

# APPEALS ABOUT THE CONTENTS OF AN EDUCATION HEALTH AND CARE (EHC) PLAN

You can appeal the contents of an EHC Plan when it has just been finalised by the Local Authority (LA), if it has been amended at any time or if the LA has refused to amend it following an annual review.

You can appeal Section B of the EHC plan which is the description of your child's special educational needs, Section F which is the special educational provision, Section I which is the named school or college or the fact that only a type of provision is named in Section I.

It is usually best to not appeal Section I on its own as the SEND Tribunal will need to consider whether your preferred choice of school or college is able to meet the needs in Section B and the provision in Section F.

You might appeal Section B if you feel that it does not include all your child's difficulties or that you do not feel Section B adequately describes your child's difficulties. This in turn will have an impact on Section F which may be lacking in some provision.

When you submit your appeal and give your reasons for appealing you do not have to specify every amendment you feel needs to be made to Section B at that point, but you will need to explain why you want those changes to be made. Please see our Factsheet on the appeal process for more information on how to lodge your appeal.

You might appeal Section F if you do not feel it includes provision for all the needs identified in Section B or if you feel the provision in Section F is not specific enough.

Please see the IPSEA EHC plan checklist for more detail on what should be included in each section of the EHCP.

# APPEALS ABOUT THE SETTING NAMED IN SECTION I OF THE EDUCATION HEALTH AND CARE (EHC) PLAN

Parents have the right to request that a particular school or college is named in Section I of the EHC plan. If the LA does not agree to name this setting and instead names a different one this decision can be appealed.

The Children and Families Act 2014 (section 39 (4)) sets out the reasons why the LA can refuse to name a particular school or college:

- The setting is unsuitable for the age, ability, aptitude or special educational needs of the child or young person; or
- The attendance of the child or young person would be incompatible with the provision of the efficient education for others; or
- The attendance of the child or young person would be incompatible with the efficient use of resources.

If the LA says your preferred choice of school is not suitable for your child you will need to provide evidence of what your child's needs are and this may include seeking evidence from elsewhere. For example, the LA may say your child is not suitable for a moderate learning difficulties school and you will need to provide evidence of their attainment levels that confirms they are suitable.

The LA will usually say that the attendance of your child at the school you want is incompatible with the provision of efficient education for the other children when your preferred choice of school has said they are full. In these cases the LA has to show that, because of the high number of pupils already at the school, your child's needs won't be met or that other children's needs won't be met, or that there would be an inefficient use of resources. For example, the school would have to build another classroom. Some things to think about in these types of appeals is to find out if the school is already over-subscribed and if so, by how many children and whether they have exceeded the stated number of children in the past. The school should also provide evidence of exactly how many adults and children are in each class, including the one your child would be added to. You can then question whether there is any flexibility in terms of which class your child would go into. For example, there may be another class of similar age children who have less children in.

If the LA says the attendance of your child at your preferred choice of school is incompatible with the efficient use of resources the LA should provide a breakdown of the cost of your preferred choice of school, including transport and a breakdown of the costs of the LA's choice of school. The LA will often say the attendance of your child at your preferred choice of school is incompatible with the efficient use of resources when you have requested an independent provision. In these cases you will need to argue why you feel the LA's choice of school cannot meet your child's needs.

For more information on asking for an independent school or college please see the IPSEA Factsheet on appealing the school named in an EHC plan:

[Appealing against the school or other setting named in your EHC plan | \(IPSEA\) Independent Provider of Special Education Advice.](#)

For more advice on how to appeal please see our appeals factsheet.