An hourglass with blue sand in it next to a clock

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# ends or stops your EHC Plan

# (Cease to maintain the EHC Plan)

**What to do if the Local Authority ends (cease) your EHC plan**

When a local authority (LA) decides to take away, or end, an EHC plan, this is called ‘ceasing to maintain’ the EHC plan. This means that the EHC plan will come to an end and the LA will no longer have the legal duty to ensure that the educational provision specified in the EHC plan is received by the child or young person.

**What happens if the Local Authority (LA) propose to cease the EHC plan?**

LA must:

* Consult with the child’s parent or young person.
* Consult with the head teacher or principal of the school or college being attended.
* Send a letter that is called a ‘cease to maintain notice’. This letter will tell parent or young person why the LA wants to end the EHC plan.

It would be unlawful if the LA does not follow any of the above steps.

The parent or young person’s right to appeal process can only start after receiving the Local Authority’s decision in writing about ending the EHC plan. The letter you receive should inform you of the following:

* They must also tell you about your right to appeal the decision and the time limits for doing so.
* The requirement for you to consider mediation if you decide to appeal.
* Support should not be withdrawn before the end of the current academic year.

If the child’s parent or young person disagrees with the decision, the LA must continue to maintain the plan until the time has passed for bringing the appeal or until the appeal has been concluded.

**Relevant legislation: Section 45 of the Children and Families Act 2014 and Regulations 29, 30 and 31 of the SEND Regulations 2014**

9.199 A local authority may cease to maintain an EHC plan only if it determines that it is no longer necessary for the plan to be maintained, or if it is no longer responsible for the child or young person.

**When can the LA cease to maintain an EHC plan?**

An LA may decide to end an EHC plan at any time, but they can only do so on certain grounds:

* If the LA is **no longer responsible** for the child or young person; or
* If it is **no longer necessary** to maintain it.

These are the only legal reasons for ceasing to maintain an EHC plan (they are set out in section 45 of the Children and Families Act 2014).

An LA would **no longer be responsible** if:

* the young person has taken up paid employment (excluding apprenticeships);
* the young person has started higher education (university);
* a young person aged 18 or over has left education and no longer wishes to engage in further learning.
* the young person has turned 25; or
* the child or young person has moved to a different LA.

An example of when an EHC plan would **no longer be necessary** could be because the child or young person no longer needs the provision set out in the EHC plan (because their needs have changed).

For a young person over 18, the LA **must** consider if the educational or training outcomes in the EHC plan have been achieved. If they have not, that is an indication that the special educational provision should continue. However, the LA cannot cease to maintain an EHC plan **just**because the outcomes have been achieved – they should consider whether it is necessary for new outcomes to be set.

**Can the LA cease to maintain the EHC plan because the child or young person is out of education?**

Where a child or young person under 18 is excluded from their education or training setting or leaves voluntarily, the LA should try to re-engage the young person in education or training as soon as possible.

It must review the EHC plan and amend it as appropriate to ensure that the young person continues to receive education or training (see paragraph 9.202 of the Code). The LA can only cease the EHC plan if it decides that it is no longer necessary for special educational provision to be made for the child or young person.

Where a young person aged 18 or over ceases to attend the educational institution named in their EHC plan, again the LA cannot suddenly cease to maintain that EHC plan. It must first hold a review and then it can only cease to maintain the EHC plan if it has identified that the young person does not wish to return to education or training at any setting, or the LA has determined that returning to education or training would not be appropriate for the young person (Regulation 30 of the Special Educational Needs and Disability Regulations 2014).

If the young person wishes to return to education at a different setting, the LA must amend the EHC plan to name an appropriate setting.

**Will the provision stop straight away?**

If a cease to maintain letter is issued, the LA is not allowed to simply stop funding the provision straight away.

The parent or young person has a right of appeal to the SEND Tribunal. The appeal must be lodged within either two months of the LA’s decision to cease to maintain or one month from the date of the mediation certificate, whichever is later. The LA **must**keep the provision in place at least until this right of appeal has expired or the appeal is finished.

Similarly, the education institution named in Section I of the EHC plan **must**continue to admit the child or young person until the right of appeal has expired or the appeal is concluded.

Global Mediation is the organisation contracted by the local authority to deliver mediation advice and support to families of children with special educational needs and/or disabilities (SEND).

**Westminster Local Offer:**

The below link will take you to more information on the Westminster Local Offer:

<https://fisd.westminster.gov.uk/kb5/westminster/fis/service.page?id=iOcvjzq56po&localofferchannel=0>

## 

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**In partnership with**



We can meet children and young people directly and talk to them about their options.

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