

PARENT/CARER QUICK PROCESS GUIDE

REQUESTING AN EDUCATION HEALTH AND CARE PLAN (EHCP)

An education, health and care plan **(EHCP plan)** is a legal document which describes a child or young person's special educational needs, the support they need and the outcomes they would like to achieve.

An EHC plan can only be issued after an Education, Health and Care needs assessment has been carried out.

If a local authority (**LA**) is requested to carry out an EHC needs assessment by a parent, young person, school or college, it must consider:

- whether the child or young person has or may have special educational needs (SEN); and
- whether they may need special educational provision to be made through an EHC plan.

If the answer to both of these questions is yes, the LA must carry out an EHC needs assessment.

This test is set out in the law (section 36(8) of the Children and Families Act 2014).

If your LA agrees to carry out an assessment, various people will need to be asked for advice, including the academy.

The LA must reply within six weeks to let you know whether it agrees to carry out an EHC needs assessment. This is set out in Regulation 5(1) of The Special Educational Needs and Disability Regulations 2014. Your LA should always reply to you as a parent or young person – even where the request was made by the academy.

The academy or parents themselves can make a request for assessment.

If your LA decides not to issue an EHC plan, it must tell you within 16 weeks of the date when the request for an EHC needs assessment was made. This is set out in SEND Regulation 10(1). You can appeal this decision to the SEND Tribunal.

If your LA decides to issue an EHC plan, it will first send out a draft plan for you to review and comment on. It must then send the final EHC plan to you within 20 weeks from the date the EHC needs assessment was requested. This is set out in SEND Regulation 13(2).

The process of writing an EHCP sits with the LA team rather than the academy. The academy will be able to request updates on the process but unfortunately have no control over the timelines themselves.

Our staff will be happy to advise on process and legal wait times, or signpost to support services that are available to you. Unfortunately we cannot change the process outlined above but will meet all deadlines on our part to support a speedy process.

