



Cumbria SEND Information, Advice and Support Service

Offering impartial information, advice and support to children and young people with special educational needs and or disabilities and their parents & carers.

My son/daughter has an EHC Plan but the provision in it is not being made: what can I do?

The first point to note is that it is the Local Authority which has a statutory duty to secure the provision specified in Section F of the EHC Plan (s.42 Children and Families Act 2014). Whilst a school or college will often be delivering it in practice, this duty will mean that if the school or college can't or won't secure this provision then the Local Authority **must** do so.

We also have a model letter which you can use to complain to the Local Authority if the provision in an EHC plan is not being made, please see model letters included in EHCP section of our website.

Sometimes, the difficulty arises because the special educational provision required by a child or young person is not adequately specified (or specified at all) in the EHC Plan. If this is the case, it may not be possible to force the Local Authority (or expect the school) to secure the provision needed because it isn't actually properly set out in the EHC Plan.

If the issue is the fact that the provision is not properly specified in the EHC plan, it is possible to seek changes to an EHC Plan. Please see link to Council for Disabled Children's website for further information on the form and content of an EHCP:

<https://councilfordisabledchildren.org.uk/sites/default/files/field/attachemnt/EHCP%20Exemplar%20Guide%202017.pdf>

This gives more detail on what an EHC plan should look like, which might help you decide whether you think that the provision in the EHC plan might need to be changed.

The best time to ask for changes to an EHC plan would be as part of the annual review process, because you would have a right of appeal to the Tribunal if the LA refused to make the changes that you asked for. If no annual review is due soon, then it is possible to ask for an early or emergency annual review – please contact us for further advice, we have a selection of template letters for parents and young people to use in this type of situation.



TO April 20