

Education, Health and Care Plan (EHC Plan)

Frequently Asked Questions

“My Local Authority has said that they don’t issue Statements any more as the system has changed?”

Statements will continue to be agreed until September 2014. Some Local Authorities (on a ‘Pathfinder’ programme) are issuing EHC Plans early in place of Statements, but these Plans will hold no legal status. From September the LA will consider requests for only EHC Plans and if issued they will be legally binding.

“My school has said that they don’t have to follow the Code of Practice any more as there is a new one?”

The new Code of Practice has been approved and will run alongside the DfE SEN Code of Practice 2001 until Statements are transferred into EHC Plans.

“My child’s Statement will end on September 2014?”

From September 2014 there will be a transitional period (up to 3 years) during which Statements can be transferred into EHC Plans. A Statement will remain valid until an EHC plan has been developed, or is agreed to be no longer necessary.

“I have been told that EHC Plans are the same as Statements and have the same legal duties?”

Like Statements, any specified and quantified Special Educational provision in the Plan will have to be delivered by the Local Authority and can continue if required until the age of 25 if a young person stays in education or training.

“My Local Authority has said that only pupils with Statements who receive a certain level of funding will get an EHC Plan?”

The threshold for EHC Plans will be the same as those for Statements, that is where the Special Educational provision necessary to meet the child or young person’s needs cannot be reasonably provided within the resources normally available to mainstream schools, early years settings and colleges.

“I have been told that if I am not happy with anything in my child or young person’s EHC Plan I can appeal?”

The educational aspects of an EHC Plan can be appealed to the SEND Tribunal (from September 2014) in the same way as those of a Statement.

“When I ask for my child or young person to be assessed under the new system the Local Authority must carry out a social care assessment now as well as an assessment of their educational needs?”

No this is not true. The duty to assess a child’s needs is only in relation to their educational needs not any Social Care needs they may also have. Once this has happened, any information should be recorded in the EHC Plan.