



# What Happens Before an Education, Health and Care (EHC) Plan Is Issued?

RANi Need to Know Guides | Pre EHCP Advisory sheet 1

*Updated: April 2025*

*A step-by-step guide to the pre-EHC plan process*

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## What is an EHC Plan?

An **Education, Health and Care (EHC) plan** is a legal document for children and young people aged 0 to 25 who need more support than is available through SEN support in their education setting. It describes a child's or young person's:

- Special educational needs (SEN)
- The support they require (provision)
- Desired outcomes
- School or other placement
- Health and social care needs (if relevant)

But before an EHC plan is issued, several important steps must take place.

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# 1 Requesting an EHC Needs Assessment

## Who can make the request?

- **Parents or carers** of a child (0–16)
- **Young people** aged 16–25 (with or without parental involvement)
- **Early years settings, schools, colleges** or other professionals

You do *not* need a diagnosis or the school's agreement to make the request.

## How to make the request

- Write to the local authority's Special Educational Needs (SEN) or SEND team.
- Include:
  - Your child's full name and date of birth
  - Their current school or setting
  - A description of their difficulties
  - What help has already been tried
  - Why current support is not enough

**Timeframe:** The LA must reply within **6 weeks** of receiving the request.

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## 2 The Legal Test for Assessment

Under Section 36(8) of the Children and Families Act 2014, the LA must carry out an assessment **if**:

1. The child or young person **may** have SEN, **and**
2. They **may** need provision via an EHC plan.

This is a *low threshold*. It's about the **possibility**, not proof.

If the LA refuses, you have the right to appeal.

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## 3 If the Local Authority Agrees to Assess

The LA now begins the **EHC needs assessment process**, which involves gathering detailed evidence from:

- **Parents or carers** or the **young person** (this includes a “Parent/Carer View”)
- The **current school or education setting**
- An **educational psychologist**
- A **health professional** (such as a paediatrician or therapist)
- **Social care** (even if not currently involved)
- Anyone else you or the LA feel is relevant (e.g. specialist teacher, CAMHS)

Everyone involved has **6 weeks** to send their advice.

You can ask the LA to seek reports from particular professionals who know your child well.

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## 4 Local Authority Decision on Whether to Issue a Plan

Once all the reports are gathered, the LA must decide whether to issue an EHC plan. This must happen by **week 16** of the process.

They will look at whether:

- The child or young person **has SEN**
- Their needs **require** provision beyond what a mainstream setting can normally offer

### Possible Outcomes:

- **Yes:** The LA must draft an EHC plan and share it with you
- **No:** You can appeal this decision to the SEND Tribunal

You must be informed of the decision in writing.

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## 5 If the LA Decides to Issue a Plan

You'll receive a **draft EHC plan**. You can:

- Comment on the contents (Sections B, F, and I especially)
- Request changes
- Name your preferred **school or other setting**

You have **15 calendar days** to respond.

The **final EHC plan** must be issued by **week 20** from the original request.

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## Overview of the EHC Process Timeline

| Stage                             | Deadline              |
|-----------------------------------|-----------------------|
| LA decides whether to assess      | Within 6 weeks        |
| Assessment reports gathered       | Next 6 weeks          |
| LA decision to issue or not       | By week 16            |
| Draft EHC plan issued (if agreed) | Shortly after week 16 |
| Final EHC plan issued             | By week 20            |

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## If You Disagree with a Decision

You can appeal to the **First-tier SEND Tribunal** if the LA:

- Refuses to carry out an assessment
- Refuses to issue an EHC plan
- Issues a plan that doesn't meet your child's needs
- Names an unsuitable school

Before appealing, you are offered **mediation** — but you can choose to opt out and go straight to appeal.

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## Top Tips for the Pre-EHC Plan Stage

- **Keep records** – gather emails, reports, letters and school logs

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- **Centre your child's voice** – their views matter
- **List needs and provision** – what's needed and why
- **Track deadlines** – LAs must follow legal timeframes
- **Be persistent but polite** – don't be afraid to follow up

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## Common Misunderstandings

| Myth  | Fact   |
|---|--|
| "My child needs a diagnosis first"          | A diagnosis is <i>not required</i> to start an assessment              |
| "The school has to apply"                   | Parents and young people can apply directly                            |
| "Only children with severe needs get plans" | The law focuses on <i>need for additional provision</i> , not severity |

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## 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](http://www.iasmanchester.org)
- **IPSEA** – Independent Provider of Special Education Advice: [www.ipsea.org.uk](http://www.ipsea.org.uk)
- **Contact** – A national charity supporting families with disabled children: [www.contact.org.uk](http://www.contact.org.uk)

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

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## 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.

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## Get in Touch

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

**Email us:** [info@rani.org.uk](mailto: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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