

Welcome to Understanding SEND Law & EHCPs

A Parent's Guide to Special Educational Needs,
Education Health and Care Plans & Your Rights

May 2026



What is SEND?

SEND stands for **Special Educational Needs and Disabilities**. A child has SEN if they have a learning difficulty or disability that calls for special educational provision — support that goes beyond what is normally available in school.



Children and Families Act 2014

The main law governing SEND. Sets out duties for local authorities, the EHCP process, and your rights as a parent.



SEND Code of Practice 2015

Statutory guidance (0–25 years) that schools, councils, and health services must follow when supporting children with SEND.



Equality Act 2010

Protects children who are disabled from discrimination. Schools must make reasonable adjustments to include all children.



School SEND Duties

Under **Section 66** of the Children and Families Act 2014, schools must use their **best endeavours** to identify, assess, and support every child with SEN — whether or not they have an EHCP.

The Graduated Approach: Assess, Plan, Do, Review Cycle

Assess

The class teacher and SENCO analyse your child's needs using assessments, observations, and your input as a parent. Schools must take parental concerns seriously and compare progress to peers and national expectations.

Plan

The school draws up a support plan with clear outcomes and deadlines. Parents **must be informed** and involved in agreeing the plan. Specialists can be brought in at any stage to advise.

Do

The class teacher delivers the agreed support, supervised by the SENCO. This may include adapted teaching, small group work, or one-to-one interventions tailored to your child's specific needs.

Review

Progress is reviewed at least termly with full parental involvement. If support isn't working, the cycle repeats with adjustments — or the school may request an EHC needs assessment.

Every mainstream school must have a SENCO (Section 67) — a qualified teacher who coordinates all SEN provision and is your key contact at the school.

What is an EHCP?

An Education, Health and Care Plan (EHCP) is a legal document for children and young people aged 0–25 who need more support than their school can normally provide. It brings together education, health, and social care needs into one plan.

Section B

Special Educational Needs

Detailed description of your child's learning difficulties and disabilities

Section F

Educational Provision

The specific support, therapies, and resources your child must receive

Section E

Outcome

Longer term goals to be achieved

Section I

Educational Placement

The school or setting named to educate your child

This the Golden Thread in an EHCP



Your Legal Rights as a Parent or Young Person

The Children and Families Act 2014 (Section 19) sets out key principles:



Request an Assessment

You can ask your local authority to assess your child's needs at any time (Section 36). They must respond within 6 weeks.



Be Involved in Decisions

Your views, wishes and feelings must be taken into account. You must be able to participate fully in all decisions about your child or yourself.



Choose a School

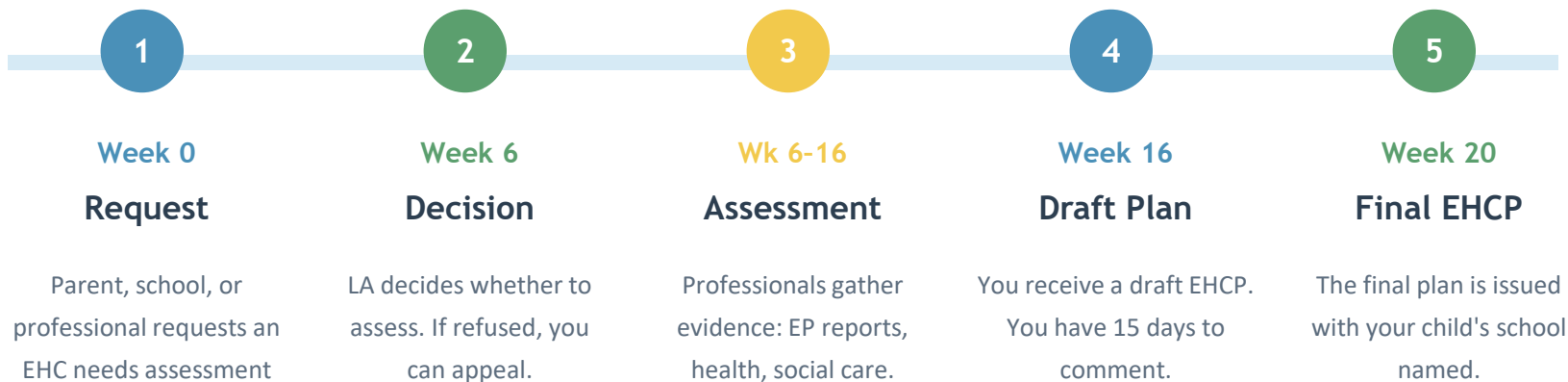
You can express a preference for any maintained school, academy, or approved specialist setting (Section 38–39). The LA must name it unless specific exceptions apply.



Appeal to Tribunal

If you disagree with a decision about assessment, the plan's contents, or placement, you have the right to appeal to the SEND Tribunal.

The EHCP Process: 20-Week Timeline



Important: Many local authorities exceed the 20-week deadline. Keep records of all dates and chase regularly.



Requesting an EHC Needs Assessment

Who Can Request?

- **Parents or carers**
- **The child's school or setting**
- **A young person (aged 16–25)**
- **Any professional involved with the child (e.g., doctor, health visitor)**

Under Section 36 of the Children and Families Act 2014

What to Include in Your Letter

- Your child's name, date of birth, and school
- A description of their difficulties
- What support has already been tried
- Why you believe school support is not enough
- Any reports or evidence you have (e.g., medical, educational psychology)



Assessment & Draft Plan

Assessment Phase (Weeks 6-16)

The LA gathers advice from:

- You — your parental views are essential
- Your child – their views are essential
- Educational psychologist
- Your child's school (teacher/SENCO)
- Health professionals (e.g., paediatrician)
- Social care (if applicable)
- Anyone else involved reasonably requested by parent carer

Draft Plan (Week 16)

1

Receive Draft

LA sends you a draft EHCP based on the assessment evidence.

2

15-Day Window

You have 15 days to review, comment, and request changes.

3

Name an educational provision

The LA must consult with your preference of school/college or any school/college they feel is suitable

4

Final Plan

LA must issue the final EHCP by Week 20 at the latest.



Your Right to Choose a School



Under Section 38–39 of the Children and Families Act 2014, you can express a preference for your child's school.

Schools You Can Request

- Maintained schools (mainstream or special)
- Academies and free schools
- Maintained nursery schools
- Non-maintained special schools
- Section 41 approved independent schools
- Further education institutions

When Can the LA Refuse?

The LA must name your preferred school unless:

- The school is unsuitable for your child's age, ability, or SEN
- It would harm the education of other children
- It would be an inefficient use of resources

If your preferred school is refused, you have the right to appeal this decision to the SEND Tribunal.



Annual Reviews

Under Section 44 of the Children and Families Act 2014, every EHCP must be reviewed at least once every 12 months.

Purpose

- Review progress towards EHCP outcomes
- Check if support is still appropriate
- Decide: maintain, amend, or cease the plan
- Set new targets for the coming year

Who's Involved

- You and your child
- The school (usually leads the meeting)
- LA representative
- Health and social care professionals
- Educational psychologist (if needed)

Key Timescales

- First review: within 12 months of EHCP issue
- Then every 12 months after the last review
- Under 5s: every 6 months
- LA decision: within 2 weeks of meeting to maintain, amend or cease
- Whole AR process up to 12 weeks total to final plan





When you disagree with the LA



You can challenge a local authority decision at several points in the process:

Refusal to assess

Appeal to SEND Tribunal within 2 months of the decision letter

Refusal to issue an EHCP

Appeal to SEND Tribunal — you'll need a mediation certificate first (unless about placement)

Disagree with EHCP content

Challenge Sections B, F, and I through the Tribunal

Disagree with placement named

Appeal the placement decision in Section I to the Tribunal

Mediation: Before most appeals, you must contact a mediation service and get a mediation certificate. You don't have to go through mediation itself — but you do need the certificate. The exception is appeals solely about the school named in Section I.

The SEND Tribunal

The First-tier Tribunal (Special Educational Needs and Disability) is independent of government and free for parents to use.

Key Timelines & Process

2 months

Deadline to appeal from the LA's decision letter

Mediation

Contact mediation service for a certificate first

+30 days

Extra time to lodge appeal after mediation cert

Hearing

Panel hears both sides; makes a binding decision

The Tribunal can order the LA to carry out assessments, issue EHCPs, and amend plans.

It is completely free for parents and young people.



2026 SEND Reforms: What's Proposed?



The government published "Every Child Achieving and Thriving" in February 2026, proposing significant changes to the SEND system. A consultation closed in May 2026.

Proposed SEN categories

The Universal offer
Targeted Support
Targeted Plus Support
Specialist Support

Existing EHCPs Continue for Now

Existing EHCPs remain in force. A "triple lock" promises no child will lose effective support during the transition. No changes until 2030.

Individual Support Plans (ISPs)

New legal duty for schools to create ISPs for every child with SEND

Specialist Provision Packages

An independent expert panel will develop nationally defined Specialist Provision Packages
Only children requiring the full support outlined in one of these Packages would be entitled to an EHCP

Useful Contacts & Resources

SEND Assist

Independent Provider of Special Education Advice,
Support and Advocacy.

Email: victoria@sendassist.uk

Web: www.sendassist.uk

Educational Psychology Helpline

Tel: Dorset – 01258 474036

SENDIASS - Dorset

Special Educational Needs and Disabilities Information
Advice and Support Service

Telephone: 01305 595477

Email: dorset.sendiass@family-action.org.uk

Contact (charity)

Support for families of disabled children. Helpline and
local groups.

Web: contact.org.uk

Key Takeaways



You have strong legal rights

The Children and Families Act 2014 gives you the right to request assessments, choose schools, and appeal decisions.



The EHCP process has clear timelines

20 weeks from request to final plan. Hold your LA to account if they miss deadlines.



Annual reviews keep the plan current

Your child's EHCP must be reviewed every 12 months. Use this to push for changes.



The SEND Tribunal is there for you

It's free, independent, and has real power to order changes. Don't be afraid to use it.



Get support early

Organisations like SEND Assist, SENDIASS, and Contact can help you navigate the system.