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Statutory assessment and EHC plans

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Introduction to EHC plans

An Education, Health and Care plan (“EHC plan”) is a legal document which describes a child or young person’s special educational needs, the support they need, and the outcomes they would like to achieve.

- An EHC plan can give a child or young person extra educational support.
- The plan can also give parents and young people more choice about which school or other setting the child or young person can attend.
- An EHC plan can only be issued after a child or young person has gone through the process of an Education, Health and Care needs assessment.

Involving parents, child and/or young person

As well as the duties relating to evidence, the Council must:

- Consult with the parent or young person, and where the case involves a child, they must also consult with the child. They must take into account their views, wishes and feelings; Sell 'Tell you once' document and 'Personal profile' document links on this page.
- Engage the child and the child’s parent or the young person, ensuring that they are able to participate in decisions; and
- Minimise disruption for the child, the child’s parent, the young person and their family.

Non - Blackpool settings or professionals accessing the EHC Hub

If you are a non - Blackpool setting or professional and wish to be set up on the EHC Hub, please email send@blackpool.gov.uk

Stages of the EHC plan process

Stage one - this is the start date

An initial request for assessment is received by us, the request is submitted online through our [EHC hub](#)

Stage two - within 6 weeks of the start date

We decide if there is going to be an initial assessment of needs. We will let the SENCO and parent know the outcome and next steps.

- If a needs assessment is agreed we will gather information on the child/young person and their needs and progress to Stage 3.
- If an initial assessment is not agreed a plan will not be issued. We will let you know about next steps and what support is available.

Stage three - within 16 weeks of the start date

We consider all the information that has been gathered and decide if we are going to issue an EHC plan.

- If we are going to issue a plan we will provide you with a draft plan and you will have an opportunity to comment. We will then progress to Stage 4.
- If we are not going to issue a plan we will let the parent know why and what to do if you they are not satisfied with the decision.

Stage four - within 20 weeks of the start date

When does the council have to issue a plan?

The council must decide whether it will issue an EHC plan for the child or young person based on the evidence it has gathered as part of the EHC needs assessment. Therefore the council must decide, on the basis of the evidence from the EHC needs assessment, whether it is necessary for the child or young person to have an EHC plan.

- If the Council decides to issue an EHC plan, it will first send out a draft plan for the parent or young person to review and comment on. It should then send the final EHC plan to the parent or young person within 20 weeks from the date the assessment was requested. In order to meet this deadline they would need to send out the draft plan a maximum of 14 weeks from the date the assessment was requested.
- If the council decides not to issue an EHC plan, it must tell the parent or young person within 16 weeks of the date the request for an assessment was made. The parent or young person can appeal this decision to the SEND Tribunal.

Education, Health and Care needs assessment

The first step is to request and assessment of needs. This is an assessment of a child or young person's education, health and care needs. An EHC plan can result in additional support and funding for a child or young person with special educational needs ("SEN")

Blackpool Council is requested to carry out an EHC needs assessment by a parent, young person, school or college, they must consider:

- whether the child or young person has or may have special educational needs ("SEN"); and
- whether they may need special educational provision to be made through an EHC plan.

If the answer to both of these questions is yes, they must carry out an EHC needs assessment. The council must seek information and advice on a child or young person's needs, the provision required to meet those needs, and the outcomes expected to be achieved by the child or young person. This advice must come from a range of different people, described below.

The council must seek advice from a range of people:

- the child's parent or the young person;
- educational advice (usually from the head teacher or principal);
- medical advice and information from a health care professional;
- psychological advice and information from an educational psychologist;
- advice and information in relation to social care;
- advice and information from any other person the local authority thinks appropriate;
- where the child or young person is in or beyond year 9, advice and information in relation to provision to assist the child or young person in preparation for adulthood and independent living; and
- advice and information from any person the child's parent or young person reasonably requests that the local authority seek advice from.

The Council is legally required to seek all of this information as a minimum. If a child or young person is hearing impaired and/or visually impaired the educational advice must come from a suitably qualified person.

The council should consider whether a social care assessment or health assessment is also needed. There is some debate as to whether health and care assessments are automatically triggered when a request for an EHC needs assessment is made. In practice, it is best to request social care and health assessments independently to ensure the request is received.

A request would be considered reasonable where, for example, a child or young person has been identified as needing an assessment already and they are on a waiting list, or where the school, college or other professionals have said this advice may be needed. It is best to request that a particular professional is approached in writing (either in a letter or an email).

Requests for an initial assessment should be completed on our secure system. The [EHC Hub](#) is a digital platform for families, professionals, and education settings to engage, contribute and collaborate on EHC assessments, plans, and reviews. [More information about the EHC hub.](#)

Use of existing reports and advice

The council does not have to seek new advice where that type of advice has previously been provided for any purpose – for example, if there already was a recent educational psychologist's report. This exception will only apply if the person providing that advice.

The council and the child's parent or the young person are all satisfied that the existing advice is sufficient. Previous advice can only be sufficient for an EHC needs assessment if it is relatively up to date and accurately reflects the child or young person's current needs. As a rough guide, an educational psychologist's report which is over two years old will not usually be recent enough to be useful.

If a parent or young person already has their own advice and reports, these can be submitted as part of their own advice. This evidence must then be considered when the council makes its decision. Copies of evidence submitted by the parent or the young person must be supplied to the other people from whom information is being sought.

Their advice must be clear, accessible and specific. In particular, it should address the child or young person's needs, the special educational provision required to meet those needs, and the outcomes which this provision will aim to achieve.

Annual review

Where a child or young person has an EHC plan, it must be reviewed at least once a year. This is to ensure it stays up-to-date and continues to provide the support the child or young person needs.

At the end of the review, there are only three decisions the LA can make:

- To maintain the EHC plan in its current format (not make any changes);
- To amend the EHC plan;
- To cease the EHC plan if they think it is no longer necessary for it to be in place

In each case, even if the council decides not to make any changes, you can appeal to the First-tier Tribunal (Special Educational Needs and Disability) (the "SEND Tribunal") to try to get changes made to the EHC plan. (If the council has decided to amend the EHC plan, you can appeal once you have been sent the final amended EHC plan.)

If the child or young person is coming up to a phase transfer (for example, moving from primary school to secondary school), the council must carry out the review well in advance of the move.

The annual review is the statutory process of looking at the needs and provision specified in an EHC Plan, and deciding whether these need to change. The first review of the EHC plan must be held within 12 months of the EHC plan being finalised. Subsequent reviews must be held within 12 months of the previous review.

The following steps must take place in an annual review:

- The council must consult with the parent of the child or young person (and with the school or institution being attended if there is one) about the EHC plan, and take account of their views, wishes and feelings.
- An annual review meeting must take place to discuss the EHC plan.
- Information must be gathered from parents and young people and from professionals about the EHC plan and then circulated two weeks before the meeting.
- After the meeting a report of what happened must be prepared and circulated to everyone who attended or submitted information to be discussed.
- After the meeting the council reviews the EHC plan.
- The council must notify the parent of the child or young person of their decision within four weeks of the meeting.

If the child/young person moves to another area

This will not happen automatically. Therefore it is best for parents or young people to notify the new council (usually the SEN team within Children's Services) in advance that they a council going to be moving into their area.

The new Council then has six weeks to notify the parent or young person that the EHC plan has been transferred, and to let them know when it is going to review the EHC plan (see below). As soon as the EHC plan has transferred, the new council has the same legal duties as if they had issued the EHC plan themselves. The most important duty is to ensure the child or young person receives all of the special educational provision specified in Section F of his EHC plan.

If the child or young person's EHC plan names a school for which fees must be paid in Section I, "the new authority may not decline to pay the fees or otherwise maintain the child at an independent or non-maintained special school or a boarding school named in an EHC plan unless and until they have amended the EHC plan.

If it is no longer practicable for the child or young person to attend the school or college named in Section I (perhaps because it is too far away) then the new Council must arrange for them to attend another appropriate school until they review and amend the EHC plan.

Phase transfer

Councils have a legal duty to review and amend an education, health and care plan when a child or young person transfers from one phase of education to another. Phase transfer is the moving between particular stages of education:

- early years education to school
- infant to junior school
- primary to middle school
- primary to secondary school
- middle to secondary school
- secondary school to a post 16 institution

For those transferring from secondary school to a post-16 institution, the EHC plan must be reviewed and amended by 31 March in the year of transfer; for all other phases of transfer, the deadline is 15 February in the year of transfer.

When a young person is already attending a post-16 institute and it is proposed that they move from one post-16 institution to another at any time, the LA must review and amend the EHC plan at least five months before that transfer takes place.

After the review, the EHC plan should state that they will continue to attend their current setting until the end of the academic year (or another date if different). In Section I, it should name the setting or the type of setting that they will attend from the start of the next academic year.

As described in more detail where the council is amending the EHC plan it must notify the parent or young person of its decision within four weeks of the meeting. It should then send details of the proposed amendments without delay, in order for the parent or young person to make comments on the content of the EHC plan. The council must finalise the amended EHC plan within eight weeks of sending the parent or young person the proposed amendments. This process must be completed by the deadlines set out above. This means that discussions about transfer need to begin early in the autumn term of the year before transfer to allow plenty of time for the review and amendment process to happen.

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