



# Education, Health and Care Needs Assessments

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## 1. Introduction

This document aims to assist when making a request for an Education, Health and Care Needs Assessment under the 2014 Children and Families Act and the SEND Code of Practice 2015. This document outlines the Hertfordshire guidance for considering requests for an Education, Health and Care Needs Assessment.

The Local Authority will work collaboratively with families and professionals in an open and honest manner which places the child or young person (for whom an assessment is requested) at the centre.

## 2. What is an Education, Health and Care Needs Assessment?

The majority of children and young people with special educational needs or disabilities will have their needs met within local mainstream early years settings, schools or colleges. Some children and young people may require an Education,

Health and Care (EHC) needs assessment in order for the Local Authority to decide whether it is necessary for it to make provision in accordance with an EHC plan.  
(*SEND Code of Practice 9:1*)

An EHC Needs Assessment is an assessment of the Educational, health care and social care needs of a child or young person.  
(Section 36 (2) Children and Families Act 2014)

An EHC Needs Assessment is a 20 week process. Following receipt of a request for an EHC Needs Assessment the Local Authority must decide whether to proceed with an assessment and communicate its decision to the parents and/or Young Person, within 6 weeks of the request. If the Local Authority decide to proceed with an assessment the process will be completed within a further 14 weeks.

An EHC needs assessment will not always lead to an EHC plan. The information gathered during an EHC needs assessment may indicate ways in which the school, college or other provider can meet the child or young person's needs without an EHC plan. (*SEND Code of Practice 9:6*)

Throughout the assessment process the local authority must have regard to the following matters:

- a) The views, wishes and feelings of the child and his or her parent, or the young person
- b) The importance of the child and his or her parent, or the young person, participating as fully as possible in decisions relating to the exercise of the function concerned
- c) The importance of the child and his or her parent, or the young person, being provided with the information and support necessary to enable participation in those decisions
- d) The need to support the child and his or her parent, or the young person, in order to facilitate the development of the child or young person and to help him or her achieve the best possible educational and other outcomes  
(*Children and Families Act 2014, Section 19*)

### **3. Who can Request an Education, Health and Care Needs Assessment and how?**

The following people have a specific right to ask a local authority to conduct an EHC needs assessment for a child or young person aged between 0 and 25:

- The child's parent
- A young person over the age of 16 but under the age of 25
- A person acting on behalf of a school or post 16 institution (ideally with the knowledge and agreement of the parents or young person)
- Children and young people under 19 in youth custody or their parents, or professionals working with them.

In addition, anyone else can bring a child or young person who has (or may have) SEN to the attention of the local authority, particularly where they think an EHC needs assessment may be necessary. This should be done with the knowledge and, where possible, agreement of the child's parent or the young person.

*(Children and Families Act Section 36/SEND Code of Practice 9:8)*

### **4. Considering whether to apply for an EHC Needs Assessment**

The EHC needs assessment should not normally be the first step in the process, rather, it should follow on from planning already undertaken with parents and young people in conjunction with any early years provider, school, post 16 institution or other provider.

The needs of most pupils will be met within the resources generally available to mainstream settings, but a small number of pupils, who have more complex and severe difficulties significantly impeding their educational progress, may require an EHC needs assessment.

Schools should identify pupils who have special educational needs and ensure that action is taken to remove barriers to learning and put effective special educational provision in place. This should take the form of a four part cycle known as the graduated approach: assess, plan, do and review. Through this process earlier decisions and actions are revisited, refined and revised.

If a pupil continues to make less than expected progress, despite evidence based support and interventions that are matched to the pupil's area of need, the school should consider involving specialists to advise them on early identification of special educational needs.

The SENCo and class teacher, together with the specialists, and involving the pupil's parents, should consider a range of evidence based and effective teaching approaches, appropriate equipment, strategies and interventions in order to support the child's progress. They should agree the outcomes to be achieved through the support, including a date by which the progress will be reviewed.

*(SEND Code of Practice 6:62)*

Where, despite the school having taken relevant and purposeful action to identify, assess and meet the special educational needs of the child or young person, the child or young person has not made expected progress, the school or parents should consider requesting an EHC needs assessment.

School staff and parents, with the support of the external professionals should have met to discuss the child's progress following the use of the graduated response and analysis of the impact over of support. If, despite the interventions applied, the child or young person has failed to make adequate progress, consideration will be give whether the child or young person may require an EHC needs assessment or whether a further graduated response cycle is required. If it is considered appropriate the school with parents and professionals will then complete the request for an EHC needs assessment form. Schools may wish to consult their Special Educational Needs and Disability Officer for advice before making this decision and/or making their submission.

## **5. How to Apply for an Education, Health and Care Needs Assessment**

Requests for an EHC needs assessment must be submitted to the Special Educational Needs and Disability Service. Requests can be made in writing with the expressed consent of the Parent or young person. Ideally, all requests should be accompanied by supporting evidence illustrating how the child or young person's needs meet guidance and the legal requirements for an EHC needs assessment.

## **6. Information to include in an EHC Needs Assessment application**

Applications can be made to the Local Authority through the SEND Service, by the child's parent, the young person or a person acting on behalf of school or post-16 provision. The Local Authority provides a template for an EHC Needs Assessment, to aid applications to the SEND Service and can be found at [www.hertfordshire.gov.uk/send](http://www.hertfordshire.gov.uk/send)

Applications can be made by e-mail and post and must contain the signed consent of a parent/carer (with parental responsibility) or young person for the SEND Service to

proceed with the request. The signed consent is required for information sharing purposes, which is required throughout the EHC Needs Assessment process.

Where available and appropriate the following information is helpful to provide in a request:

- An EHC needs assessment request form, fully completed and signed by the parent/carer or young person and the head teacher
- Evidence of the Assess, Plan, Do, Review cycle over time, which includes details of actions and impact of these over time
- Reports from external specialists (no more than eighteen months old) and clear indications of the ways in which their advice has been implemented by SEN Support
- Other evidence where appropriate e.g. reports from Health Service professionals or other evidence documenting evidence discussed in advance with the appropriate SEN Officer
- A copy of a timetable of support at the SEN Support Stage (detailing both 1:1 and a small group support)
- A copy of a provision map
- A copy of the pupil's EYFS/IAELD/other assessments
- In the case of submissions with regard to social, emotional and mental health identified as a result of analysis of behaviour incidents together with strategies implemented, the impact of these and evidence of support requested from other services. Including any Herts Steps documents used to identify needs and provision to support the child
- Examples of **unaided**, dated and annotated pupil's work – literacy, numeracy, science or a foundation subject (completed in the current term) i.e. please state what the pupil has asked to do and describe what they produced. Assess the pupil's work and demonstrate how they are performing with reference to age related expectations
- Evaluations of previous interventions and evidence of their implementation
- Any other evidence directly relevant to this request e.g. notes from professionals meetings (held in last 6-12 months)
- A copy of the school's/setting's assessment together with the relevant guidance

## 7. Considering whether to proceed with an EHC needs assessment

The Local Authority **must** secure an EHC Needs Assessment for the child or young person if, after having regard to any views expressed and evidence submitted under subsection (7), the authority is of the opinion that:

- a) *The child or young person has or may have special educational needs, and*
- b) *It may be necessary for special educational provision to be made for the child or young person in accordance with an EHC Plan.*

(Section 36 (8) Children and Families Act 2014)

For those young people over 18 the following applies:

A Local Authority **must** consider whether he or she requires additional time, in comparison to the majority of others of the same age who do not have special educational needs, to complete his or her education or training. (Section 36 (10) Children and Families Act 2014) In considering the legal requirements for assessment the following Legal Definitions apply:

### Special Educational Needs

- (1) A child or young person has special educational needs if he or she has a learning difficulty or disability which calls for a special education provision to be made for him or her.

(Section 20 (1) of Children and Families Act 2014)

### Learning Difficulty

- (2) A child of compulsory school age or a young person has a learning difficulty or disability if he or she:
  - a) Has a significantly greater difficulty in learning than the majority or others of the same age, or
  - b) Has a disability which prevents or hinders him or her from making use of facilities of a kind generally provided for others of the same age in mainstream schools or in mainstream Post 16 institutions.

- (3) A child under compulsory school age has a learning difficulty or disability if he or she is likely to be within subsection (2) when of compulsory school age (or would be likely, if no special educational provision were made).

(Section 20 of Children and Families Act 2014)

### Special Educational Provision

Special educational provision means educational or training provision that is additional to, or different from, that made generally for others of the same age in:

- a) Mainstream schools in England
- b) Maintained nursery schools in England

- c) Mainstream Post 16 institutions in England, or
  - d) Places in England at which relevant early years education is provided.
- (Section 21 of Children and Families Act 2014)

When considering whether an EHC needs assessment is necessary, the local authority should consider whether there is evidence that despite the early years provider, school or post 16 institution having taken relevant and purposeful action to identify, assess and meet the special educational needs of the child or young person, they have not made expected progress.

The local authority is prepared to depart from this guidance where there is a compelling reason, in a particular case and is willing to do so where individual circumstances warrant such a departure. This guidance is not a 'blanket' policy to particular groups of children or certain types of need and the local authority works to consider a child's or young person's needs individually and on their merits.

The Local Authority holds Local Multi Agency Panels, in each of the 4 SEND area team every fortnight to consider all requests for an EHC Needs Assessment. The Local Authority invites a range of professionals to inform its decision making. Invitations are made to Schools and Colleges, Educational Psychologists, Advisory Teachers, YC Hertfordshire, Health and Social Care. Professionals in attendance at the panel provide the Local Authority with knowledge and expertise from their professional area for each child, to inform its decision.

The Local Authority considers all of the advice given, alongside the information provided as part of the request, to date and makes its decision whether to proceed with an assessment.

## **8. Guidance for LMAG Panel members**

### **What information should be considered?**

The Local Authority and panel members would like to see evidence that the following has been considered and evidence of this provided:

1. Despite every effort having been made by the setting or school to address the child's special educational needs, including implementing the recommendations of professionals, the child or young person is not progressing or not progressing significantly well AND
2. The child or young person may have special educational needs in one of the following areas:
  - Cognition and learning
  - Communication and interaction
  - Sensory and/or physical development
  - Social, emotional and mental health

It should be clear that the child may have special educational needs which may require specialist provision.

The local authority and panel members will need to take into account a wide range of evidence, such as:

- Evidence of the action already being taken by the early years provider, school or post 16 institution to meet the child or young person's special educational needs.
- Evidence of academic attainment or developmental milestones in younger children and rate of progress
- Information about the nature, extent and context of the child or young person's special educational needs
- Evidence that where progress has been made, it has only been as a result of much additional intervention and support over and above that which is normally provided. Evidence that the setting has implemented all strategies indicated within their own SEND report and Local Offer, including evidence of Assess, Plan, Do, Review.
- Evidence of the child or young person's physical, emotional and social development and health needs, and how these impact the access to education or educational progress, drawing on relevant evidence from clinicians and other health professionals and what has been done to meet these by other agencies
- Where a young person is over 18, the local authority **must** consider whether the young person requires additional time, in comparison to the majority of others of the same age, who do not have special educational needs, to complete their education or training. Remaining in formal education or training should help young people to achieve education and training outcomes, building on what they have learned before and preparing them for adult life.

### **Why may the LA not agree an EHC Needs Assessment?**

On the basis of the available evidence the panel may advise that there are further actions that can be taken to meet the pupil's needs that do not require an EHC needs assessment. For example:

- Enhancing early years/school based provision by a referral to appropriate support services or external agencies
- Devising alternative forms of teaching intervention through special educational needs school support
- Providing further or different provision that can reasonably be expected within the resources available within the setting or school



A pupil's apparently difficulties may, on examination of the evidence, be attributable to wider factors associated with the setting/school's organisation. Careful consideration of evidence of low attainment may reveal good progress from a low base

If such considerations are reached it is likely that the panel may advise that an EHC assessment was not necessary.

### **Why would the LA agree to assess?**

However, if the evidence shows that:

- The child's learning difficulties have not responded to relevant and purposeful measures taken by the setting or school and/or
- The child's learning difficulties may call for special educational provision, which cannot reasonable be provided within the resources normally available to mainstream schools

it is likely that the panel will advise that the local authority should undertake an EHC needs assessment.

The decision agreed by the local authority following advice from panel members is processed by the Special Educational Needs (SEN) Service.

## **Indicators of Special Educational Needs:**

### **COGNITION AND LEARNING**

#### **Learning Difficulties**

The majority of pupils with learning difficulties will be identified early in their school careers. Their general level of academic attainment will be considerably below that of their peers and they will have particular difficulties acquiring basic numeracy and literacy skills. Pupils with learning difficulties may have additional special needs for example speech and language difficulties or difficulties relating to other pupils or adults.

Indicators may include:

- The pupil's attainment will be significantly below age related expectations. Please provide evidence to support this

- A significantly reduced ability to understand new or complex information, to learn new skills, with
- A reduced ability to cope independently

### **Specific Learning Difficulties (Dyslexia)**

Some pupils may have very marked difficulties in reading and writing, spelling or numbers which are not typical of their cognitive ability and which impact on their performance in other areas in the curriculum. They may quickly gain some skills in some subjects and demonstrate a higher level of ability orally which does not correspond to the difficulty they experience in gaining literacy or numeracy skills.

It is expected that the majority of pupils experiencing these types of difficulties will have their needs fully met by schools using their delegated resources without the need for an EHC plan.

Pupils with specific learning difficulties (SpLD) may become severely frustrated and may develop associated emotional/behavioural difficulties. They may also develop low self-esteem. Under such circumstances a pupil's complexity of difficulty would be judged against other guidance published in this document such as speech and language difficulties or, social, emotional and health difficulties.

## **COMMUNICATION AND INTERACTION**

### **Speech, Language and Communication Needs**

Most speech, language and communication needs (SLCN) will have been identified before school age. Many of these children will have their needs met without requiring an EHC plan. Some children will have persisting, significant and/or complex SLCN which impair their ability to participate fully when they start school. Some children will have SLCN within the context of other needs e.g. LD, Hearing Impairment. In these cases there will need to be consideration of which is the primary presenting need.

A speech and language difficulty will be shown by a marked impairment in one or more of the following:

- Comprehension of language
- Expressive language skills
- Speech intelligibility
- Capacity to use language for successful social communication and learning

In all cases submitted for an EHC needs assessment there should be evidence of multi-professional concern, including assessment by a Speech and Language Therapist. The child or young person must display a developmental speech/language disorder which may or may not co-occur in the context of other difficulties. Evidence should identify the level at which the child or young person's speech and/or language difficulties are significantly impacting on their broader learning, social inclusion and participation. Evidence should be provided of progress following support by a key agent of change and/or Speech and Language Therapist intervention.

### **Social and Communication Disorders**

Children with a diagnosis of Autistic Spectrum Condition, including high functioning autism (or the former diagnosis of Asperger's Syndrome) will have difficulties in communicating and making appropriate relationships with others. These difficulties will impede their ability to access the curriculum.

The pupil will display a range of unusual behaviours in each of the following areas:

- Impairment of social interaction skills:
  - Lack of reciprocal social interaction
  - Lack of, or too intense eye contact
  - Inability to 'read' facial expressions or gesture pedantic speech
  - Lack of empathy
- Impairment of communication skills:
  - Problems in maintaining two way conversations
  - Difficulty in making sense of, or using, verbal and non-verbal communication
  - Inappropriate, intonation and sometimes echolalia
  - Repetitive questioning
  - Literal interpretation of language
- Impairment of imagination:
  - Difficulty in flexible thought and resistance to change obsessive behaviour
  - Inability to engage in symbolic and creative play
  - Lack of ability to learn incidentally
  - Inability to making connections which causes difficulty in generalising knowledge
  - Difficulty with creative work

The needs of most pupils with high functioning autism (or the formerly diagnosed Asperger's Syndrome) can be met in mainstream schools but some may require an EHC plan, usually because of their social impairments which make it difficult for them

to understand, accept and comply with the social and learning expectations of a school.

Indicators may include:

- The child/young person has significantly greater difficulty than his/her peers in communicating with adults and other children

**OR**

- The child/young person's behaviour is significantly different from that of others of his/her age.

**AND**

- This difficulty has a significant effect on his/her ability to learn.

**AND**

- The child/young person's attainment is significantly below age related expectations. Please provide evidence to support this.

## **SENSORY AND/OR PHYSICAL NEEDS**

### **Physical Difficulty**

There will be some pupils, without significant learning difficulties, who have a marked physical impairment and require the provision of specialist furniture or equipment, minor adaptations to the school environment for some additional adult support in order to gain access to the curriculum. For these pupils, whose attainment may be average or above, the access to a mainstream curriculum and peer group is the prime aim. In order to do this, special arrangements or teaching strategies may be required which take into account the impact of the pupil's disability on his/her learning. It is expected that schools will provide for these children from within their delegated resources. Where a child has a physical disability the school should always consider whether it has made appropriate adaptations under the Equality Act (2010) before making a request for an EHC needs assessment.

In some instances a medical condition will affect a pupil's performance and progress intermittently, whilst others will be affected on a continuous basis throughout their school career. A medical diagnosis or a disability does not necessarily imply SEN. It may not be necessary for a child or young person with any particular diagnosis or medical condition to need any form of additional educational provision at any phase

of education. It is the child's educational needs rather than a medical diagnosis that must be considered.

In all cases submitted for an EHC needs assessment, there should be evidence of multi-professional concerns that the pupil's physical or medical disability may, if appropriate action is not taken, have a severe and persistent impact on progress in the curriculum.

Indicators may include:

- Clear and substantiated evidence, based on specific examples, that the pupil's physical disability or medical condition prevents them from taking a full part in school/community life and has given rise to emotional or mental health difficulties
- The pupils needs modification of content, materials or equipment for substantial parts of the curriculum that cannot reasonably be provided from within the schools own budget

### **Visual Impairment**

A number of pupils have a reduction in visual acuity which can be corrected by spectacles. There will, however, be some pupils with a significant visual impairment, or functional blindness, which may limit access to the curriculum and require an EHC needs assessment.

Where a child has a visual impairment the school should consider whether it has made appropriate adaptations under the Disability Discrimination Act (1995) and The Equality Act (2010) before making a request for an EHC needs assessment.

In all cases submitted for an EHC needs assessment there should be clear recorded evidence of multi professional concern that a pupil's visual impairment may, if appropriate action is not taken, have a marked impact on progress in the curriculum, emotional or social development, ability to take part in particular classroom activities or participation in aspects of school life.

Indicators may include:

- Concept development
- Communication (verbal and non-verbal)
- Visual skills and strategies
- Mobility skills
- Orientation skills
- Interpersonal skills
- Independence
- Curriculum access
- Attainment

- Social and emotional development.

Evidence may also include:

- Under- or partially-developed visual skills
- Specific examples of the visual impairment placing the pupil under stress, with associated withdrawn or frustrated behaviour.

### **Hearing Impairment**

Pupils may suffer mild temporary hearing loss often as the result of infection (e.g. glue ear), Schools are required to support such needs from within the resources ordinarily available to them. There will, however, be some pupils with a serious and permanent hearing loss for whom it is appropriate to undertake an EHC needs assessment.

Where a child has a hearing impairment the school should consider whether it has made appropriate adaptations under the Equality Act (2010) before making a request for an EHC needs assessment.

In all cases submitted for an EHC needs assessment there should be clear recorded evidence of multi professional concern that the pupil's hearing impairment may, if appropriate action is not taken, have a marked impact on progress in the curriculum, emotional or social development, ability to take part in particular classroom activities or participation in aspects of school life.

The Local Authority would also consider the impact of hearing impairment on the following areas:

- Communication
- Interaction (attention and concentration)
- Speech discrimination of spoken language
- Speech sound development
- Language development
- Independence
- Interpersonal skills
- Curriculum access
- Attainment
- Social inclusion

Evidence may also include:

- A significant discrepancy between language abilities and other abilities
- Difficulties with spoken and written comprehension, and with communicating thoughts and feelings to others

- Specific examples of the hearing impairment placing the child under stress, with associated withdrawn or frustrated behaviour.
- The pupil's attainment will be significantly below age related expectations. Please provide evidence to support this.

### **Multi-Sensory Impairment/Deaf Blind**

Where a child has a multi-sensory impairment then school should consider whether it has made appropriate adaptations under the Equality Act (2010) before making a request for an EHC needs assessment.

Children with significant dual sensory impairment/deaf blindness may require:

- Provision of and training in the use of, specialist equipment
- Modification of the classroom to include visual and auditory access
- Provision of specialist teaching programmes
- Augmentative or alternative means of communication
- Modification of communication
- Perceptual skills training
- Mobility and orientation advice or training
- Modification of the classroom to improve the visual access
- Supervision on health and safety grounds in some practical lessons
- Significant modification and adaptation of normal print and other teaching materials
- Tactile modification for the educationally blind and Braille user
- A safe and accessible environment for travel and learning

The Local Authority would also consider the impact of dual sensory impairment/deaf blindness on the following areas:

- Sensory access to the curriculum
- Perceptual skills
- Incidental learning
- Development of concepts
- Development of receptive and expressive communication
- Development of interactive skills
- Use of alternative and augmentative means of communication
- Use of alternative access to printed and spoken material
- Enhanced requirement for personal experience of concepts
- Motor and movement skills
- Independence skills
- Mobility and orientation
- Involvement in the community

- Social isolation and adaptability
- Self-esteem and self-confidence
- Safety

Evidence may also include:

- Underdeveloped perceptual skills
- Difficulties with behaviour or social isolation
- Difficulties in attainment, learning and cognition due to, or in addition to, sensory impairments
- Difficulty in concentration and attention

## **SOCIAL, EMOTIONAL AND MENTAL HEALTH**

Many children will at some time during their school career experience changes in emotion which impact on their behaviour in school. Other pupils may exhibit behavioural or mental health difficulties that can be attributed to particular problems in their background. In most cases, the needs of these pupils can be met by the school from existing resources. A wide range of provision to meet such needs should be part of the school's social, emotional and mental health development programme.

However, pupils may display difficulties of an extreme nature that require a high level of intervention that is not reasonable for the school to provide. In these cases consideration will be given regarding the degree to which emotional or mental health needs impact on:

- Access to the curriculum for the pupil
- The safety or welfare of the pupil or other pupils
- Teacher attention and time

The degree and complexity of these behaviours for any pupil will be considered in regard to:

- The inappropriateness of the behaviour (particularly with regard to the age of the pupil and to the context in which the behaviour occurs)
- Frequency
- Intensity
- Duration
- Persistence over time

Indicators may include:



1. The school, or the previous school attended by the pupil, has provided appropriate support to the pupil over a period of not less than twelve months and this support has included an appropriate behaviour modification programme
2. In spite of the support provided for a pupil aged six years and above, the pupil has made no more than six months progress in either, or both, Literacy and Numeracy during that twelve month period
3. The pupil's behaviour within the classroom is regularly disruptive and unpredictable and a record of this behaviour has been made
4. Evidence has been collected over a period of at least twelve months to show that the pupils behaviour is qualitatively different from that of his/her peers and, despite the introduction of a behaviour modification programme, there is a lack of significant progress or improvement
5. The parents, school, relevant professionals and local authority agree that a sudden serious deterioration in the child's behaviour has taken place
6. The school followed guidance from the Department for Education "Health and Behaviour in schools"

## **9. What happens next?**

If the EHC needs assessment is agreed, the setting, parents/carers, young person and other agencies involved will be advised of this by the Special Educational Needs and Disability (SEND) Officer and the local authority will seek formal advice. The named SEND officer will contact parents/carers to discuss the process, the timescales and undertake a Family Conversation.

If an EHC needs assessment is not agreed, feedback explaining the reasons for the decision will be provided verbally and in writing to the school, parents/carers or young person. The SEND Officer will also offer a way forward meeting with the family, setting and relevant professionals to discuss why the local authority concluded an assessment was not required and discuss what further actions may be taken to support the child or young person's needs. Settings and/or support services may be invited to these meetings with the agreement of the parents/carers or young person.

The local authority will ensure parents/carers or the young person are aware of how to access support from the Special Educational Needs and Disability Information,

Advice and Support Service (SEND IASS). Parents/carers or the young person will also be advised of their rights to engage with an independent mediation service, together with their right of appeal to the SEN and Disability (SEND) Tribunal where a request for an EHC needs assessment is not agreed. Parents/carers or the young person will have two months from the date of the local authority letter to appeal to the SEND Tribunal.