

Checking your EHCP: How to request and implement changes



Reasons for making changes

- Something in the EHCP is incorrect or missing
- The child/young person's needs have changed
- Resolving disagreements
- The child/young person has been excluded
- The school or placement is no longer suitable
- Specificity
- Goals/Plans for the future have changed
- Phase transfer & transitions
- Preparing for Adulthood
- More or different provision is needed
- Changed circumstances
- Lack of expected progress
- New outcomes needed
- Moving to a new Local Authority

Who to ask? Who is responsible?

The Local Authority/SEN Team

They have the legal duty to secure the provisions listed in **Section F**. This means if there are any disputes over educational provision, it is ultimately their responsibility, not the education setting. Speak to your case officer at the SEN Team and ask for amendments to ensure the current EHCP specifies & quantifies the provision needed.

The Report Writers/Professionals

The provision set out in an EHCP comes from recommendations made by professionals. These recommendations are detailed in their reports, listed in **Section K**. If the strategies they give in their reports are vague and unspecified, you may need to go back to them and ask them to make it more specific in order to be EHC compliant.

At Assessment Stage

You may still have chance to influence the outcome of the assessments that are carried out. When professionals issue their reports, go back and ask them to specify their findings. If you disagree with any of the findings, query this with the service that the professional works for.

See *SEN Help's* example [template letter on requesting changes to professionals reports](#).

At Draft Plan Stage

Once you receive your draft EHCP following assessment or review, you will have 15 calendar days to make 'representations'. This is your opportunity to check through the draft and either agree to it as it stands or annotate and query your disagreements. You will also be asked to request your preferred educational setting.

See *IPSEA's* [template letter on responding to your draft plan](#).

At Final Plan Stage

Once you receive your final EHCP following assessment or review, you can lodge an appeal to the SEND Tribunal if you still disagree with the plan. You will have 2 months from the date of the LA's decision letter, or 1 month from the date of a mediation certificate, whichever is later.

See *SENDIASS's* [guide for 'Contents Appeals'](#) and [video walkthrough on how to fill in the appeal form](#).

At Annual Review Stage

Information must be gathered about the child/young person and circulated 2 weeks before the Annual Review meeting. This must be obtained from professionals as well as from the parent(s) or young person. This is your chance to highlight whether you think something in the EHCP needs to change.

See *SENDIASS* [advice on contributing to the Annual Review process](#).

Any Other Time

If an Annual Review is not due, or has been conducted unlawfully, you can request an interim/early Annual Review if there are problems with the education your child is receiving and/or content of their EHCP. It is a statutory process which opens your legal right to appeal and formally request changes.

See *IPSEA's* [template letter on requesting an interim/early annual review](#).

Relevant Legal Framework & Case Law

Children and Families Act 2014 – Section 37

SEND Code of Practice 2014 – Section 9

"Provision should meet each and every need identified in Section B" (*L v Clarke and Somerset [1998] ELR 129.*)

"It is not permissible to leave SEP unspecified or unquantified simply to allow for flexibility in the school's approach/arrangements" (*IPSEA v Secretary of State [2003] EWCA Civ 7 #8.*)

"When looking at specificity, an EHC Plan should outline placement specific wording, such as class, size and where small group or 1:1 work would be involved the size of the group, and the length and frequency of sessions" (*L v Lancashire [2000] ELR 471*) (*L v Clarke and Somerset [1998] ELR 129.*)

"It should also outline the staff qualifications and experience of those teaching students, i.e. whether the teacher involved has to be specifically qualified or experienced to deal with particular special educational needs" (*L v Wadsworth Ex Parte M [1998] ELR*

What can I do if changes are refused?

When you disagree with the advice sought and/or the process that was followed for this:

[IPSEA: Complaining when the local authority does not seek the correct advice during an EHC needs assessment: Model letter 7](#)

When you disagree with the amendments the LA are proposing:

[IPSEA: Objecting to the amendments the LA is proposing to make to an EHC plan: Template letter 4](#)

When you disagree with the finalised EHCP:
[EHCP Contents Appeal to the SEND Tribunal Guide](#)

When the report writer and/or the LA refuse to specify and you are at appeal:

[Ask the Tribunal to order specificity from the LA via Request for Changes form](#)

Further guidance:

[Special Needs Jungle: What options do families have?](#)