



## Information Advice and Support

# Ceasing an Education Health and Care Plan (EHC)

This leaflet explains what happens when the Local  
Authority determines an EHC Plan  
is no longer necessary.



**SEND Information, Advice and Support Service  
(SENDIASS)  
The Mount Education Support Centre  
Mount Avenue  
Penkhull  
Stoke on Trent  
ST4 7JU**

**Tel: (01782) 234701 or 234847  
By Text: 07880 179812  
E-mail: [iass@stoke.gov.uk](mailto:iass@stoke.gov.uk)  
Web: [www.sendiass-stoke.co.uk](http://www.sendiass-stoke.co.uk)**



**Information,  
Advice & Support  
Services Network**



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

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. The legal definition of when a child or young person requires an EHC plan remains the same as that for a Statement under the Education Act 1996. The circumstances in which a Statement can be ceased or not replaced with an EHC plan during the transition period are the same as that for ceasing an EHC plan.

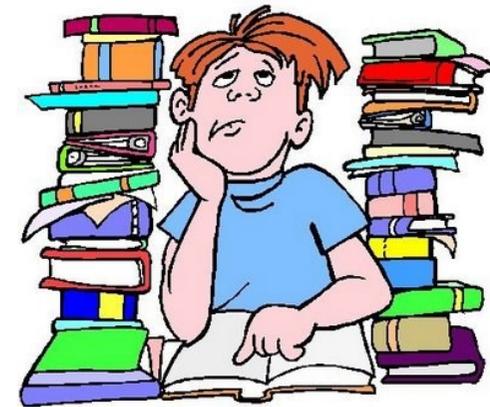
The circumstances where a local authority may determine that it is no longer necessary for the EHC plan to be maintained include where the child or young person no longer requires the special educational provision specified in the EHC plan. When deciding whether a young person aged 19 or over no longer needs the special educational provision specified in the EHC plan, a local authority **must** take account of whether the education or training outcomes specified in the EHC plan have been achieved. Local authorities **must not** cease to maintain the EHC plan simply because the young person is aged 19 or over.

The circumstances where a local authority is no longer responsible for the child or young person include where any of the following conditions apply:

- A young person aged 16 or over leaves education to take up paid employment (including employment with training but excluding apprenticeships)
- The young person enters higher education
- A young person aged 18 or over leaves education and no longer wishes to engage in further learning
- The child or young person has moved to another local authority area

Where the Care part of an EHC plan is provided by adult services under the Care Act 2014 because the person is 18 or over, the Care Plan will remain in place when the other elements of the EHC plan cease. There will be no requirement for the young person to be re-assessed at this point, unless there is reason to re-assess him or her for health and social care because their circumstances have changed.

Where a young person of compulsory school or participation age - i.e. under the age of 18 - is excluded from their education or training setting or leaves voluntarily, the local authority **must not** cease their EHC plan, unless it decides that it is no longer necessary for special educational provision to be made for the child or young person in accordance with an EHC plan. The focus of support should be to re-engage the young person in education or training as soon as possible and the local authority **must** review the EHC plan and amend it as appropriate to ensure that the young person continues to receive education or training.



Where a young person aged 18 or over leaves education or training before the end of their course, the local authority **must not** cease to maintain the EHC plan unless it has reviewed the young person's EHC plan to determine whether the young person wishes to return to education or training, either at the educational institution specified in the EHC plan or somewhere else. If the young person does wish to return to education or training, and the local authority thinks it is appropriate, then the local authority **must** amend the EHC plan as necessary and it **must** maintain the plan.

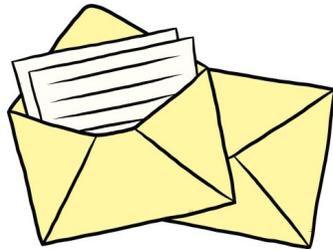
The local authority should seek to re-engage the young person in education or training as soon as possible.

A local authority will not be able to cease an EHC plan because a child or young person has been given a custodial sentence. The local authority will have to keep the plan while the child or young person is in custody.

Where a local authority is considering ceasing to maintain a child or young person's EHC plan it **must**:

- inform the child's parent or the young person that it is considering this
- consult the child's parent or the young person
- consult the school or other institution that is named in the EHC plan

Where, following the consultation, the local authority decides to cease to maintain the child or young person's EHC plan, it **must** notify the child's parent or the young person, the institution named in the child or young person's EHC plan and the responsible CCG of that decision.



The local authority **must** also notify the child's parent or the young person of their right to appeal that decision 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.

Support should generally cease at the end of the academic year, to allow young people to complete their programme of study. In the case of a young person who reaches their 25<sup>th</sup> birthday before their course has ended, the EHC plan can be maintained until the end of the academic year in which they turn 25 (or the day the apprenticeship or course ends, or the day before their 26<sup>th</sup> birthday if later). It is important that a child or young person's exit from an EHC plan is planned carefully, to support smooth transitions and effective preparation for adulthood.



Where a young person aged 18 or over is in receipt of adult services, the local authority should ensure that adult services are involved in and made aware of the decision to cease the young person's EHC plan.

Where the child's parent or the young person disagrees with the local authority's decision to cease their EHC plan, they may appeal to the Tribunal. Local authorities **must** continue to maintain the EHC plan until the time has passed for bringing an appeal or, when an appeal has been registered, until it has been concluded.