



Information Advice and Support

Disclosure of an EHC Plan

This leaflet explains about the process of confidentiality of an EHC Plan and permissions needed or order to disclose any information.



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**Information,
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Regulations 17 and 47 of the SEND Regulations 2014

A child or young person's EHC plan **must** be kept securely so that unauthorised persons do not have access to it, so far as reasonably practicable (this includes any representations, evidence, advice or information related to the EHC plan). An EHC plan **must not** be disclosed without the consent of the child or the young person, except for specified purposes or in the interests of the child or young person. If a child does not have sufficient age or understanding to allow him or her to consent to such disclosure, the child's parent may give consent on the child's behalf. The specified purposes include:

- disclosure to the Tribunal when the child's parent or the young person appeals, and to the Secretary of State if a complaint is made to him or her under the 1996 Act
- disclosure on the order of any court or for the purpose of any criminal proceedings
- disclosure for the purposes of investigations of maladministration under the Local Government Act 1974
- disclosure to enable any authority to perform duties arising from the Disabled Persons (Services, Consultation and Representation) Act 1986, or from the Children Act 1989 relating to safeguarding and promoting the welfare of children
- disclosure to Ofsted inspection teams as part of their inspections of schools or other educational institutions and local authorities
- disclosure to any person in connection with the young person's application for a Disabled Students Allowance in advance of taking up a place in higher education, when requested to do so by the young person

- disclosure to the principal (or equivalent position) of the institution at which the young person is intending to start higher education, when requested to do so by the young person, and
- disclosure to persons engaged in research on SEN on the condition that the researchers do not publish anything derived from, or contained in, the plan which would identify any individual, particularly the child, young person or child's parent. Disclosure in the interests of research should be in accordance with the Data Protection Act 1998 and wherever possible should be with the knowledge and consent of the child and his or her parent or the young person.

The interests of the child or young person include the provision of information to the child or young person's educational institution. It is important that teachers or other educational professionals working closely with the child or young person should have full knowledge of the child or young person's EHC plan. School governing bodies should have access to a child or young person's EHC plan. Disclosure in the interests of the child or young person also includes disclosure to any agencies other than the local authority which may be referred to in the plan as making educational, health or social care provision.

Disclosure of the EHC plan, where the Local Authority considers this necessary in the interests of the child or young person, can be in whole or in part. Local Authorities should consider carefully when disclosing an EHC plan whether there are parts of the EHC plan that do not need to be disclosed in the interests of the child or young person, for example sensitive health or social care information. All those who have access to the EHC plan should always bear in mind the need to maintain confidentiality about the child or young person in question.