



Deadline for final EHCPs at phase transfer stages

15th February deadline!

The 15th February date has great significance for parents of children who have an Education, Health and Care (EHC) Plan when they are transferring to the next phase of their education e.g. secondary education. This is a legal deadline by when the local authority (LA) must have reviewed, amended and finalised the child's EHC Plan, naming the new educational placement the child will be moving to at the start of the next academic year in September.



What must the LA do?

By 15th February, the LA must issue a Final EHC Plan for every child going through a phase transfer (primary to middle or junior, primary to secondary, middle or junior to secondary). This is the case even if the school they attend goes from three to 19 years.

What if parents are not happy with the school named on the EHCP?

Parents can challenge the LA's decision and the school named in Section I, by appealing to the First Tier Special Educational Needs and Disability (SEND) Tribunal. The 15th February statutory deadline exists to allow parents enough time to challenge the LA's decision, and for the appeal to be heard and a decision made before the start of the next academic year.

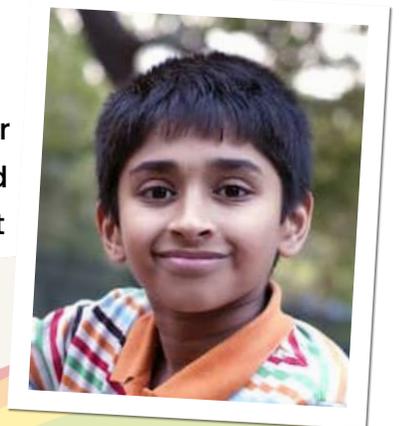
What can parents do if the LA has missed the deadline?

If the LA misses the 15th February deadline, parents should contact their LA straight away to find out what is causing the delay. They should request that a final EHC Plan is issued straight away, to obtain their right of appeal.

Tribunal appeals take time to prepare. Once lodged, a 12-week timetable is set. A written decision is sent out 10 working days after the appeal hearing. **Therefore time is of the essence.**

If the LA has missed the statutory deadline parents shouldn't let the situation run on indefinitely. The SEND Tribunal gets very busy in the summer term so it's important to act promptly to ensure an agreement by the end of July.

If the LA fails to issue an EHC Plan by 15th February and continues to delay, parents can begin judicial review proceedings by firstly issuing a pre-action protocol letter, if all other efforts to communicate to the LA have not succeeded. If you need assistance, get in touch today to speak to our friendly team.



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