

# REASSESSMENT OF AN EDUCATION HEALTH AND CARE (EHC) PLAN

When should I ask for a re-assessment?

A re-assessment of an EHC plan is an opportunity to gather new evidence to identify what support your child may need and so, if you feel the needs of your child have changed since their EHC plan was last issued or new needs and provision have been identified by a professional, or if you feel they need more support or may need to attend a different type of school or college you may want to consider asking for a re-assessment. When requesting a re-assessment, it is therefore a good idea to explain why you feel the current EHC plan is not reflective of your child and their needs.

The Local Authority (LA) does not have to agree to a re-assessment if it has carried out an assessment within the previous six months or if it considers that a further assessment is not needed.

A re-assessment can be a lengthy process, therefore if you feel you already have evidence of the changes that are needed, for example an up to date speech and language or cognitive assessment, you can request that the EHC plan is amended at the annual review instead and you can request an early annual review if necessary. For more information on annual reviews, please see our Annual Review Factsheet.

What happens next?

The LA should write to you within 15 days of receiving your request to let you know whether it has agreed to a re-assessment. If the LA does not agree to carry out a re-assessment you have the right to appeal this decision.

The process for appealing the LA's decision to not carry out a reassessment is the same as appealing against a refusal to carry out an EHC needs assessment decision, except that you have to complete a SEND 35 appeal form rather than a SEND 35a appeal form. For more information on the refusal to assess appeals process please see our Refusal to Assess Appeal Factsheet.

If the appeal is successful the SEND Tribunal will order the LA to carry out the re-assessment but it cannot order the LA to amend the contents of the EHC plan. The LA will only decide whether to amend the EHC plan after it has carried out the re-assessment.

If the LA does agree to re-assess, or it is ordered to by the SEND tribunal, it must carry out an EHC needs assessment which includes obtaining relevant information and advice. For more information on the EHC needs assessment process please see our EHC Needs Assessment Process Factsheet.

If the LA does agree to amend the EHC plan following the re-assessment it must send out a draft EHC plan and you will then have 15 days to let the LA know whether you are happy with the contents of the draft EHC plan and to request the school or college you would like to be named in the plan. The LA must send out a finalised EHC plan within 14 weeks of the date it agreed to the re-assessment.

If the LA decides not to amend the EHC plan following a re-assessment it must notify you of this decision and send you the final EHC plan within 14 weeks of the date it agreed to the re-assessment.

If you disagree with the contents of the final EHCP, either because the LA have not made any amendments to the plan or because you disagree with the amendments that have been made, or if you disagree with the school or college that has been named you can appeal. For more information on appealing the contents of the final EHC plan and/or the named school please see our Contents and School Placement Appeals Factsheet.