

APPEALS AGAINST THE LA'S DECISION TO CEASE TO MAINTAIN AN EDUCATION, HEALTH AND CARE (EHC) PLAN

If the Local Authority (LA) decide that your child or young person no longer needs an EHC plan this is known as 'ceasing to maintain' the EHC plan. Section 45 of the Children and Families Act 2014 sets out the reasons the LA can cease to maintain an EHC plan:

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

The LA would no longer be responsible for an EHC plan if

- The young person has started paid employment (excluding apprenticeships);
- The young person has started university;
- A young person aged 18 has left education;
- The young person has turned 25; or
- The child or young person has moved and is under a different LA

A reason why an EHC plan would no longer be necessary could be because the child or young person's needs have changed and they no longer require the provision in Section F of the EHC plan.

When a young person is over 18 the LA must consider whether the outcomes in the EHC plan have been achieved. If they haven't this suggests that the special educational provision should continue. The LA should not cease to maintain the plan just because the outcomes have been achieved. Instead they should consider whether new outcomes need to be set. The LA also should not cease to maintain the EHC plan just because the young person has finished a course at school or college.

If you lodge an appeal against the LA's decision to cease to maintain the EHC plan the provision should continue until the appeal has concluded. For more information on how to lodge an appeal and the appeals process please see our appeals factsheet.