EHCP Timeline

Here you will find the journey and what's ahead when applying for a plan.

This will break down each stage of the entire process, by law, this should last no more than 20 weeks, although local authorities often believe it's not always that simple and break the law.

Decision to assess

A parent carer or school can makes a request for an EHC Needs Assessment to the LA. This is a simple letter saying why you think your child has special educational needs and why his/her needs cannot be met at school without additional support. You should supply any information/ reports you have. This starts "the clock".

1-6 weeks

The local authority processes your application. You need to give your written consent to share information with the other bodies who will be involved in the EHCP process.

Within 6 weeks of making the EHCP request, you will receive a letter from your local authority with a decision about the request for an EHC Needs Assessment.

If they refuse to assess, the letter will explain why not.

LAs frequently get confused between their policies and what the law says. Law triumphs policies. You can accept the decision, or you can appeal the decision to SENDIST. You can also request a meeting with an LA officer to discuss the decision. You have 2 months to appeal to SENDIST from the date of the decision letter from the LA. You will need a mediation certificate before you can lodge an appeal, and it is important that you do not miss the appeal deadline.

Do not let the LA persuade you not to appeal, even if they say they will reconsider the decision at a later date, still appeal!

If the EHCP needs assessment is submitted and accepted, the local authority will seek information from:

1

- The child's parent/s
- The child or young person – their views, wishes and feelings
- The person who has submitted the request if not the parent i.e., the school
- People in your child or young person's current educational environment, usually the class teacher, SENCo or Headteacher.
- A representative from social care, usually a social worker
- A health care representative, such as a paediatrician
- An educational psychologist
- Any other professional involved with the child or young person that the LA thinks is appropriate
- Any person the child's parent or the young person reasonable requests Contacting each of these relevant parties and receiving their advice and information can take up to 6 weeks.

Assessment & evidence gathering

6-12 weeks

Those who are contacted for information related to the EHC needs assessment, have 6 weeks to respond. This is a legal requirement regardless of waiting lists or a shortage of professionals to carry out the work.

As the information from the above is received, the LA should decide whether or not to issue an EHC Plan and reach this decision by week 12. By week 12 the Local Authority should decide if it will be able to start drafting the EHCP.

This draft will be sent to the parents and all those who contributed advice and information to the EHC Needs Assessment.

Weeks 13-16

By week 12, if the LA has decided to issue an EHC Plan then they must issue the draft version by week 14, sending a copy to parents and all those who contributed to the EHC Needs Assessment. The draft EHCP should be sent along with all of the information and advice received during the EHC Needs Assessment process.

Once the draft EHCP has been issued, the parents have 15 days in which to respond to the draft with their comments and changes, to name the type of school (mainstream or special) and/or the specific school they want named in the EHCP and to request a meeting with the LA if they would like to discuss the EHCP.

Once the LA has received the parent's decision about school placement then they must consult with the school specified by the parents and the school must respond with its decision within 15 days. All responses from schools will be shared with the parents. The LA can refuse to specify the school of parental preference in the EHCP, but this is a decision that must be based on the specific legal principles, which is often ignored by the LA! Essentially a placement at a school can only be refused for reasons relating to how the admission of the child or young person might affect the education of children already enrolled, or whether the preferred school does not represent a good use of the LA's financial resources.

If by week 12 the LA decision was to not issue an EHCP then it must notify the parents of this decision and of their right of appeal; this must be done by week 16.

Draft Plan

Weeks 17-20

Between week 17 and week 20 the LA should issue the final EHCP. A copy should be sent to the parents and to the school named in the EHCP, where the child or young person will be attending.

The letter sent with the final EHCP should also set out details about the right of appeal if you are unhappy with the contents of the EHCP. It will provide other details such as information about mediation.

The 20-week deadline is a legal deadline and any extension beyond the 20 weeks is limited to specific exceptions that rarely apply but LA's like to try their luck. Waiting lists, staff shortages, lack of response from professionals – none of these are lawful reasons for extending the 20-week process. The 20-week process is the maximum amount of time, and the regulations say that decisions must be made as soon as is practicable, so sooner where possible!

What comes next?

Assuming you've received your EHCP without a hitch, you can expect it to be reviewed yearly. For children under 5, the reviews are every six months. The annual review gives the parents, the child, the Local Authority, and the educational facility an opportunity to reflect on the last year and suggest changes.

If issues arise before an Annual Review, then an early or emergency review of the EHCP can be requested; a request to be made to the LA. At any annual review, changes could be recommended to the LA; these could include the recommendation to move the child or young person to an alternative educational setting if they're not making progress or if the facility is deemed unsuitable for their special educational needs; changes to the description of needs or the provision that the child or young person requires; further assessment or advice from professionals. In rare circumstances, there could be a request to cease the EHCP.

Any changes accepted by the LA following an Annual Review of the EHCP must result in an amended EHCP, which would give parents a right of appeal to SENDIST if they do not agree with the changes or if no changes have been made when they wanted changes to the EHCP.