

Timeline for EHC needs assessment to an EHC plan

Once a local authority agrees to carry out an EHC needs assessment, it must run to the deadlines below.

IPSEA's website contains more information about [what happens during an EHC needs assessment](#), and also information about what to do [when you receive your draft EHC plan](#), and [when you receive your final EHC plan](#).

As set out below, the LA is required to obtain the advice from certain people as part of the assessment. If the LA does not do this, you can use [our model letter](#) to complain.

If your child or young person already has an EHC plan but you believe it needs to be changed, then see the section of IPSEA's website on [changing EHC plans](#).

CAFA 2014	The Children and Families Act 2014
SEND Code	Special Educational Needs and Disability Code of Practice: 0 to 25 years: (January 2015)
SEND Regs 2014	The Special Educational Needs and Disability Regulations 2014, as amended ¹
LA	Local authority: the local government body responsible for EHC needs assessments and plans
YP	Young person ²

THE TIMELINE

Time	Legal Duty	IPSEA note	Where in law
Week 0	Request for assessment is made to LA or LA becomes responsible for child/young person		S. 36 CAFA 2014 2014 ³ S. 24 CAFA 2014 ⁴

¹ The SEND Regs 2014 have been amended twice since they were first passed, by The Special Educational Needs (Miscellaneous Amendments) Regulations 2014 and The Special Educational Needs and Disability Regulations 2015 .

² Once a child comes to the ending of compulsory school age they become a young person for the purpose of the CAFA 2014

³ Parent, YP or school/post 16 institute has made the request for assessment

⁴ The child or YP has been identified by the LA or brought to the attention of the LA as having or possible having SEN



<p>Week 6</p>	<p>EHC needs assessment starts. The LA must gather advice and information as to (1) the child or young person’s needs; (2) the provision needed to support those needs; and (3) the outcomes that would be expected to result from the provision being put in place.</p> <p>The LA must seek:</p> <ul style="list-style-type: none"> (a) advice and information from the child’s parent or the young person; (b) educational advice and information from the head teacher or principal of the school or post-16 or other institution that the child or young person is attending (or other appropriate person where this is not available); (c) medical advice and information from a health care professional identified by the responsible commissioning body; (d) psychological advice and information – from an educational psychologist; (e) advice and information in relation to social care; (f) advice and information from any other person the local authority thinks is appropriate; (g) where the child or young person is in or beyond year 9, advice and information in relation to provision to assist the child or young person in preparation for adulthood and independent living; and (h) advice and information from any person the child’s parent or young person reasonably requests that the LA seek advice from. 	<p>Note that you have a specific right to make a ‘reasonable’ request that the LA seeks advice from any person. This could include, for example, advice from a speech and language therapist or someone from Child and Adolescent Mental Health Services (CAMHS). It does not matter if your child is on a waiting list to see the professional you want or is not known to their service - if the LA agree to your request the professional must provide the advice within 6 weeks</p>	<p>Advice required and from whom: SEND Regs 2014:Reg. 6(1)</p> <p>6 week time limit for advice to be sent to LA after request SEND Regs 2014 Reg.8(1)</p>
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	<p>Note in relation to the advice to be obtained:</p> <p>The SEND Code says that the advice should be clear, accessible and specific (paragraph 9.51).</p> <p>There is only one exception to seeking new advice which is where it is agreed, in relation to a particular advice, that existing information and advice is “sufficient” for the purposes of the assessment.</p> <p>The judgement that an individual report is sufficient must be made by all of the following</p> <ul style="list-style-type: none"> (1) the LA, (2) the original author of that report, and (3) the parent or young person. <p>If any one of these disagrees or is no longer available, then the LA must seek new advice.</p> <p>An LA must not make a “blanket” decision that all existing information and advice is sufficient for a child or young person, but must look at each piece of advice and request consent from the author and the parent or young person.</p> <p>The SEND Code paragraph 9.47 advises that parents and young people should be supported to make an informed decision.</p>	<p>There is a significant focus on outcomes as a result of CAFA 2014. In relation to advice sought for assessment (see detail of Reg 6 above) it must include outcomes.</p> <p>Arguably, any advice prior to September 2014 would not be written to include outcomes so parents should carefully consider whether such advice is ‘sufficient’</p>	<p>SEND Regs 2014: Reg. 6(4).</p>
Week 16	<p>If the LA decides not to issue an EHC plan, having carried out the EHC needs assessment they must so notify the parent/young person by this date. The parent/young person will have a right of appeal to the Special</p>		<p>Time limit for notice of refusal of a plan within 16 weeks:</p>



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	Educational Needs and Disability Tribunal against the decision to refuse to issue a plan.		SEND Regs 2014 Reg. 10(1)
Week 14	<p>A draft EHC plan needs to have been produced and sent to the parent or young person by this time.</p> <p>At the same time, the LA must advise the parent or young person where they can find information about the schools and colleges that are available for the child or young person to attend.</p> <p>The parent or young person then has at least 15 calendar days after receipt of the draft plan in which to:</p> <ol style="list-style-type: none"> 1. make representations to the LA about the contents of the draft EHC plan; 2. ask for a meeting with an LA officer to discuss the draft EHC plan; 3. tell the LA the type of school/college (mainstream or special) and the actual school/college they would like named in the final EHC plan. 	<p>There is no date specified in law by which the draft plan must be issued but for the whole process to be completed within 20 weeks, this must be issued by week 12 to allow for the draft plan consultation periods below.</p> <p>NB: this period may end earlier if the draft Plan was issued earlier – the 15 days starts when the draft plan is served</p>	<p>Parent/young person's right to respond to draft EHC plan and request school/institution: CAFA 2014 s38(2)</p> <p>Time allowed, info on schools and right to meeting: SEND Regs 2014 Reg. 13(1)</p>
Week 16	LA must consult with the school/college the parent or young person has requested. School or college should respond within 15 days (SEND Code paragraph 9.83).	Note if the school/college do not respond the LA cannot rely on this to go over the overall time limit of finalising the EHC Plan within 20 weeks of the initial request/becoming responsible	CAFA 2014 s39(2)



Time	Legal Duty	IPSEA note	Where in law
Week 20	Final EHC plan issued by the LA.	This must be sent to the child's parent or the YP; the governing body, proprietor or principle of any school, other institution or early years provider named in the EHC Plan and the responsible commissioning body	SEND Regs 2014: Reg. 13(2)

NB: The deadline from request assessment/LA becoming responsible to the LA finalising the EHCP is 20 weeks, subject to limited exceptions. If the LA decide not to issue a EHCP following assessment they must notify the parent or YP within a maximum of 16 weeks from the date of request/LA becoming responsible. The Regulations note that all decisions must be made 'as soon as practicable': in other words, if the LA can make the decision quicker than the time limits then they must.