

How to apply for an EHC Plan

Autism and ADHD have put together this booklet explaining what a EHCP is, what they are for, how to apply for one as well as listing some resources that you may find useful.

PLEASE NOTE: We, as an organisation, are **not** able to offer support in writing letters, filling in EHCP plan paperwork, or liaising with the Local Authority. We are also **not** able to complete supporting documentation.

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What is an EHCP?

EHCP stands for Education Health Care Plan. Also known as a EHC plan, it is a legal document that is for children and young people aged up to 25 who need more support than is available through special educational needs support.

EHC plans identify the support they need and set out the ways to meet those needs. An EHC plan can result in additional support and funding.

Your local authority (such as the council) will carry out an EHC assessment upon request, either from a parent, school, doctors, teachers, family, friends or by the young person themselves if aged 16 - 25.

The EHC Plan Process

The process for acquiring an EHC plan is as follows:

- The request is made to the local authority.
- The local authority will consider the request taking into account views and recommendations from a panel with representatives from education services, health and, where possible social care.
- If the assessment is agreed upon then the local authority must complete the assessment within 16 weeks from the date the request was made.
- An Education, health and Care plan coordinator will be allocated.

- More information could be needed to complete the assessment, such as:
 - what needs the child or young person has
 - what outcomes they hope to achieve
 - what support will help to meet the outcomes

This information will be requested if needed.

- After the assessment a draft EHC plan will be sent to you.
- If the draft EHC plan is acceptable then you will receive a final EHC plan.
- If the draft is incorrect or not acceptable you must contact your local authority.

The final EHC plan must be issued within a maximum of 20 weeks from when the first request was made.

If the local authority do not send you the final EHC plan within this time frame, you can complain.

Requesting an ECHP

You can apply for or request a EHC plan when the child or young has or may have special educational needs (SEN) and need support provisions through an EHC plan when help through SEND support isn't enough.

Parents/carers should find it helpful to first discuss the possibility of an EHC plan with their child's/young persons school or college.

You make the request via a written letter. Please make sure to keep a copy of it. The local authority must reply within 6 weeks.

You should write to your local authority (council) that your child or young person lives in, even if their school/college is in a different local authority.

The following people can make an EHC needs assessment request:

- A child's parent/carer
- A young person between the ages of 16 and 25
- A person acting on behalf of the school or college, such a teacher or SEN worker
- A health visitor or doctor can also make the request.

The charity IPSEA has a great letter template for requesting an EHC assessment.

ipsea.org.uk/making-a-request-for-an-ehc-needs-assessment.

EHC Assessment

An Education, Health and Care (EHC) needs assessment is an assessment of a child or young person's education, health and care needs and is the first step in getting a EHC plan.

The local authority has a legal duty to carry out the assessment process. They cannot ask a school/college to carry out the assessment for them, and they cannot require the school/college to pay for any part of the assessment (such as the educational psychologist's report).

The local authority must notify the parent or young person of their decision whether or not they will issue a plan within a maximum of 16 weeks from the date the request for the assessment was made.

You may be asked during the assessment process for:

- any reports from your child's school, nursery or college
- any doctors' assessments of your child
- a letter from you about your child's or young persons needs

The assessors may also seek advice from the following places and people:

- The school or college
- Social worker
- Specialist SEND teacher
- Speech and language therapist
- Educational Psychologist
- Anyone else involved in the child's or young persons care

After the Assessment

Once the local authority has completed the EHC assessment the following should happen:

- If your local authority has decided that an EHC plan is necessary then it will create a draft EHC plan and send you a copy.
- If the local authority has decided not to issue an EHC plan, the parent/carer or young person may appeal this decision and go to a SEND tribunal.

Draft EHC Plan

If you receive a draft EHC plan you have 15 days to review and comment on the draft plan, including if you want to ask that your child goes to a specialist needs school or specialist college.

You must make sure that it is clear, that it contains correct information and that it includes all the information an EHC should.

The charity IPSEA has an excellent web page on what an EHCP should contain and a checklist.

ipsea.org.uk/what-an-ehc-plan-contains.

If you are not happy with the draft plan then you must write to your local authority with changes.

Final EHC Plan

Once the draft EHC plan has been approved, the local authority will then issue a final EHC plan. The child or young person is then legally entitled to receive the support stated in the plan.

The final EHC plan should state the school or college that the child or young person will or should be attending. That school or college must then admit the student and put into the place the support provisions stated in the EHC plan.

If you don't believe the final EHC plan is correct then you can appeal to the First-tier Tribunal or 'SEND' Tribunal. You should do this if you are unhappy about the support offered in the plan, an incorrect description of the child's or young person's needs or having an incorrect or missing school/college stated.

Changing an EHC Plan

As the child or young person gets older their EHC plan will need to be changed or updated.

If the family move to a different local authority then the plan will move with the child/young person. However the new local authority may wish to make changes to the plan.

An annual review of the EHC plan should be carried out by the local authority and school/college together with the parents/carers to check that it is still working.

If the child/young person is moving schools this annual review should be made well in advance of the move.

You can ask for an early annual review if the EHC plan is no longer working.

You can also ask for a re-assessment if the child's or young persons needs significantly change.

To ask for a review or re-assessment you should write to the most senior person at the local authority, usually called the Director of Children's Services. The child's/young persons school or college may also write a letter alongside yours.

The local authority can refuse the right to an early review and you cannot appeal this.

You can appeal if the local authority refuses to carry out an re-assessment.

Personal Budgets

Once an EHC plan is in place the local authority must carry out it out. This includes securing funding, however sometimes the local authority may give money to the parent, young person or other nominated person so they can arrange their own educational provision. This is known as a direct payment.

The local authority must first work out a personal budget before any payment can be made. A personal budget is the amount of money needed to cover the educational provision stated in the EHC plan.

You can request a personal budget in your EHC plan, however the local authority can refuse to identify one.

Information on personal budgets:

[ipsea.org.uk/personal-budgets-and-direct-payments](https://www.ipsea.org.uk/personal-budgets-and-direct-payments)

EOTAS

An EOTAS stands for 'Education otherwise than in a school' and is an educational provision that meets the needs of the child/young people who can't attend a mainstream or special school. For some children a school environment isn't suitable, they could have been excluded, have mental or physical health problems or the school can't meet their needs.

An EOTAS provision could be:

- online schooling
- tuition at home
- tuition or training at a specialist centre
- hospital schooling
- therapeutic interventions
- life skills training

An EOTAS differs from home schooling (EHE).

If a school or college environment isn't suitable for the child or young person and the parent does not want to home educate, then the local authority can arrange for the education the child or young person requires to be delivered somewhere else, and this will be set out in the EHC plan.

The local authority are responsible for continuing to secure and fund the educational provision.

IPSEA has lots of information on EOTAS:
ipsea.org.uk/home-education-and-education-otherwise

The organisation Send and You has created an excellent booklet about EOTAS:
sendandyou.org.uk/wp-content/uploads/2022/02/EOTAS-Resource-Final.pdf

EHE

EHE stands for Elective Home Education, also known as home schooling. Some parents choose to home educate if they feel this is right for their child or young person.

Your child can still have an EHC plan even if they home educated and the local authority must still review this plan annually. However the local authority no longer has a legal duty to secure any educational provision stated in the EHC plan if they are being home educated.

IPSEA has lots of information on EHE, including other useful links:
ipsea.org.uk/home-education-and-education-otherwise

Complaints

You may wish to make a complaint if the local authority has not responded in the allocated time period, if the draft or final plan is incorrect or if you are unsatisfied with the response from the local authority.

The organisation IPSEA has useful guides and free letter templates for help you make a complaint.

www.ipsea.org.uk/pages/category/making-a-complaint-or-challenging-a-decision

You can appeal to the SEND Tribunal if you're unhappy with a decision made in relation to an EHC needs assessment or an EHC plan.

SEND Tribunal

A SEND Tribunal also known as a First-Tier Tribunal (Special Educational Needs and Disability) is governed by law and is responsible for handling appeals against local authority decisions regarding SEND, including issues with an EHC plan.

This tribunal has the power to order local authorities to carry out EHC assessments, issue EHC plans, and change existing EHC plans. Local authorities must comply with orders made by the SEND Tribunal. There will be no fee for a parent or young person.

Some useful links regarding SEND Tribunals:

www.ipsea.org.uk/what-is-the-send-tribunal

gov.uk/government/publications/how-to-appeal-a-special-educational-needs-sen-decision-send37

Helpful Resources

IPSEA

www.ipsea.org.uk

The charity IPSEA (Independent Provider of Special Education Advice) offers free and independent legally based information, advice and support to help get the right education for children and young people with all kinds of special educational needs and disabilities (SEND).

They have lots of free informational guides and letter templates for you to use. They have a free advice line, and an appointment service as well as a Tribunal Line.

If you are struggling with the process of getting your child or young person an EHC plan please do contact them.

Useful Links

GOV website

www.gov.uk/children-with-special-educational-needs/extra-SEN-help

Autism Anglia EHCP resources

www.autism-anglia.org.uk/aaehcp-resources

Contact: Families with Disabled Children

contact.org.uk/help-for-families/information-advice-services/education-learning/ehc-plans-assessments/what-is-an-ehc-plan/

Council for Disabled Children EHCP Video

<https://youtu.be/axMjmY1-7WU>

Autism ADHD

autismandadhd.org