



## Walsall Information Advice and Support Service (SEND)

### Education, Health and Care plans

#### What is an Education, Health and Care plan?

An Education, Health and Care plan (EHC plan) is a legal document which describes:

- a child or young person's special education, health and social care needs
- the help that will be given to meet those needs, and
- what the child or young person will be able to achieve as a result of the support.

The plan is drawn up by the Local Authority (LA) after a formal assessment process called an EHC Needs Assessment. However if the child or young person's health or social care needs do *not* affect their education and they have no special education needs they will not get an EHC plan.

See our separate information sheet on **EHC Needs Assessments**.

EHC plans replaced statements of special educational need and Section 139 Learning Difficulty Assessments (LDA) on 1 September 2014.

Children and young people who have a statement of special educational need should transfer to an EHC plan between September 2014 and April 2018. Children and young people will continue to receive the support in their statement until it is transferred to an EHC plan.

The [SEND Code of Practice 2015](#) says:

*...it is expected that all those who have a statement and who would have continued to have one under the current system, will be transferred to an EHC plan – no-one should lose their statement and not have it replaced with an EHC plan simply because the system is changing.*  
[Introduction, xi]

Every local authority should publish a local transition plan, showing when and how statements will be transferred to the new SEND system. It also includes information for young people in further education and training who receive support through a Learning Difficulty Assessment.

You can find out about Walsall Council's transition plan at <http://www.wald.co.uk/kb5/walsall/asch/service.page?id=o6tyIY8DRrw&&localofferchannel=2>

## Who needs an EHC plan?

EHC plans are for children and young people who need extra support in addition to what their school or other setting is already providing. The plans can start from as early as a child's birth if necessary and continue into further education and training up to the age of 25.

Most children and young people with special educational needs will have help given to them without the need for an EHC Plan. This is called SEN support. The purpose of SEN support is to help children achieve the **outcomes** or learning objectives that have been set for them.

The [SEND Code of Practice 2015](#) says:

*The purpose of an EHC plan is to make special educational provision to meet the special educational needs of the child or young person, to secure the best possible outcomes for them across education, health and social care and, as they get older, prepare them for adulthood.*  
(9.2)

## What does an EHC plan include?

Every EHC plan **must** include at least 12 sections, but each local authority can decide how to set these out.

The sections are:

**A:** The views, interests and aspirations of you and your child or the young person.

**B:** Your child's or young person's special educational needs.

**C:** Health needs related to their SEN or to a disability.

**D:** Social care needs related to their SEN or to a disability.

**E:** Planned outcomes for your child or the young person.

**F:** Special educational provision. Provision **must** be specified for each and every need shown in section B.

**G:** Any health provision required that is related to their SEN or to a disability.

**H1:** Any social care provision that **must** be made for your child or young person under 18.

**H2:** Any other social care provision required that is related to their SEN or to a disability.

**I:** The name and type of the school, maintained nursery school, -16 institution or other institution to be attended.

**J:** Details of how any personal budget will support particular outcomes and the provision it will be used for.

**K:** The advice and information gathered during the EHC needs assessment

Where the child or young person is in or beyond year 9, the EHC plan must also include the provision required by your child or young person to help prepare for adulthood and independent living.

You can read the full list of what must be included in each section in the [SEND Code of Practice 2015](#) sections 9.62 and 9.63.

A more detailed checklist covering each of these sections. Can be found on the IPSEA website. Contact details are page 6.

## What can I do if I don't agree with the content of the EHC plan?

Before the final plan is issued you will be sent a draft plan. You will be consulted on the content of the plan, including the school or college you wish to be named in the plan and will have an opportunity to ask for changes to be made before the plan is finalised. You can find more information on this in our leaflet **EHC needs assessments**.

If you don't agree with parts B,F,I, of the final plan then you or the young person have a right to appeal to the SEND Tribunal. The appeal must be made within 2 months of the issue of the final plan. More information on tribunal and how to appeal can be found on [gov.uk](http://gov.uk)

You can discuss your options with Walsall Information, Advice and Support Service (SEND), who can support you with your decision, including an appeal to tribunal.

## Can I request a particular school?

The [SEND Code of Practice 2015](#) [sections 9.78 to 9.90] says that parents or the young person have a right to request that any of the following institutions are named in the EHC plan.

- maintained nursery school
- maintained school and any form of academy or free school (mainstream or special)
- non-maintained special school
- further education or sixth form college
- independent school or independent specialist colleges (where they have been approved for this purpose by the Secretary of State and published in a list available to all parents and young people)

The Local Authority **must** agree to this request unless:

- it would be unsuitable for the age, ability, aptitude or SEN of the child or young person, or
- the attendance of the child or young person there would be incompatible with the efficient education of others, or the efficient use of resources

## What is the legal status of an EHC plan?

Once the plan has been made final it is a legal document: the school or college named in the plan **must** admit the child or young person and provide the support detailed in the plan.

If you are unhappy with how the school/college are providing the support in the plan you should speak first to the Special Educational Needs Co-ordinator (SENCO), at the school/college. They may sometimes be known under a different title such as Inclusion Manager. If you are not happy with their response you should speak to the Local Authority as they are responsible for ensuring that school's/colleges are providing the support in the plan. If you live in Walsall your contact in the Local Authority is the SEN team on 01922 652868.

## Where does the funding come from?

The local authority is responsible for ensuring that the special educational needs set out in the EHC plan are met and that the special educational provision is made, whatever their funding arrangements or agreements with other service providers.

All young people with an EHC plan and all parents of children with an EHC plan can ask for a Personal Budget. The [SEND Code of Practice 2015](#) says:

*A Personal Budget is an amount of money identified by the local authority to deliver provision set out in an EHC plan where the parent or young person is involved in securing that provision.*  
(9.95)

Sections 9.110 to 9.118 of the [SEND Code of Practice 2015](#) tell you more about what can be included in a Personal Budget. See also our separate leaflet **Personal Budgets**.

## Will there be a review of the EHC plan?

The local authority **must** review the EHC plan at least once every 12 months. This **must** be done in partnership with you and your child or the young person.

The local authority **must** decide whether to keep the plan as it is, make changes, or cease to maintain it within four weeks of the review meeting. You have a right of appeal to the SEND Tribunal if you disagree with the LA's decision.

For some young people an EHC plan will continue until they are 25. However the plan will stop if the young person:

- goes to higher education, for example university
- gets a job
- tells their local authority they no longer want their EHC plan, or
- no longer needs special help and the local authority decides that the EHC plan should cease.

## What happens if I move to another local authority area?

If you plan to move to another local authority area you should contact the 'old' and the 'new' local authorities so the support specified in the EHC plan will be in place. The 'new' authority will amend the plan and name the new school or college.

The 'old' local authority must transfer the EHC plan on the day of the move, as long as it has had 15 working days notice.

## Where can I get more information, advice or support?

Walsall Information, Advice and Support Service  
Our contact details are at the bottom of the page

You can read about Education, Health and Care plans in Chapter 9 of the [SEND Code of Practice 2015](https://www.gov.uk/government/publications/send-code-of-practice-0-to-25)  
<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

There is further information on IPSEA's website  
<https://www.ipsea.org.uk/home> or phone: 0800 018 4016

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