

KNOW YOUR RIGHTS, OWN YOUR LIFE



Rights exist to protect and guide people. When we know how and when to use them, we gain the clarity to make decisions with confidence and the strength to act when it matters.

Knowing our rights can change our lives. It gives us the tools to make decisions that define our future.

EDUCATION, HEALTH AND CARE PLAN (EHCP)

What You Need to Know and How It Can Help You

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OVERVIEW

An **Education, Health and Care (EHC) plan** is issued by the local authority when, **after an EHC needs assessment, it is necessary** for a child/young person to receive **special educational provision via an EHC plan** (Children and Families Act 2014, s.37).

Plans must be **clear, concise, forward-looking**, and completed **within the 20-week overall time limit** from request to final plan.

GUIDANCE FOR FAMILIES/CHILDREN

When an EHCP Must Be Issued

Each EHC plan **must include** the following statutory sections, as set out in the **Children and Families Act 2014** and the **SEND Code of Practice (2015)**:

Section A – Views, Interests, and Aspirations

The plan **must include** the child or young person's views, interests, and aspirations, including their hopes for the future. It must also record the parents' or carers' perspectives and what is important to them in daily life.

Section B – Special Educational Needs (SEN)

The plan **must set out** all of the child or young person's identified special educational needs, including learning, communication, and social or emotional difficulties, based on professional assessments.

Section C – Health Needs Related to SEN

The plan **must describe** the health needs that relate to the special educational needs, including medical, physical, sensory, and mental health conditions, and any therapies required.

Section D – Social Care Needs Related to SEN or Disability

The plan **must specify** social care needs that relate to the child or young person's learning difficulty or disability, such as support with daily living, independence, and participation in community activities.

Section E – Outcomes

The plan **must specify** the outcomes sought for the child or young person. Outcomes should be clear, measurable, and time-bound, showing the expected benefits of the provision described in the plan.

Section F – Special Educational Provision

The plan **must detail** the special educational provision required to meet each identified need in Section B. Provision must be specific, normally quantified (type, hours, frequency, and level of expertise), and describe who will deliver the support and where.

Section G – Health Provision

The plan **must specify** the health provision reasonably required by the learning difficulties or disabilities which result in the child or young person having SEN. This may include therapies such as occupational therapy, physiotherapy, speech and language therapy, or medical treatment.

Section H – Social Care Provision

The plan **must include**:

- **H1:** Social care provision made under section 2 of the **Chronically Sick and Disabled Persons Act 1970** or under section 17 of the **Children Act 1989** (e.g., short breaks, respite, personal assistance).
- **H2:** Any other social care provision reasonably required by the child or young person's learning difficulties or disabilities (e.g., community access, mentoring, or independent living support).

Section I – Placement

The plan **must name** the educational setting (school, college, or other institution) to be attended by the child or young person, or state that education is to be provided elsewhere.

Section J – Personal Budget

The plan **must include** details of any personal budget agreed for the child or young person, showing how the budget will be allocated and managed across education, health, and social care provision.

Section K – Advice and Information

The plan **must list** all the advice and information gathered during the EHC needs assessment, including professional reports from education, health, social care, and family contributions.

Timelines and Rights

- The local authority **must decide** whether to conduct an EHC needs assessment within **6 weeks** of receiving a request.
- If an assessment is agreed, the entire process from request to final plan **must be completed within 20 weeks**.
- Families and young people **must be given** a draft plan and at least **15 calendar days** to comment or request changes.
- Parents or young people **have the right** to request a specific school, college, or type of institution, and the local authority **must name it** unless statutory exceptions apply (Children and Families Act 2014, s.38).

Where no valid exception applies, the LA **must specify a mainstream** placement unless it is against your wishes or incompatible with the efficient education of others and no reasonable steps can remove that incompatibility. Mainstream cannot be refused simply as “unsuitable.”

After the plan is finalised

- The final plan **must** reflect your representations.
- With the final plan, the LA must inform you of appeal rights, time limits, mediation and disagreement resolution routes, and where to get advice.
- The LA **must secure** everything in **Section F** and, if it names an independent setting, **must fund** the required fees (and boarding/lodging where relevant).

Disagreeing with a Decision

If you disagree with your local authority’s decision, you have the right to challenge it. This may include:

- A decision not to carry out an assessment
- A decision not to issue an EHCP
- The type or amount of support listed in the EHCP
- The school or setting named in the plan

If discussions with your local authority do not lead to an agreement, you can take your appeal to the **Special Educational Needs and Disability (SEND) Tribunal** for an independent review.

COMMISSIONERS / LOCAL AUTHORITIES

Threshold and decision to issue

Where assessment shows special educational provision is necessary via a plan, **issue an EHCP** and notify with reasons, keeping within the **20-week limit**. Consider sufficiency of previous support, insufficiency of progress, and whether provision exceeds ordinarily available resources.

Plan quality requirements

Plans **must** be clear, concise, understandable, accessible, and **forward-looking**, anticipating key transitions (phase changes,

Content and specificity

Include **A–K**. Ensure Section F:

- maps to every need in **B**,
- is **detailed, specific, and normally quantified** (type/hours/frequency/expertise),
- captures any educational elements of health/social care that **educate or train**.

Drafting, consultation, and naming

Provide a **draft** with a **15-day** representation window; advise on the local offer and personal budgets; consult governing bodies of requested schools (and other LAs if out-of-area). On final issue, include **Section I**. When a lawful parental/young person preference is made, **name the setting** unless statutory exceptions apply. Consider **whole public cost** (education, transport, social care).

Mainstream requirement

If no preference is made or cannot be met, specify **mainstream** unless against parental/young person wishes or incompatible with efficient education of others and no reasonable steps exist across local mainstream provision.

Securing and maintaining

On final issue, provide clear notice of appeal and support routes. **Secure** all **Section F** provision. If an independent setting is named, **fund** the associated fees (and boarding/lodging where relevant).

This is how knowing our rights can change lives.

When families and young people understand what support they're entitled to, they can make informed choices, access the right services, and create new possibilities for their future. One inspiring example is Jane, who spent over 9 months in a hospital. Through positive reinforcement and close collaboration, Jane has gained the confidence to return to education and pursue her dreams. Setting herself a goal of completing four GCSEs in five months, Jane successfully reached her target, demonstrating her incredible determination and resilience.

MORE



Commissioners / Local Authorities - Key Duties (EHCP)

| Area | Duty |
|---------------------|---|
| Threshold & timing | Issue when necessary; keep to 20-week total; notify with reasons. |
| Plan quality | Make plans clear, concise, forward-looking , covering transitions. |
| Sections A-K | Include all; ensure F is specific/quantified and maps to B . |
| Draft & consult | Provide draft, 15-day window; consult settings; advise on local offer/personal budgets. |
| Naming & mainstream | Name lawful preferences; apply mainstream presumption and reasonable-steps test; consider whole public cost. |
| Secure provision | Secure all Section F provision; fund named independent placements where applicable. |

Original Sources:

- **Children and Families Act 2014 (Part 3 – Special Educational Needs and Disabilities)**
- **The Special Educational Needs and Disability Regulations 2014**
- **SEND Code of Practice: 0 to 25 years (Department for Education and Department of Health, 2015)**