resolution are escalated to service leader (Barbara Mitchell) and the operational lead for SEN (John Gelder) to find a solution.

## **10 Quality assurance**

The CWD children's social care service leader is the key operational link between Stockport Family and the EHCP teams and has oversight of the completion of social care needs advice for children and young people aged 0-17 within statutory timescales and works closely with the Service leaders for children's social care and the MASSH early help advisors to ensure statutory requirements are met. They also quality assure social care advice that is submitted and attends the weekly SEN panel and as part of this reviews all draft EHC plans that are presented to panel to approve the social and care needs and provision recorded in section D, H1 and H2 ahead of the final plan being issued.

## **11 Appendices**

- a. Process flowchart**
- b. Liquid Logic guide to completing social care needs advice and information**
- c. Links to examples of good practice**
- d. seven golden rules to information sharing**
- e. H1 or H2 flowchart**

## **Appendix a – flowchart**



Appendix a Process  
Flow chart.pdf

## **Appendix b - Liquid Logic Guide to completing social care needs advice and information**



Liquig Logic  
guidance for EHCP so

## **Appendix c - 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/EHC%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>

## Appendix d

### Seven golden rules to information sharing

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 (see principles).
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.

## Appendix e

### H1 or H2 flowchart

