



The Education, Health and Care Plan (EHCP)

An overview

An EHCP describes the educational, health and social care needs of a child or young person with special educational needs and disabilities (SEND) and sets out the provisions that need to be in place to help them achieve key life outcomes.

Following on from our factsheet about the EHC needs assessment process, this factsheet provides further information about EHCPs including:

- Deciding whether to issue an EHCP
- Writing an EHCP
- The contents of an EHCP
- The draft EHCP
- Requests for a particular school, college or other institution
- Finalising and maintaining the EHCP.

Deciding whether to issue an EHCP

Section 37 of the Children and Families Act 2014 (the Act) states that a local authority must issue an EHCP where an EHC needs assessment concludes that it's necessary to provide special educational provision for a child or young person.

Paragraphs 9.54 and 9.55 of the Code of Practice set out what local authorities should consider when deciding whether to issue a plan. These include:

- The child or young person's special educational needs (SEN), the special educational provision made for them, and whether:
 - The information from the EHC needs assessment confirms the nature and extent of the child or young person's SEN before the assessment
 - The special educational provision made before to the

assessment was well matched to the child or young person's SEN.

- Where, despite appropriate assessment and provision, the child or young person is not progressing, or not progressing well enough, the local authority should consider further provision, taking into account:
 - Whether it can reasonably be provided from within the resources normally available to mainstream early years providers, schools and post-16 institutions, or
 - Whether it's necessary for the local authority to make provision under an EHCP.

Where a local authority decides to issue an EHCP, it must notify the child's parents or the young person and give the reasons for its decision. It should allow enough time to prepare the draft plan and complete the process within the 20-week time limit for issuing the final EHCP.

Key requirements when writing an EHCP

The key requirements and principles which apply to local authorities and those contributing to an EHCP are:

- EHCPs should be clear, concise, accessible and be understood by any professionals
- EHCPs should look forward. They should anticipate, plan and commission for important transitions in a child or young person's life, including preparations for adulthood.

The contents of an EHCP

As a statutory minimum, EHCPs must include the following sections, labelled separately using the letters below. They don't have to be in any particular order and can be presented in a table to demonstrate how provision will be integrated.

Label	Section	Information to include
A	The views, interests and aspirations of the child and their parents or the young person.	<ul style="list-style-type: none"> • Details about the child or young person's aspirations and goals for the future. Consideration should be given to their aspirations for paid employment, independent living and community participation • Details about play, health, schooling, independence, friendships, further education and future plans including employment (where practical) • A summary of how to communicate with the child or young person and engage them in decision-making • The child or young person's history • If written in the first person, the plan should make it clear when the the child or young person's quoted directly, or if the views of parents or professionals are represented.
B	The child or young person's SEN.	<ul style="list-style-type: none"> • All of the child or young person's identified SEN must be specified • SEN may include needs for health and social care provision that are treated as special educational provision because they educate or train the child or young person.
C	The child or young person's health needs which are related to their SEN.	<ul style="list-style-type: none"> • The EHCP must specify any health needs identified through the EHC needs assessment which relate to the child or young person's SEN. Some health care needs, such as routine dental health, are unlikely to relate to their SEN • The Clinical Commissioning Group (CCG) may also specify other health care needs unrelated to the child or young person's SEN (for example, a long-term condition which needs management in a special educational setting).
D	The child or young person's social care needs which are related to their SEN or to a disability.	<ul style="list-style-type: none"> • The EHCP must specify any social care needs identified through the EHC needs assessment which relate to the child or young person's SEN or which require provision until they reach 18 under section 2 of the Chronically Sick and Disabled Persons Act 1970. See further factsheets 7 and 8 for more on how the 1970 Act operates • The local authority may also choose to specify other social care needs which aren't linked to the child or young person's SEN or to a disability. This could include reference to any Child In Need or Child Protection Plan in place to help the child and their parents manage multiple plans and encourage better co-ordination of services. Information about Child Protection Plans can only be included if the child and their parents consent.

Label	Section	
E	The outcomes sought for the child or the young person.	<ul style="list-style-type: none"> • A range of outcomes over varying timescales, which cover education, health and care as appropriate but recognising that it's only the education and training outcomes that determine when a plan ceases for young people aged over 18. Therefore, for young people aged over 17, the EHCP should identify clearly which outcomes are education and training outcomes • A clear distinction between outcomes and provision. Provision should help the child or young person achieve an outcome, it's not an outcome in itself • Steps towards meeting the outcomes • The arrangements for monitoring progress, including review and transition review arrangements, and the arrangements for setting and monitoring shorter term targets by the early years provider, school, college or other education or training provider • Forward plans for key changes in a child or young person's life, such as changing schools, moving from children's to adult care and/or from paediatric services to adult health, or moving on from further education to adulthood • For children and young people preparing for the transition to adulthood, the outcomes that will prepare them well for adulthood and are clearly linked to achieving the aspirations in section A.
F	The special educational provision required by the child or the young person.	<ul style="list-style-type: none"> • Provision must be detailed, specific and quantified, e.g. the type, hours and frequency of support and level of expertise, including where support is secured through a Personal Budget • Provision must be specified for every need specified in section B. It should be clear how the provision will support achievement of the outcomes • Where health or social care provision educates or trains a child or young person, it must appear in this section • It should be clear how advice and information gathered has informed the provision specified. Where the local authority has departed from that advice, they should say so and give reasons • In some cases, flexibility will be required to meet the changing needs of the child or young person including flexibility in the use of a Personal Budget • The plan should specify: <ol style="list-style-type: none"> 1. Any appropriate facilities and equipment, staffing arrangements and curriculum 2. Any appropriate modifications to the application of the National Curriculum, where relevant 3. Any appropriate exclusions from the application of the National Curriculum or the course being studied in a post-16 setting, and the provision which it's proposed to substitute for them to maintain a balanced and broad curriculum 4. If residential accommodation is appropriate 5. Where there's a Personal Budget, the outcomes it's intended to contribute towards (details of the arrangements for a Personal Budget, including any direct payment, must be set out in section J.

Label	Section	Information to include
G	Any health provision reasonably required by the learning difficulties or disabilities which result in the child or young person having SEN.	<ul style="list-style-type: none"> • Where an Individual Health Care Plan is made it should be included. • Provision should be detailed, specific and quantified, e.g. the type of support and who'll provide it • It should be clear how the provision will support the outcomes, including health needs and the outcomes to be achieved through provision that's secured through a personal (health) budget • It should be clear how the advice and information gathered has informed the provision • Health care provision may include specialist support and therapies, such as medical treatments, delivery of medications, occupational therapy and physiotherapy, a range of nursing support, specialist equipment, wheelchairs and continence supplies. It could also include highly specialist services which are commissioned centrally by NHS England (for example therapeutic provision for young offenders in the secure estate) • The local authority and CCG may specify other health care provision which isn't linked to the child or young person's learning difficulties or disabilities, but should be co-ordinated with other services in the plan.
H1	Any social care provision which must be made for a child or young person under 18 resulting from section 2 of the Chronically Sick and Disabled Persons Act 1970 (CSDPA)	<ul style="list-style-type: none"> • Provision should be detailed, specific and quantified, e.g. the type of support and who'll provide it (including where this will be secured through a social care direct payment) • It should be clear how the provision will support the outcomes, including any provision secured through a Personal Budget. It should be clear how the advice and information gathered has informed the provision • This section must specify all services assessed as necessary to meet the needs of a disabled child or young person under 18, under section 2 of the CSDPA. These services include: <ol style="list-style-type: none"> 1. Practical assistance in the home 2. Provision or assistance to obtain recreational and educational facilities at home and outside the home 3. Assistance in travelling to facilities 4. Home adaptations 5. Facilitating holidays 6. Provision of meals at home or elsewhere 7. Provision or assistance to obtain a telephone and any special equipment necessary 8. Non-residential short breaks to benefit the child and their parents 9. This may include services for parent carers of disabled children, including after an assessment of their needs under sections 17ZD-17ZF of the Children Act 1989.

Level	Section	Information to include
H2	Any other social care provision reasonably required by the learning difficulties or disabilities which result in the child or young person having SEN.	<ul style="list-style-type: none"> Provision identified through Early Help and Children In Need assessments and safeguarding assessments for children. Only services which aren't provided under Section 2 of the CSDPA should be included. For children and young people under 18 this includes residential short breaks and services provided to children arising from their SEN but unrelated to a disability. Any provision secured through a social care direct payment should also be included Any adult social care provision to meet eligible needs for young people over 18 (set out in an adult care and support plan) under the Care Act 2014 The local authority may also choose to specify provisions which aren't linked to learning difficulties or disabilities. This may include provision in accordance with Child In Need or Child Protection Plans, or provision set out in an adult care plan which is unrelated to the SEN but appropriate to be included.
I	Placement	<ul style="list-style-type: none"> The name and type of the school, maintained nursery school, post-16 institution or other institution that the child or young person will attend. These details must only be included in the final EHCP, not the draft which is sent to the child's parents or the young person.
J	Personal Budget (including arrangements for direct payments)	<ul style="list-style-type: none"> Detailed information on any Personal Budget that will be used to secure provision in the EHCP Arrangements in relation to direct payments as required by education, health and social care regulations The special educational needs and outcomes that will be met by a direct payment must be specified.
K	The advice and information	<ul style="list-style-type: none"> Advice and information gathered during the EHC needs assessment must be listed in appendices to the EHCP.

Note

Where the child or young person is in or beyond Year 9, the EHCP must also include (in sections F, G, H1 or H2 as appropriate) the provision they need to assist in preparation for adulthood and independent living, for example, support for finding employment, housing or for participation in society.

The draft EHCP and requests for a particular school, college or other institution

Before issuing the final EHCP, the local authority must send draft plans to the child's parents or the young person, giving them 15 days to make representations, including on the school they'd like to attend.

When it sends the draft EHCP the local authority:

- Must notify the child's parents or the young person that during this period they can ask for a particular school, or type of school, or other institution, to be named in the plan. The draft plan must not contain the school name. (see below)
- Must advise the child's parents or the young person where to find information about the available schools and colleges, for example through the Local Offer
- Should also seek agreement of any Personal Budget specified in the draft plan.

Where a particular school is requested, the local authority must consult with the governing body and the relevant local authority if it's out of area.

The child's parents or the young person have the right to request that a particular school, college or other institution of the following type is named in their EHCP:

- 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've been approved for this purpose by the Secretary of State and published in a list available to all parents and young people).

Under Section 39 of the Act, the local authority must name the requested school or other institution specified in the request, unless:

- a) The school is unsuitable for the age, ability, aptitude or SEN of the child or young person concerned, or
- b) The attendance of the child or young person at the requested school or other institution would be incompatible with—
 - The provision of efficient education for others, or
 - The efficient use of resources.

The local authority must consider the general cost to the public purse when it compares the costs of the parents' requested school with its own provision. The Court of Appeal confirmed in *Haining v Warrington Borough Council [2014] EWCA Civ 398* that this includes the cost of non-educational expenditure, such as social care provision and transport.

Where a parent or young person doesn't request a particular nursery, school or college, or does so and their request isn't met, the local authority must specify mainstream provision in the EHCP unless it's:

- Against the wishes of the parent or young person, or
- Incompatible with the efficient education of others.

Mainstream education can't be refused by a local authority on the grounds that it's not suitable.

Where the local authority considers a particular mainstream place to be incompatible with the efficient education of others it must demonstrate that there aren't any reasonable steps that it, or the school or college could take to address the incompatibility.

Finalising and maintaining the EHCP

Under section 14 of the Special Educational Needs and Disability Regulations 2014, the finalised EHCP must be in the form of the draft plan, or in a form modified to reflect the representations made by the child's parents or young person.

When sending the final EHCP to the child's parents or the young person, the local authority must notify them of:

- a) Their right to appeal matters within the EHCP
- b) The time limits for doing so
- c) The information concerning mediation
- d) The availability of:
 - Disagreement resolution services; and
 - Advice and information about matters relating to the special educational needs of children and young people.

Under section 42 of the Act, local authorities must secure the specified special educational provision in the EHCP. If a local authority names an independent school or independent college in the plan as special educational provision it must also cover the fees, including any board and lodging where relevant.

More information

The specific duties in relation to maintaining the health and social care aspects of the plans are summarised in a separate factsheet. Chapter 9 of the SEND Code of Practice provides further information on EHCPs.

If you'd like to speak to a member of our team, please call 0808 291 1083 or scan the QR code to visit our website:

