

# Education, Health and Care Plans

## - How to check your draft EHC Plan

Please note: 'child' = 'child or young person'

When the Education, Health & Care Plan (EHCP) is in draft it is an opportunity for you to check whether it contains everything it should. Once you receive the draft EHCP you should be given at least 15 days to get back to the LA. However, if you need more time, then do ask your SEND Officer in writing.

### What should a plan look like?

Your SEND Officer should copy and paste the wording from any reports into section B for needs and section F for provision. They are not able to amend anything written in the reports but could add more clarity to make the EHCP more holistic. [For more information on what an EHCP should contain, please click this link to see our factsheet.](#)

### Name of school or type of school

Before the EHCP is first finalised: a draft EHCP must not include the name of a particular school, college or other educational placement or what type of placement the child or young person will attend (in section I). This is because the EHCP must reflect the individual's needs and the provision to meet those needs, not the resources which can be offered in a particular placement. The name and/or type of placement will appear only in the final EHCP, not the draft plan. When you receive the draft, you will also receive a parental preference form to complete. There are certain placements you have the right to request (and the LA should name unless certain conditions exist). [For more details on this please check our guide page on the website.](#)

### What should the Local Authority do when they send me a draft?

Along with the draft EHCP, the Local Authority (LA) must give notice to the parent or young person that they have at least 15 days in which to:

- *make comments about the draft EHCP (this is called 'making representations')*
- *request a meeting with the LA to discuss the draft (if wanted)*
- *request a particular school or other institution is named in Section I of the final EHCP*
- *request a personal budget.*

### How do I check the draft plan?

Firstly, make a cup of tea or coffee and get comfortable - this is going to take a bit of time!

[Check section K](#) to make sure every report you have / know about is listed and that you have a copy. You will need these to check the draft EHCP.

**Please note:** If there are reports missing you need to notify your SEND Officer and request a copy of these as soon as possible.

[Read through each report](#) and make sure that the needs and provision from these are in the Draft EHCP. The EP report is normally the longest and most of it will reflect the format of the EHCP (especially sections B & F).

Do the same for Health and Social care needs and provision (these will need to be in [Sections C/G, D/H](#) respectively).

**Needs** – a need is anything that becomes a barrier to the child's ability to learn, e.g. a child with an additional learning need, a diagnosed condition or mental health issues (i.e. anxiety) which is preventing them from accessing the curriculum, would be classed as having a SEN.



**Provision** – the recommendations made by professionals as to what support your child requires to make progress and to access the curriculum. So, for education, this would mean anything that educates or trains that is over and above that of what your child's peers would normally receive.

*The SEND Code of Practice 2015 (9.69) says: "Provision must be detailed and specific and should normally be quantified, for example, in terms of the type, hours and frequency of support and level of expertise"* - For example: 3 ½ hours a week of speech and language therapy. Also see [section 37 of the Children and Families Act 2014](#) for more information.

## Next Steps

Make a note of anything that is not included OR any wording that may have been changed, i.e. where reports state the word **MUST** and the draft plan states **SHOULD**. Strike out any woolly words that give a chance for frequency to be questioned, such as **'opportunities to'**, and **'access to'**—even if this has been stated in a professional report. Add in word/s if needed in your colour to show your proposal for change. Make a list of things you want changed in the draft plan. It should include WHICH report it is in and WHERE it is written. You can bullet point these, make a clear list or you can paste what has been omitted directly onto the draft in a different colour and reference in brackets at the end where this has come from i.e. (EP Report p6).

Ensure you read the whole plan from the beginning to the end and ensure you are happy with it and it is accurate. [Keep track of every page that you have amended or changed](#).

**REMEMBER:** If you need to ask that the draft EHCP is amended, you need to do this by the time stated in the email / letter which should be at least 15 days. If you think you may need more time, please discuss this with your SEND Officer.

**Outcomes** should appear in Section E of the EHCP. These will often be taken from reports written by professionals. These should be goals of varying timescales, set for your child and should focus on the positive changes for the child/young person as a result of the provision and interventions given. Outcomes become increasingly important from Year 9 as your child is looking at next steps after school. Outcomes are not appealable.

If you receive the final EHCP without changes to the 'Needs' and 'Provision' sections that you requested, you may wish to consider having mediation or appealing to the First-Tier Tribunal. The deadline for appealing is two months from the date of the final plan or one month from the date of the mediation certificate, whichever date falls the latest.

For further information and advice on 'Appeals' please read our [guides](#) or contact the SENDIAS Service, details below.



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## Service Statement

The role of the SENDIAS service is to ensure all parents, children and young people have access to impartial information, advice and support so they can make informed decisions related to their situation. Any information that is shared with the service is in confidence unless permission has been obtained to share this with any individuals, services and agencies that may be able to help in the circumstances. For more detail, view our [policies and privacy notice](#) on our website.

**How to contact us:** Tel: 0330 222 8555 / Email: [send.ias@westsussex.gov.uk](mailto:send.ias@westsussex.gov.uk) or [cyp.sendias@westsussex.gov.uk](mailto:cyp.sendias@westsussex.gov.uk) (up to age 25) / Website: [www.westsussexsendias.org](http://www.westsussexsendias.org)

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