



# Amending an Education Health and Care plan (EHCP)

(Following a move to the area)

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## Transfer of EHCPs or change of responsible commissioning body (moving LA)

SEN Reg 15 deals with what happens when a child or young person with an EHCP moves into Cumbria. The obligation to maintain the EHCP will transfer to the new LA on the day of the move or within 15 working days of the new LA becoming aware of the move, if later.

The child may be able to remain at the school or institution named in the EHCP whilst the new LA decides how to proceed but there is an exception to this in SEN Reg 15(6). This is where it is no longer practicable for the child or young person to attend. In that case the new LA can move the child to another school or institution appropriate for him or her until it becomes possible to amend the EHCP.

The new LA has to review the EHCP under section 44 of the Act before the expiry of the later of the period of 12 months since the EHCP was made or the previous review or the period of three months beginning with the date of the transfer.

If the new LA wants to carry out a new EHC needs assessment it can do so but if the child's parent or young person, the person who provided the advice and the old LA are satisfied that the advice obtained in connection for the old EHC needs assessment is sufficient then the new LA must not seek further advice (SEN Reg 15(3)(b)).

## Proposed Amended EHC Plan

- This document will be based on the previous Local Authority EHC Plan and the last Annual Review report and any other updated professional reports.
- A copy of the original / current EHC Plan will have also been sent to you for your information.

## What do you need to do now?

You now have 15 days to indicate if:

- Confirm you are happy with the proposed changes.
- Inform us if you would like to make any written comments / changes to the proposed changes.
- Contact us if you would like to meet with a member of the SEN team to discuss the proposed changes.
- This is also your opportunity to confirm your preference for school placement, which may be continuing in their current placement.
- If you require support understanding the proposed changes, the Cumbria SEND Information, Advice and Support Service will be able to help with this.

## Visiting schools/education placements

- It is strongly recommended that you visit any new school / education placements before you express your preference. It is suggested that you speak with the Special Needs Coordinator (or the person who performs that role) of that establishment to discuss your child/young person's needs and ideally take a copy of the draft EHC Plan with you.

## What the SEND Team are doing now?

- The SEND team will have referred the Proposed Amended EHC Plan and any up-to-date reports to identified educational placements. This should be, in most cases, your child/ young person's current educational placement (nursery/ pre-school, school or college).
- If the SEND team are already aware of your preference, then we will also refer papers to that placement.
- If your child / young person is due to transfer to another placement at the end of the academic year (e.g. starting school, Year 2 or Year 6), then the EHC Plan will be referred to the designated (catchment) school for your home address (as well as any preferred placement, if known).
- Once the SEND team have received information indicating education placement then, if the EHC Plan has not already been referred, a referral will be made to that placement.
- Educational placements have 15 days to respond to referrals to indicate if they feel they can or cannot meet the needs identified and make the provision specified within the EHC Plan.

## What will happen next?

- If you have requested changes to the EHC Plan, these will be considered by the Education Team Manager. We will inform you if there any issues with making the requested changes.
- The SEND team will work closely with any school or educational placement not able to meet a child/ young person's needs to resolve any issues regarding placement.
- Once an appropriate school / educational placement has been agreed and any changes to the EHC Plan discussed and agreed changes made, the EHC Plan will be finalised and a copy of the Final Amended EHC Plan will be made available to you and the school/ educational placement.
- The final Amended EHC Plan should be received within 8 weeks of receiving the Proposed Amended Education, Health, and Care Plan document.
- When the Amended EHC Plan is finalised, this will open up your right to appeal about particular sections of the plan. This will be explained in more detail at that stage.

## Useful contacts:

- Council for Disabled Children: [https://councilfordisabledchildren.org.uk/?gclid=EAlalQobChMIoc252fGO8QIVEAB7Ch0wpAAAsEAAYASAAEgLD3PD\\_BwE](https://councilfordisabledchildren.org.uk/?gclid=EAlalQobChMIoc252fGO8QIVEAB7Ch0wpAAAsEAAYASAAEgLD3PD_BwE)
- Cumbria SEND Information, Advice and Support - free, independent and impartial support for parents, carers and young people:  
<https://sendiass.cumbria.gov.uk/aboutcumbriasendiass.asp>
- Cumbria Local Offer:  
[fid.cumberland.gov.uk](http://fid.cumberland.gov.uk)