

What is an Education, Health and Care Plan?

Schools in England must provide support to children with special educational needs (SEN) as part of their standard offer to children. This is called SEN support.

Where a child requires additional support that goes beyond what a school, college, or nursery can typically deliver from their own budgets or staffing then they may need an Education Health and Care Plan (EHCP).

An EHC plan is a legally-binding document outlining a child or young person's special educational, health, and social care needs. The document has to list all of their special educational needs, provision to meet each of the needs and that provision has to be specific, detailed, and quantified. The plan names the school/setting which is to provide the provision and the plan is legally enforceable.

The EHCP application process

Phase one: EHCP Assessment Application

A written request can be made to the local authority by either the education setting, the parents or the young person. The Local Authority then has six weeks from the date of the request to make a decision on whether to assess the child or not.

If the local authority declines to make the assessment, you can lodge a "refusal to assess" appeal to the Special Educational Needs and Disability Tribunal. Hearings for this phase are normally paper-based.

Phase two: The assessment and the local authority decides on issuing an EHCP

The local authority has six weeks to gather information about your child's needs from:

- You and your child.
- The nursery, school or college your child attends.
- An educational psychologist.
- Specialist teachers, if your child has a vision or hearing impairment.
- Health and social care services.
- Others whose views may be important.
- For a child in Year 9 (age 14) or above, advice about preparing for adulthood and independent living.

The local authority does not have to seek further information from professionals if this has been provided recently and you can send in other reports if you have them, for example a report from an independent professional. You can also ask the local authority to seek information about your child from someone who has not been contacted before.

The local authority will gather information about your child's social care needs as part of the EHC needs assessment. If your family is not already getting support from children's services, you can ask your local authority to do a separate assessment to decide if you or your child need support at home or in the community.

After an assessment, the Local Authority must decide whether to issue the EHCP or not.

There are two options at this point:

1. The local authority agrees to issue the EHCP and they then have up to 12 weeks from the date of the EHC assessment agreement to issue the Draft EHCP and a further 2 weeks to issue the final plan making 20 weeks in total.

2. The local authority refuses to issue the EHCP they must inform you of this decision within 10 weeks of the date of the EHC assessment decision was made.

If the local authority refuse to issue an EHCP you can lodge a “refusal to issue” appeal. This appeal will be a physical hearing where your attendance is required (possibly via computer link).

Phase three: The Education, Health & Care Plan

Parents will receive a draft EHCP, you have 15 days to request any changes. The Draft EHCP will not name the school so you must give your preference to the local authority. Once any potential changes are made or comments are resolved, the EHCP is finalised.

How long does an EHCP last for?

The EHCP can only come to an end when either or both of the following apply:

- It is no longer necessary.
- The local authority is no longer responsible for your child or young person. An EHCP can last from its issue until your child leaves education or until 25. It does not cover universities.

Annual Review

An EHCP review takes place once a year as a minimum and based on this review, the local authority may take one of three actions:

- Leave the EHCP unchanged and continue as before
- End the EHCP
- Make alterations to the plan

The review involves all three parties: the parents, the school/college, and the local authority. The reviews are usually done annually at the school or college and give an opportunity to the parents to raise any concerns. It also looks at whether the support is suitable for the needs of the student for the following year, and whether revisions could result in better progress.