



Department  
for Education

# **Special educational needs survey**

**Guide to the completion of the person  
level SEN2 return: 2022**

**Version 1.0**

**February 2021**

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# Version History

This gives details of any changes made to the content of this document.

<b>Version</b>	<b>Comments</b>	<b>Date</b>
1.0	Baselined version	DISD, February 2021

# 1. SEN2 return

The information collected via the annual SEN2 data collection provides the major source of data collected on children and young people with Education, Health and Care (EHC) plans. It is the only source of data on the totality of EHC plans maintained by individual local authorities.

Without this information it would be very difficult for Ministers, Parliament, central and local government, external organisations and the public at large to monitor government policies and their effectiveness, and to see how many children and young people with EHC plans there are in individual local authorities.

SEN2 collects data about children for whom the local authority has responsibility for the management of the SEN processes, under the 1996 Education Act and the 2014 Children and Families Act. Therefore, where a child or young person are resident in a different local authority to that which holds the EHC plan, then the local authority that holds the EHC plan must return their information on SEN2, rather than the local authority where they are resident.

The SEN2 data collection has, to date, collected aggregated LA level data on EHC plans and their administration. This guidance relates to a 'person level' SEN2 return, designed to replicate and extend the existing aggregated data collection, by collecting information relating to each child or young person for whom EHC plans are administered.

## 1.1 Data Protection and Data Sharing

Data from which it is possible to identify children, parents and staff (in any medium, including within a MIS) is personal data.

The General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA 2018) put in place certain safeguards regarding the use of personal data by organisations, including the department, local authorities and schools. Both give rights to those (known as data subjects) about whom data is processed, such as children, their parents / carers and staff. This includes (amongst other information that we are obliged to provide):

- the right to know the types of data being held
- why it is being held
- to whom it may be communicated

For the purposes of data protection legislation, the terms 'process', 'processed' or 'processing' apply to any activity involving the personal data, such as:

- collecting
- storing

- sharing
- destroying
- etcetera – please note: this list is not exhaustive

## 1.2 Legal duties under the General Data Protection Regulation and Data Protection Act 2018: privacy notices

Being transparent and providing accessible information to individuals about how you will use (process) their personal data is a key element of both the GDPR and the DPA 2018. The most common way to provide such information is through a privacy notice. Please see the Information Commissioner’s Office (ICO) website for [further guidance on privacy notices](#).

For local authorities, this means that you must provide clear and accessible privacy notices that inform children, their parents and staff:

- what data is collected about them
- for what purposes the data is collected
- how the data is used (processed)
- what the lawful basis is for processing
- for how long the data is retained
- with whom the data is shared
- why the data is shared
- whether we intend to transfer it to another country, and
- whether we do automated decision-making or profiling

The department provides suggested wording for [privacy notices](#) that local authorities may wish to use. However, where the suggested wording is used, the local authority **must review and amend** the wording to reflect local business needs and circumstances. This is especially important, as the local authority will process data that is not solely for use within departmental data collections. The privacy notice should also include [this link](#) to the gov.uk webpage, which provides information on how the department processes data.

It is recommended that the privacy notice is made available to data subjects via the internet as well as handed out in paper form or placed on an accessible noticeboard. Privacy notices do not need to be issued on an annual basis as long as new children, parents and staff are made aware of the notices and they are readily available electronically or in paper format.



## 1.3 Legal duties under the General Data Protection Regulation and Data Protection Act 2018: data security

Providers and local authorities have a (legal) duty under the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 to ensure that any personal data they process is handled and stored securely. Further information on data security is available from the [Information Commissioner's Office](#).

Where personal data is not properly safeguarded, it could compromise the safety of individuals and damage your reputation. Your responsibility as a data controller extends to those who have access to your data beyond your organisation where they are working on your behalf; for example, where external IT suppliers can remotely access your information. The '[Responsible for information](#)' page provides further guidance and advice.

It is **vital** that all staff with access to personal data understand the importance of:

- protecting personal data
- being familiar with your security policy
- putting security procedures into practice

As such, you should provide appropriate initial and refresher training for your staff.

## 1.4 The person level return

The SEN2 person level return for 2022 will run separately to the local authority aggregate level return for 2022. The aggregate level return for 2022 is still required.

The person level collection is expected to be mandatory from 2023, while the aggregate level collection will be discontinued after 2022.

Where this document refers to the “person” it will mean the child or the young person for whom the EHC plan refers.

“Voluntary” refers to the basis on which the entirety of the person level data is returned to the department by the local authority for 2022. All EHC plans should be included in the person level data return.

## 1.5 Census date and return deadline

The SEN2 person level return follows the same deadlines as the SEN2 aggregate level return. The SEN2 person level return is voluntary for all local authorities in England in 2022. The census date is **20<sup>th</sup> January 2022** and all completed SEN2 returns should be returned to the department by **17<sup>th</sup> February 2022**.

## 1.6 Contact details

If you have any queries about this document please contact [SEN.statistics@education.gov.uk](mailto:SEN.statistics@education.gov.uk).

If you have any queries regarding the SEN2 return, please contact us via the [Data collections service request form](#).

Please use the [feedback form](#) if you have any comments about the Data Operations Service Desk or any other aspect of our data collection service.

## 1.7 Age limits

The relevant legislation states that a local authority may continue to maintain an EHC plan for a young person until the end of the academic year during which the young person attains the age of 25.

## 1.8 General note

References to specific education legislation are only made to highlight provisions that may be relevant. You would need to form your own view of what the law requires in any specific case.

## 2. Structure of the person level collection

Each local authority is asked to provide information for each of the following modules. The information requested underpins the data requested in the aggregate level return for Education, Health and Care (EHC) plans with additional data items necessary to form a person level collection.

The return should include all records of all EHC plans relevant to the collection year (2021) and census date (January 2022) where possible, including ceased EHC plans.

The collection consists of six modules, detailed below. Data recorded in modules 2 to 5 will be linkable to a single person recorded in module 1 (person details).

### Module 1: Person details

This module should be completed for each person for which an initial request for an EHC needs assessment is made, an assessment is made, or for which an EHC plan is held. The same person should not be included more than once in this section. Revisions to this section may be required when the persons details change.

### Module 2: Requests for EHC needs assessment

This module should be completed for all initial requests for assessment for an EHC plan, regardless of outcome, including requests which do not proceed to the assessment stage.

This allows the department to continue to monitor the number of new initial requests for assessment received by LAs, as in the aggregate level collection. Repeated requests for assessment corresponding to the same person should be recorded separately.

If the initial request for assessment is refused, no information is required in subsequent modules.

Once a decision to assess has been reached, data in this section is not expected to be subject to revision by the local authority.

### Module 3: EHC needs assessments

This module should be completed if an initial request for assessment is agreed. This section collects information on the assessment process and, if a decision is made to issue a plan, then details of the plan are to be recorded here including the establishment named on the plan.

Where a decision is made not to issue a plan, the outcome of the decision not to issue will be recorded along with the date the person was informed.

This section is expected to be completed once only for each request for assessment that is agreed. Once completed, data in this section is not expected to be subject to revision by the local authority unless the details specified on the plan change (for example establishment).

#### **Module 4: Placements**

This module should be completed for all active EHC plans on the census day and any plans that have ceased during the census period. It is expected that all spells by the child or young person in different establishments during the census period will be recorded. This information will be used to produce the caseload as at the census date and subsequent breakdowns of this.

#### **Module 5: Ceased plans**

This module should be completed for any EHC plans that have ceased. The date that the plan was ceased and reason for cessation are to be recorded.

Once completed, this section is not expected to be subject to revision by the local authority. If a new EHC plan is later requested for the same person, this should be recorded as a new request for assessment.

#### **Module 6: LA details**

This module contains any further information at the local authority level that is to be collected.

## 3. Data items

### Module 1: Person details

The information collected in this module will allow the department to continue to record information about the age profile of persons with EHC plans. Gender is a new addition that has not previously been specified in the aggregate level collection. The IDs requested will allow for linking to other data sources to further enrich the data collected on persons with EHC plans.

#### Item 1.1 Surname

#### Item 1.2 First name

#### Item 1.3 Date of birth

#### Item 1.4 Gender

0 – Not known

1 – Male

2 – Female

9 – Not Specified (indeterminate; unable to be classified as either male or female)

#### Item 1.5 Home postcode

#### Item 1.6a UPN

The person's unique pupil number. The UPN must be 13 characters in the format Annnnnnnnnnn with AnnnnnnnnnnA used for a temporary UPN; where 'A' is a character and 'n' is numeric. For further information see [UPN policy and practice guidance](#).

#### Item 1.6b Young person unique learner number

The young person's unique learner number (ULN) as used in the Individualised learner record. For further information see [Individualised Learner Record \(ILR\)](#).

#### Item 1.6c No identifier available

Where no identifier is available please record one of the following options

UN1 – Child is aged under 6 years old and is not yet assigned a UPN

UN2 – Child has never attended a maintained school in England and has not been assigned a UPN

UN3 – Child is educated outside of England and has not been assigned a UPN

UN5 – Sources collating UPNs reflect discrepancy/ies for the child's name and/or surname and/or date of birth therefore prevent reliable matching (for example duplicated UPN).

UN8 – Person is new to LA (one week before the end of the collection period) and the UPN or ULN is not yet known at the time of the SEN2 return

UN9 – Young person has never attended a maintained school or further education setting in England and has not been assigned a UPN or ULN

UN10 – Request for assessment resulted in no further action before UPN or ULN known

### **Item 1.7 Ethnicity**

Record ethnicity according to parents' or child or young persons' wishes. Ethnicity should be recorded in line with the [codeset used for the school census](#). Do not ascribe ethnicity to any pupils. Instead, use:

NOBT if you have not received ethnicity information

REFU if a parent or pupil refuses to record or return their ethnicity

## **Module 2: Requests for EHC needs assessment**

The following information should be recorded for each request for assessment made to the local authority. The information collected will allow the department to continue to report on the timeliness of the assessment process. Requests that have yet to be completed should also be recorded.

### **Item 2.1 Date request was received**

The date the request for an EHC assessment was received. This will be the date used as the start of the 20-week period.

### **Item 2.2 Initial requests for assessments made whilst in Relevant Youth Accommodation**

Was the initial request for assessment for an EHC plan made when the child or young person was detained in a relevant youth accommodation (RYA)?

1 - Yes

0 - No

Relevant youth accommodation includes young offenders institutions, secure training centres and secure children's homes.

### **Item 2.3 Assessment request outcome**

This item records whether or not the initial request proceeded to the assessment stage

Y - LA proceeded with an assessment

N - LA decided not to proceed with an assessment

A - Decision yet to be made

### **Item 2.4 Date requestor informed of decision about whether to assess**

Please enter the date the requestor(s) was informed of the decision about whether the local authority agrees, or not to the request for an assessment.

### **Item 2.5 Request mediation**

This item records whether or not the initial request was referred for mediation. For further information see Annex C - Mediation

1 – Mediation meeting has occurred or was offered but declined prior to tribunal occurring.

0 – No mediation

### **Item 2.6 Request tribunal**

This item records whether or not the mediation indicated in item 2.6 was followed by appeal to tribunal. For further information see Annex C - Mediation

1 – Mediation followed by appeal to tribunal

0 – Mediation did not lead to appeal to tribunal

### **Item 2.7 Assessment completed by another LA**

This item is to record when a decision to assess has been reached but the assessment is subsequently exported to another local authority. Please record the 3 digit LA code (based on [Common Basic Data Set](#) item N00216). This should be recorded regardless of the outcome reached by the importing local authority. No further information is subsequently required from the exporting local authority.



## **Module 3: EHC needs assessments**

This module collects information on the decision to issue a plan. Where a decision has been made to issue a plan, the detail about the placement named on the EHC plan should be recorded. It is possible that multiple assessments and plans may be recorded for a single person. For example, if an EHC plan has previously ceased and a further plan has later been issued or if it was decided not to issue a plan previously and a new assessment has been agreed following a new request. Changes may occur to this section from one year to the next for the same person, for example where the establishment named on the EHC plan is changed.

### **Item 3.1 Decision to issue EHC plan**

Y – It was decided an EHC plan would be issued

N – It was decided an EHC plan would not be issued

A – Decision has not yet been made

T – Transferred to another LA before plan issued

Where A or T is selected, no further information is required in this module.

### **Item 3.2 Date of outcome**

Either record:

Date of which EHC plan was issued, or

Date at which person was notified of decision not to issue a plan

### **Item 3.3 20-week time limit exceptions apply**

1 – Yes, exceptions apply

0 – No, exceptions do not apply

Full details of exemptions are provided in annex D

### **Item 3.4 Establishment named in EHC plan**

Please complete one of 3.4a to 3.4c only. For further guidance on recording establishment, see Annex A. Placement rank (primary or secondary placement) should also be completed (Item 3.5) for each placement.

### **Item 3.4a Establishment type – URN**

Please enter the URN of the establishment named on the EHC plan when finalised. Please refer to [Get information about schools](#) (GIAS) to obtain the Unique Reference Number (URN) of the establishment named. If no URN is available, see item 3.4b.

### **Item 3.4b Establishment type – UKPRN**

Please enter the UKPRN of the establishment named on the EHC plan when finalised. If the establishment does not have a URN, then UK Provider Reference Number (UKPRN) should be provided. The [UK Register of Learning](#) provides details on UKPRN. If no URN or UKPRN available see item 3.4c.

### **Item 3.4c Establishment type – other**

Please enter one of the following settings if URN or UKPRN are not provided

OLA – Other – arrangements made by the local authority in accordance with Section 319 of the Education Act 1996 or Section 61 of the Children and Families Act 2014

EHE – Elective home education – the number of children with EHC plans who are subject to elective home education

OPA – Other – arrangements made by parents in accordance with Section 7 of the Education Act 1996

OTH – Other – Where this is used, the local authority will be prompted for further information in COLLECT

### **Item 3.5 Placement Rank**

Up to two placements may be recorded for each person. If more than two placements are used then please record the two that are typically attended most in an average week or term as applicable. Placement rank must be recorded as follows:

1 – Primary placement

2 – Secondary placement

### **Item 3.6a SEN Unit indicator**

Please indicate whether the child's placement in Item 3.4 is for the purposes of attending the school's SEN unit.

The SEN unit or Resourced provision must be local authority approved. For more information, see Annex B.

### **Item 3.6b Resourced Provision indicator**

Please indicate whether the child's placement in Item 3.4 is for the purposes of attending the school's resourced provision.

The SEN unit or Resourced provision must be local authority approved. For more information, see Annex B.

### **Item 3.7 Residential Settings**

Please indicate if the placement named on the plan is a residential setting.

A – 38 to 51 weeks

B – 52 weeks

### **Item 3.8 Work based learning activity**

Please indicate if the plan specifies participation in work-based learning activity.

A – Apprenticeships

T – Traineeships

S – Supported internships

### **Item 3.9a Personal budget taken up**

Has a personal budget been taken up?

1 – A personal budget has been taken up

0 – A personal budget has not been taken up

### **Item 3.9b Personal budget – organised arrangements**

Organised arrangements are where the local authority or partner retains the funding and commissions the support specified in the plan (sometimes called notional arrangements).

1 – Organised arrangements are in place

0 – Organised arrangements are not in place

### **Item 3.9c Personal budget – direct payments**

Direct payments, including payments to nominees and third parties.

E – Education only

S – Social care only

H – Health only

I – integrated payment for a combination of the above

### **Item 3.10 Assessment mediation**

This item records whether or not the decision to assess was referred for mediation. For further information see Annex C - Mediation

1 – Mediation meeting has occurred or was offered but declined prior to tribunal occurring.

0 – No mediation

### **Item 3.11 Assessment tribunal**

This item records whether or not the mediation indicated in item 3.10 was followed by appeal to tribunal. For further information see Annex C - Mediation

1 – Mediation followed by appeal to tribunal

0 – Mediation did not lead to appeal to tribunal

### **Item 3.12 Other mediation**

This item records whether or not the assessment was referred for mediation for any reason other than the decision to assess or the decision to issue a plan. This includes mediation with respect to the content of the plan. For further information see Annex C - Mediation

1 – Mediation meeting has occurred or was offered but declined prior to tribunal occurring.

0 – No mediation

### **Item 3.13 Other tribunal**

This item records whether or not the mediation indicated in item 3.12 was followed by appeal to tribunal. For further information see Annex C - Mediation

1 – Mediation followed by appeal to tribunal

0 – Mediation did not lead to appeal to tribunal

## Module 4: Placements

This module collects information on the current placement of any person with an active EHC plan, and any placements in the census period for those with an active EHC plan or a plan that has ceased during the census period. This will allow the department to continue to report on the EHC plan caseload and subsequent breakdowns of this. It is expected that this will be returned at each census date, and no revisions will be made to data once returned.

### Item 4.1 Transferred in from another LA (3-digit code)

If the EHC plan was transferred in from another local authority during 2021 then enter the 3 digit LA code of the exporting local authority (based on [Common Basic Data Set](#) item N00216).

### Item 4.2 Establishment attended

Please complete one of 4.2a to 4.2d only. For further guidance on recording establishment type, see Annex A. Placement rank (primary or secondary placement) should also be completed (Item 4.3) for each placement.

#### Item 4.2a Establishment type – URN

Please enter the URN of the establishment currently attended. If no URN available see item 4.2b.

#### Item 4.2b Establishment type – UKPRN

Please enter the UKPRN of the establishment currently attended. If no URN or UKPRN available see item 4.2c.

#### Item 4.2c Establishment type – Educated Elsewhere

Please enter the alternative setting if 4.2a or 4.2b not applicable

OLA – Other – arrangements made by the local authority in accordance with Section 319 of the Education Act 1996 or Section 61 of the Children and Families Act 2014

EHE – Elective home education – the number of children with EHC plans who are subject to elective home education

OPA – Other – arrangements made by parents in accordance with Section 7 of the Education Act 1996

### **Item 4.2d Establishment type – Not in education**

Please enter one of the following if 4.2a to 4.2c do not apply

NEET – Not in education, training or employment

NIEC – Not in Education - Notice to cease issued

NIEO – Not in education – Other – Where this is used, the local authority will be prompted for further information in COLLECT

### **Item 4.2e Establishment type – Start Date**

Please record the start date for each placement in the census period

### **Item 4.2f Establishment type – End Date**

Please record the end date of any placements that ended in the census period. Do not record an end date for any current open placements.

### **Item 4.2g Establishment type – Attendance Pattern**

The attendance pattern data item records the pupil's planned attendance pattern at the establishment recorded.

FT - if a pupil attends full-time

PT - if a pupil attends the placement part-time

Please note that, for the purposes of this data item, part-time is defined as being expected to attend fewer than 10 sessions per week at the establishment recorded.

### **Item 4.3 Placement Rank**

Up to two placements may be recorded for each person. If more than two placements are used then please record the two that are typically attended most in an average week or term as applicable. Two placements cannot be recorded as having the same rank.

Placement rank must be recorded as follows:

1 – Primary placement

2 – Secondary placement

#### **Item 4.4a SEN Unit Indicator**

Please indicate whether the child's placement in items 4.2 (or 4.3 if applicable) are for the purposes of attending the school's SEN Unit.

The SEN unit or Resourced provision must be local authority approved. For more information, see Annex B.

#### **Item 4.4b Resourced Provision Indicator**

Please indicate whether the child's placement in items 4.2 (or 4.3 if applicable) is for the purposes of attending the school's resourced provision

The SEN unit or Resourced provision must be local authority approved. For more information, see Annex B.

#### **Item 4.5 Residential Settings**

Please indicate if the child or young person is currently in residential settings for 38 weeks or more.

A – 38 to 51 weeks

B – 52 weeks

#### **Item 4.6 Work based learning activity**

Please indicate if the person is currently participating in work-based learning activity.

A – Apprenticeships

T – Traineeships

S – Supported internships

#### **Item 4.7 Primary Type of Need**

Please record the nature of the individuals special educational need. These options are consistent with those collected within the spring term school census. Where multiple types of need are recorded and ranked, the primary type of need should be ranked 1 under Type of need rank (Item 4.8), and if applicable a secondary type of need should be ranked 2.

<b>Code</b>	<b>Description</b>
SPLD	Specific learning difficulty



<b>Code</b>	<b>Description</b>
MLD	Moderate learning difficulty
SLD	Severe learning difficulty
PMLD	Profound and multiple learning difficulty
SEMH	Social, emotional and mental health
SLCN	Speech, language and communication needs
HI	Hearing impairment
VI	Vision impairment
MSI	Multi-sensory impairment
PD	Physical disability
ASD	Autistic spectrum disorder
OTH	Other difficulty

#### **Item 4.8 Type of need rank**

If only one type of need is recorded, this should be recorded as rank 1. If multiple types of need are recorded, then the primary type of need should be recorded as rank 1 and the secondary type of need should be recorded as rank 2. Up to two types of need can be recorded.

#### **Item 4.9 EHC plan review decisions date**

Please enter the date when the LA wrote to the parent or young person with the notification about the LA's decision following the review of the EHC plan. Note that this date is unlikely to be the same as the date of the review meeting.

## **Module 5: Ceased plans**

This module collects information on the date and reason of cessation for each EHC plan. The data in this module is not expected to be subject to revision once complete.

### **Item 5.1 Date EHC plan ceased**

Please provide the date the EHC plan ended or the date the EHC plan was transferred to another local authority. Do not record the date of the decision to cease. Local authorities must continue to maintain the EHC plan until the time has passed for bringing an appeal or, when an appeal has been registered, until it has been concluded.

### **Item 5.2 Reason EHC plan ceased**

Please provide the reason the EHC plan ended from the list below

- 1 – Reached maximum age
- 2 – Ongoing educational or training needs being met without an EHC plan
- 3 – Moved on to higher education
- 4 – Moved on to paid employment, excluding apprenticeships
- 5 – Transferred to another LA
- 6 – Young person no longer wishes to engage in education
- 7 – Child or young person has moved abroad
- 8 – Child or young person deceased
- 9 – Other - Where a large number of cases are recorded as other, the local authority will be prompted for further information in COLLECT

## Module 6: LA details

This module replicates the existing information collected at a local authority level in the SEN2 collection.

### Designated Medical / Clinical Officer (DMO/DCO)

A Designated Medical or Clinical Officer (DMO/DCO) can both support relationships across the health sector and between education, health and care partners. The role is currently non-statutory and set out in the 0- 25 SEND Code of Practice.

Often the DMO will be a consultant paediatrician or in some cases a General Practitioner and the Designated Clinical Officer (DCO) is in most cases a nurse or a therapist.

These roles can vary according to local arrangements and some clinical commissioning groups have both DMO/DCO roles in place who will have the appropriate knowledge and can carry out the functions listed in the SEND Code of Practice. They can cover a number of Clinical Commissioning Group (CCGs) if they are within a larger local authority footprint.

The 'Recruitment in progress' indicator is meant to cover those local areas that are recruiting to the post or are in discussion with their CCG(s) and others about how to ensure the strategic function of the DMO/DCO is covered.

Note: Please consult your CCG lead or Children's Commissioner for advice if you are unsure on the current position of these roles.

#### Item 6.1 Designated Medical Officer

Does your local authority area have a Designated Medical Officer (DMO) in place on census day?

Y – Yes

N – No

R – Recruitment in progress

#### Item 6.2 Designated Clinical Officer

Does your local authority area have a Designated Clinical Officer (DCO) in place on census day?

Y – Yes

N – No

R – Recruitment in progress

# Annex

## A - Establishment types

### **URN - Available in Get Information about Schools (GIAS)**

If the establishment has a URN, record this, includes

- schools - State funded nursery, primary, secondary, special, general hospital schools, non maintained special schools, independent schools (including special).
- person typically recorded on school census with UPN

### **UKPRN - Available in UK Register of Learning**

If establishment has UKPRN rather than URN, record this

- includes 16-18/further education providers
- person typically recorded on Individualised Learner Record (ILR) with young person unique learner number

### **Educated elsewhere**

If no URN/UKPRN, is the person under

- elective home education
- arrangements made by the parents
- arrangements made by the local authority

### **Not in education/Other**

If none of the above apply

- not in education, employment or training (NEET) but engaged with local authority
- not in education, employment or training and notice to cease has been issued
- other (LA to be prompted for further information)

## **B – Local authority approved provision**

### **Special educational needs (SEN) units**

SEN units are special provisions within a mainstream school where pupils with SEN are taught mainly within separate classes.

Units:

- are designated by the local authority specifically for making SEN provision, and sometimes accommodate pupils registered at other schools on a part-time basis;
- receive funding of £6,000 or £10,000 per place, and usually top-up funding for the excess costs of additional support required by individual pupils;
- cater for a specific type or types of SEN (for example autistic spectrum disorders);
- are usually for pupils with an education, health and care (EHC) plan (but may also provide support for pupils with SEN support).

Schools and academies should only record that a SEN unit is present where the SEN unit has been formally recognised as such by the local authority where the school is located.

Most pupils placed in units will have an Education, Health and Care plan. It is unlikely that a child would be placed in a unit and also receive support from resourced provision, but a school could have resourced provision for one type of need and a unit for another.

### **Resourced provisions**

Resourced provisions are places that are reserved at a mainstream school for pupils with a specific type of SEN, taught mainly within mainstream classes, but requiring a base and some specialist facilities around the school.

Resourced provisions:

- are designated by the local authority specifically for making this kind of SEN provision;
- receive funding of £6,000 or £10,000 per place, and usually top-up funding for the excess costs of additional support required by individual pupils;
- cater for a specific area or areas of SEN (for example specific learning difficulties);
- are usually for pupils with an education, health and care (EHC) plan, but could include pupils with SEN support.

Local authorities should only record that resourced provision is being used where the resourced provision has been formally recognised as such by the local authority.

## **C - Mediation**

Parents or young people who wish to register an appeal to the First-tier Tribunal (Special Educational Needs and Disability) may do so only after they have contacted an independent mediation adviser and discussed whether mediation might be a suitable way of resolving the disagreement. After receiving information, it is for the parents and young person to decide whether to take part in mediation or appeal to the Tribunal without taking part in mediation. If they decide to take part in mediation, once it has finished they can then decide whether or not to appeal to the Tribunal.

These arrangements do not apply when the appeal is solely about the name of the school, college or other institution named in the EHC plan, the type of school, college or institution or the fact that no school, college or institution is named. Local authorities will arrange for the provision of mediation information and mediation itself where the parent or the young person wishes to take part in this.

## **D - Guide for local authorities completing Education, Health and Care (EHC) plans issued within 20 weeks**

### **Timelines for assessments and drawing up Education, Health and Care plans**

The Special Educational Needs and Disability Regulations 2014<sup>1</sup> set out the time limits for conducting an EHC needs assessment as required under s.36(11) of the Children and Families Act 2014. The whole process includes all of the required steps from:

‘Day 1’: when the local authority receive a formal request for an EHC needs assessment, or the child or young person is identified or otherwise comes to the local authority’s attention as someone who has or may have special educational needs and is in the authority’s area to the date when the final plan is issued by the local authority, which must take no more than 20 weeks.

The local authority needs to conclude this process as soon as is practicable, and in any case within that 20 weeks.

The key steps in the process which have statutory timescales, and which begin in each case on ‘Day 1’, are:

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<sup>1</sup> The Special Educational Needs and Disability (Detained Persons) Regulations 2015 contain similar provisions to those in the 2014 Regulations. The statistics being collected in SEN2 include those for detained persons but, for simplicity, the detained persons legislative provisions are not referenced separately in this guide.

- 6 weeks to make a decision whether or not an assessment is necessary and to communicate that decision to the parents of the child or to the young person; with the authority to do this as soon as is practicable and in any case before the end of that period;
- where a local authority decides following an assessment that it is not necessary for special educational provision to be made for a child or young person in accordance with an EHC plan, it must inform the parents of the child or the young person as soon as is practicable and in any case within 16 weeks;
- 20 weeks to finalise and issue a plan; with the authority to do this as soon as is practicable and in any case before the end of that period.

## Definitions

The 20 week period comprises Day 1 + 139 calendar days. The end of the period is the date on which the authority writes to the parents of the child or the young person with the final EHC plan.

## Exceptions to the time limits

Where there are exceptional circumstances, it may not be reasonable to expect local authorities to comply with the time limits above. The Special Educational Needs and Disability Regulations 2014 set out in Regulations 5(4), 10(4) and 13(3) specify exemptions as follows.

The authority need not comply with the initial 6 week limit or the 16 and 20 week limits if it is impractical to do so because:

- 1) The local authority has requested advice from the head teacher or principal of a school or post-16 institution during a period beginning one week before any date on which that school or institution was closed for a continuous period of not less than 4 weeks from that date and ending one week before the date on which it re-opens;
- 2) The authority has requested advice from the person identified as having responsibility for SEN (if any), in relation to, or other person responsible for, a child's education at a provider of relevant early years education during a period beginning one week before any date on which that provider was closed for a continuous period of not less than 4 weeks from that date and ending one week before the date on which it re-opens;
- 3) Exceptional personal circumstances affect the child, the child's parent, or the young person; or

- 4) The child, the child's parent, or the young person, are absent from the area of the authority for a continuous period of not less than 4 weeks.

The local authority should inform the child's parent or the young person if exemptions apply so that they are aware of, and understand, the reason for any delays. Local authorities should aim to keep delays to a minimum and as soon as the conditions that led to an exemption no longer apply the local authority should endeavour to complete the process as quickly as possible. All remaining elements of the process must be completed within their prescribed periods, regardless of whether exemptions have delayed earlier elements.



## E – Aggregate to person level mapping

The following outlines how the person level collection aims to replicate the measures collected in the current aggregated LA level collection.

Aggregate SEN2 collection data item	Person level variables	Notes
1.1 Age band - caseload	1.3 Date of birth	Further detail available as individual person age can now be calculated Caseload derived where start date is populated and date EHC plan ceased is null
1.2a Establishment types – caseload	3.4 Establishment named in EHC plan	Establishment ID to be mapped to Get Information about Schools (GIAS) data to provide establishment types. Secondary source of UK RLP to be used for providers not listed in GIAS. Allows consistent comparisons to other DfE data collections Caseload derived where start date is populated and date EHC plan ceased is null
1.2b Work based placements - caseload	4.6 Work based learning activity	Recorded as in EHC plan and current position Caseload derived where start date is populated and date EHC plan ceased is null
1.2c Residential settings – caseload	4.5 Residential Settings	Recorded as in EHC plan and current position Caseload derived where start date is populated and date EHC plan ceased is null
2.1a Age bands - new claims	1.3 Date of birth 3.1 Decision to issue EHC plan 3.2 Date of outcome	New claims where date of outcome in calendar year and decision to issue = Y

2.2a Establishment types - new claims	3.4 Establishment named in EHC plan 3.1 Decision to issue EHC plan 3.2 Date of outcome	Establishment ID to be mapped to Get Information about Schools (GIAS) data to provide establishment types. Secondary source of UK RLP to be used for providers not listed in GIAS.  Allows consistent comparisons to other DfE data collections  New claims where start date in calendar year
2.2b Work based placements - new claims	3.8 Work based learning activity	Recorded as in EHC plan and current position  New claims where start date in calendar year
2.2c Residential settings - new claims	3.7 Residential Settings	Recorded as in EHC plan and current position  New claims where start date in calendar year
2.3 Decisions not to issue	3.1 Decision to issue EHC plan 3.2 Date of outcome	Count where date of outcome in calendar year and decision to issue = N
2.4 Currently being assessed	3.1 Decision to issue EHC plan 2.5 Date requestor informed of decision about whether to assess	Count where date requestor informed of decision about whether to assess in calendar year and decision to issue = A. i.e. assessment to occur but not complete yet
2.5 Assessments refused	2.4 Assessment request outcome 2.5 Date requestor informed of decision about whether to assess	Count where date requestor informed of decision about whether to assess in calendar year and assessment request outcome = N
2.6 In year transfers between establishments	4.2 Establishment attended (Year N, N-1)	Compare position from one collection to next Greater range of breakdowns

		available Would not be available in first collection
2.7 Discontinued plans (compulsory school age)	5.1 Date EHC plan ceased 5.2 Reason EHC plan ceased	Aggregate count of plans ceased by reason Combined with 2.8 Discontinued plans (school leavers)
2.8 Discontinued plans (school leavers)	5.1 Date EHC plan ceased 5.2 Reason EHC plan ceased	Aggregate count of plans ceased by reason Combined with 2.7 Discontinued plans (compulsory school age)
2.9 Initial requests for EHC plan assessments	2.2 Date request was received	Aggregate count of requests recorded where date request was received in calendar year
2.10 Initial requests for assessments made whilst in relevant youth accommodation	2.2 Date request was received 2.3 Initial requests for assessments made whilst in RYA	Aggregate count of requests recorded where date request was received in calendar year and RYA flag = Y
3.1a EHC plans issued within 20 weeks (including exception cases) - denominator	3.1 Decision to issue EHC plan 3.2 Date of outcome	New claims where date of outcome in calendar year and decision to issue = Y and assessment mediation = N and assessment tribunal = N
3.1b EHC plans issued within 20 weeks (including exception cases) - numerator	2.2 Date request was received 3.1 Decision to issue EHC plan 3.2 Date of outcome	New claims where date of outcome in calendar year and decision to issue = Y and interval (date of outcome, date request received) is 20 weeks or less and all mediation = N and all tribunal = N
3.2a EHC plans issued within 20 weeks	3.1 Decision to issue EHC plan 3.2 Date of outcome	New claims where date of outcome in calendar year and decision to issue = Y and 20-week time limit

(excluding exception cases) - denominator	3.3 20-week time limit exceptions apply	exceptions apply = N and all mediation = N and all tribunal = N
3.2b EHC plans issued within 20 weeks (excluding exception cases) - numerator	2.2 Date request was received 3.1 Decision to issue EHC plan 3.2 Date of outcome 3.3 20-week time limit exceptions apply	New claims where date of outcome in calendar year and decision to issue = Y and 20-week time limit exceptions apply = N and interval (date of outcome, date request received) is 20 weeks or less and all mediation = N and all tribunal = N
4.1 Personal budgets and 4.2 Personal budget types	3.9a Personal budget taken up 3.9b Personal budget – organised arrangements 3.9c Personal budget – direct payments	Same questions at person level, aggregate count where start date is populated and date EHC plan ceased is null (as per caseload variables)
5.1 Effectiveness of mediation	2.6 Request mediation 2.7 Request tribunal 3.10 Assessment mediation 3.11 Assessment tribunal	Mediation cases = aggregate count of mediations recorded Tribunal cases = aggregate count of tribunals recorded



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