

Educational, Health & Care Plans. An Introduction.

What is an EHCP?

An EHCP is a **legal document** which describes a child or young person's (CYP) up to the age of 25 special educational needs, the support they need and the outcomes they would like to achieve.

The educational provision described in an EHCP must be provided by the CYP's home local authority (LA).

The EHCP can give parents/carers more choice about what setting they would like their child to attend.

An EHC plan can only be issued after an EHC plan assessment has been completed.

How to request an EHCP

If you think that a CYP may require an EHCP then it would be helpful to ask for a meeting with the school to discuss concerns and ask for their support. The school can apply, or the parent/carer can apply themselves.

If an individual is submitting a parental application, they should make a **written request to their home local authority**. They can choose to apply through the forms on the local offer website or they can write to the most senior person at the local authority (often referred to as the Director of Children's Services).

Model letters can be found on the IPSEA website. It would be useful to send in any evidence with their request such as assessments, reports, and support plans.

The **legal threshold** to apply for an EHCP is relatively low.

The test set out in law (Section 36(8) of the Children's and families Act 2014) says that the LA must consider:

- Whether the CYP has or may have special educational needs
- Whether the CYP may need special educational provision to be made through an EHC plan.

The LA has **6 weeks to respond** and let the parent/carer know their decision on whether they agree to assess for an EHCP. This should be in writing and should offer the right to mediation and the right to appeal the decision to the SEND tribunal. Parents/carers can complain if this legal timeframe is not met.

Common myths

- You won't get an EHCP because the CYP is academically able or not academically behind. This is not true. Paragraph 9.14 of the SEN code of practice 2014 says that the LA must also pay attention to evidence of the physical, social, and emotional development and the health needs of the CYP.
- You need a diagnosis for an EHCP. This is not true. A formal diagnosis is not required for SEN support or for an EHCP application.
- The school must have spent over £6000/involved educational psychologist/evidence of the graduated response is needed before you can apply for an EHCP. These are not true. None of these are lawful criteria.

The EHCP assessment

If the LA agrees to assess your CYP then they have a maximum of **10 further weeks** (16 weeks from initial application) to conduct the assessment and notify the parents/carers of their decision on whether to issue an EHCP. If the LA refuse to issue an EHCP then the parents/carers have a right to appeal this decision to the SEND tribunal.

The LA must seek information and advice on the CYP's needs, the provision required to meet those needs and the outcomes expected.

The LA is legally required to seek out this information from several different places as a minimum and the list can be found in (Regulation 6(1) of the Special Educational Needs and Disability Regulations 2014).

Issuing an EHCP

If the LA decide to issue an EHCP it must consult with parents/carers on the draft. Parents/carers should have at least 15 days to review and respond to the LA with their comments and request a particular educational setting. For more information on what kind of educational setting can be requested please see information on the IPSEA website.

The final plan must then be issued within a **20-week** legal timeframe from when the EHCP application was initially made. Parents/carers have the right to appeal to SEND tribunal if they disagree with the EHCP contents.

What should an EHCP contain?

An EHCP is a legally binding document and so it is important to make sure it is accurate and appropriate for the CYP. For more detailed information on the different sections A-K please see the recommended resources below.

A very important section to check is Section F because it contains important information on the special educational provision that the CYP requires. This section must be **quantified and specific**. It should be clear on how much help, how often and from whom.

Bad example, 'Jack would benefit from a sensory diet.'

Good example, 'Jack must have a specific sensory diet 10 mins x 3 daily, delivered to timetable by a consistent 1:1 and provided by an O.T (SI level 3 or equivalent).'

Appealing a decision

Before bringing an appeal to the SEND tribunal in most cases parents/carers must first consider **mediation**. They only need to consider it and obtain a certificate. They do not have to partake in it unless they would like to.

They must **submit an appeal form** to the SEND tribunal (this can be found on the SEND tribunal website) within 2 months of the date the LA notified them of the decision they are wanting to appeal, or one month from the date of the mediation certificate, whichever is later.

Applying for an EHCP is a long process and can be stressful, but it can be beneficial to go through the process to get what the CYP needs to access education.

Annual Reviews, emergency reviews, reassessments, and transport

Please see the IPSEA website for further details on these areas.

Useful resources

<https://www.ipsea.org.uk/pages/category/education-health-and-care-plans>

<https://sossen.org.uk/sen-journey/the-ehcp-process/>

<https://contact.org.uk/help-for-families/information-advice-services/education-start/education-learning/ehc-plans-assessments/getting-an-ehc-draft-plan/>