



Naming a School or Other Institution in Section I of an EHC Plan

RANi Need to Know Guides | EHCP Advisory sheet 4

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A comprehensive guide for parents, carers, and young people on understanding how to name a school or educational setting in Section I of the Education, Health and Care needs plan.

What is Section I of an EHC Plan?

Section I of an **Education, Health and Care (EHC) plan** names the school, college or other educational setting that the child or young person will attend. It can also include the *type* of institution (e.g., “mainstream primary school” or “independent special school”).

Section I must reflect a placement that is:

- **Able to deliver** the special educational provision set out in Section F of the plan

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- **Suitable and appropriate** to the individual's age, ability, aptitude and special educational needs (SEN)
- Legally compliant with the child or young person's right to education

The correct naming of a setting in Section I is essential for ensuring the rest of the EHC plan is deliverable in practice.

Legal Entitlement: Your Right to Request a School or College

Under **section 38 of the Children and Families Act 2014**, when an EHC plan is being issued or amended, parents of a child (or a young person themselves, if over 16 and with capacity) have a **legal right to request** that a particular school, college, or other institution is named in Section I.

You can request any of the following types of institutions:

1. **Maintained nursery schools**
2. **Maintained schools** (mainstream or special)
3. **Academies and free schools** (mainstream or special)
4. **Further education or sixth form colleges**
5. **Non-maintained special schools**
6. **Institutions approved by the Secretary of State under section 41** of the Act (mostly independent special schools and colleges)

You can also express a preference for:

- **Independent settings** that are *not* Section 41 approved – though the local authority does not have a duty to name these, it *can* do so

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- **Out-of-area schools or colleges**, if suitable provision is not available locally
 - **Residential placements**, if necessary to meet needs (e.g., if the child requires waking day support, therapies, or health/social care provision that cannot be delivered in a day placement)
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When Can You Make a Request?

You have the right to request a specific school or institution:

- When the **draft EHC plan** is first issued
- When the plan is **reviewed** (annually or during a reassessment)
- When the plan is being **amended** by the local authority (e.g., following an annual review or a Tribunal order)

Deadline: You must make your request within **15 calendar days** of receiving the draft or amended plan from the local authority.

What Must the Local Authority Do?

The local authority **must consult** with:

- Your preferred setting
- Any other settings they are considering

They must consult the setting under **Regulation 12 of the SEND Regulations 2014** and give the school or college at least **15 days** to respond.

Unless one of the legal reasons for refusal applies (see next section), the local authority **must name** your preferred setting in Section I.

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On What Grounds Can a Local Authority Refuse Your Choice?

The law sets out **only three grounds** on which a local authority can lawfully refuse to name your preferred setting. These are:

1. **Unsuitability** – The school or college is unsuitable for the age, ability, aptitude or SEN of the child or young person.
2. **Incompatibility with the efficient education of others** – For example, placing a child in a class where their behaviour or needs would significantly disrupt the learning of other pupils, and no reasonable adjustments can resolve this.
3. **Inefficient use of public resources** – For example, if a setting would be significantly more expensive than another suitable placement, and the cost cannot be justified in relation to the benefit.

The local authority must provide **clear reasons** in writing if they are refusing your preference based on one of these grounds. You can request their written consultation responses and decision-making rationale.

What If You Disagree With the Named School?

You have the right to **appeal to the SEND Tribunal** if:

- The local authority refuses to name your preferred school or college
- The local authority names a setting you do not agree with
- They name only the *type* of setting (e.g., “mainstream secondary school”) but do not specify a particular institution

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This is known as a **Section I appeal**.

You can **combine** a Section I appeal with appeals about:

- **Section B** (description of needs)
- **Section F** (special educational provision)

Combining these is often recommended, as the Tribunal cannot name a school unless the needs and provision are properly specified.

The Presumption of Mainstream Education

There is a legal **presumption in favour of mainstream education**, under **section 33 of the Children and Families Act 2014**. This means:

Children and young people with an EHC plan must be educated in a mainstream setting *unless*:

- It is **against the wishes** of the parent or young person; or
- It would be **incompatible with the efficient education of others**, and there are no reasonable steps that could be taken to remove that incompatibility

So, even if your child has an EHC plan, the local authority cannot insist on a special school unless one of these exceptions applies.

Practical Steps for Parents and Young People

Visit settings in person if possible – talk to SENCOs, ask how they meet similar needs, check class sizes and support available.

Gather supporting evidence – Reports from educational psychologists, therapists, teachers, or advocates that show why a setting is (or is not) suitable.

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Explain your request clearly – When responding to the draft EHCP, give specific reasons why your chosen setting is appropriate and meets your child's SEN.

Include the name and type of setting requested in your response to the draft plan and ask the local authority to consult with that provider.

Check consultation responses – If your preferred setting is consulted but refuses, request their written response from the local authority.

How to Make a Section I Appeal

You will need to complete a **SEND35 appeal form** (or SEND35a for amended plans) and submit it to the **First-tier Tribunal (SEND)**. You'll need:

- The final or amended EHCP
- The decision letter from the local authority
- Any supporting documents or professional reports
- A clear explanation of why the setting named by the local authority is not appropriate

Appeal deadline: **2 months** from the LA's decision letter or **1 month** from the mediation certificate, whichever is later.

Support and Resources

You can get further support from:

- **RANi** – Help with advice, support and impartial information
- **Local Offer** - Help with advice, support and impartial information
- **SENDIASS** – Local impartial information and advice service for parents and young people www.iasmanchester.org

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- **IPSEA** – Independent Provider of Special Education Advice:
www.ipsea.org.uk
- **Contact** – A national charity supporting families with disabled children:
www.contact.org.uk

If you'd like help preparing your request or understanding your appeal options, RANi can provide guidance and templates.

Remember:

Always keep a copy of all correspondence you send, along with proof of postage or delivery. If you send documents by post, we recommend using a **signed-for** service. If sending by email, request a **read receipt** if possible.

Get in Touch

If you need more information or have a question, we're here to help.

Email us: info@rani.org.uk

Please include:

- Your name
- Your child's name
- Your child's date of birth
- Your query

Or, if you prefer, you can fill out our online **contact form** and we'll get back to you as soon as possible.

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