



Following carrying out an EHC need assessment your LA must decide whether the advice and information gathered shows that it is **necessary** for you/your child to have an EHC plan. If it does, then your LA **must** issue an EHC plan. This must be between weeks 14-16 of the EHC needs assessment process. This duty is contained within Section 37(1) of the [Children and Families Act 2014](#).

Issuing a plan

Following the completion of an EHC needs assessment, if the local authority (LA) decides to issue an EHC plan, they will send you (the parent/young person) a draft version of the plan. It is important to read through the information contained in the plan and check that it is factually correct. Along with the draft plan, the LA must give notice that you have 15 calendar days to:

1. Make comments- "representations"- about the draft EHC plan in writing or by calling the SEND Operations Co-ordinator
2. Request a meeting with the LA to discuss the draft plan (the LA is legally required to agree to meet you if you ask but the meeting needs to take place within 15 calendar days)
3. Request that a particular school or other institution is named in the final EHC plan.

Making representations

If you are not happy with any part of the draft EHC plan, or the reports attached to it, you can suggest changes you would like made. This is known as making 'representations'.

All identified special educational needs **must be specified**, and the EHC plan should also include arrangements for setting and monitoring shorter term targets towards outcomes. Provision **must be detailed, specific and quantified** within in an EHC plan. This means that it should be clear what it is expected will be achieved with the provision, and who is to do what, when, and how often.

[Essex SENDIASS: How to check your draft EHC plan](#)

Proposed plan meeting

The LA (SEND Operations Service) will offer you the opportunity to attend a proposed plan meeting.

A proposed plan meeting is to discuss the draft plan and for parents to ask questions or request any change you would like to make. You can of course also speak to your SEND Operations co-ordinator by phone or you may prefer to respond in writing in response to the draft EHC plan received.

Once the LA have received your response to the draft, they may issue further drafts to you for approval and will ask which school you would like to be named. [Essex SENDIASS: proposed plan meetings](#)

Naming a school

When you receive a draft (new or amended) EHC plan you will be asked which school you would like your child to go to.

The [SEND Code of Practice 2015](#) states: *"The child's parent or the young person has the right to request a particular school, college or other institution of the following type to be named in their EHC plan; maintained nursery school, maintained school and any form of academy or free school (mainstream or special), non-maintained special school, further education or sixth form college, Independent school or independent specialist colleges (where they have been approved* for this purpose by the Secretary of State and published in a list available to all parents and young people)" (9.78)*

The LA must comply with a request from a child's parent or young person for a particular setting unless one of the below points in the legal test applies.

- it would be unsuitable for the age, ability, aptitude or SEN of the child or young person, or
- the attendance of the child or young person there would be incompatible with the efficient education of others, or the efficient use of resources.

(9.79) (SEND Code of Practice)

[Essex SENDIASS: Choosing a school with an EHC plan](#)

[Essex SENDIASS: Placement consultation process](#)

Finalising the EHCP

The LA must send the finalised plan to the parent and school as soon as practicable, and in any event within 20 weeks of the LA receiving the initial request. [Essex SENDIASS: Finalising the EHCP](#)

When issuing the finalised plan, the LA must also notify the parent of their right to appeal to the First Tier Tribunal if you disagree with the SEN needs (section B), Provision (Section F) and/or the setting named (Section I) [Essex SENDIASS: Appealing to the SEND tribunal service](#)