



## Information Advice and Support

# Amending an existing EHC Plan

This leaflet explains about amendments to an EHC Plan following a Review, re-assessment or where other changes are needed.



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**Relevant legislation: Sections 37 and 44 of the Children and Families Act 2014 and Regulations 22 and 28 of the SEND Regulations 2014**

This section applies to amendments to an existing EHC plan following a Review, or at any other time a Local Authority proposes to amend an EHC plan other than as part of a re-assessment. EHC plans are not expected to be amended on a very frequent basis. However, an EHC plan may need to be amended at other times where, for example, there are changes in health or social care provision resulting from minor or specific changes in the child or young person's circumstances, but where a full review or re-assessment is not necessary.

Where the Local Authority proposes to amend an EHC plan, it **must** send the child's parent or the young person a copy of the existing (non-amended) plan and an accompanying notice providing details of the proposed amendments, including copies of any evidence to support the proposed changes. The child's parent or the young person should be informed that they may request a meeting with the local authority to discuss the proposed changes.

The parent or young person **must** be given at least 15 calendar days to comment and make representations on the proposed changes, including requesting a particular school or other institution be named in the EHC plan, in accordance with SEND Code of Practice 2015 (9.78 - 9.94) and the Children and Families Act 2014 (Sections 33 and 39).

Following representations from the child's parent or the young person, if the Local Authority decides to continue to make amendments, it **must** issue the amended EHC plan as quickly as possible and within 8 weeks of the original amendment notice. If the Local Authority decides not to make the amendments, it **must** notify the child's parent or the young person, explaining why, within the same time limit.

When the EHC plan is amended, the new plan should state that it is an amended version of the EHC plan and the date on which it was amended, as well as the date of the original plan. Additional advice and information, such as the minutes of a Review meeting and accompanying reports which contributed to the decision to amend the plan, should be appended in the same way as advice received during the original EHC needs assessment. The amended EHC plan should make clear which parts have been amended. Where an EHC plan is amended, the following review **must** be held within 12 months of the date of issue of the original EHC plan or previous Review (not 12 months from the date the amended EHC plan is issued).

When sending the final amended EHC plan, the Local Authority **must** notify the child's parent or the young person of their Right to Appeal and the time limit for doing so, of the requirement for them to consider mediation should they wish to appeal, and the availability of information, advice and support and disagreement resolution services.