



# EHCP Parent Rights & Action Pack

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Everything you need to fight for your child's  
Education, Health and Care Plan

| <b>6 weeks</b>               | <b>20 weeks</b>            | <b>2 months</b>              | <b>90%+</b>              |
|------------------------------|----------------------------|------------------------------|--------------------------|
| LA must decide on assessment | Full EHCP process deadline | Window to appeal to Tribunal | Tribunal appeals succeed |

[Children and Families Act 2014](#) | [SEND Code of Practice 2015](#)

[ehcpexpert.co.uk](http://ehcpexpert.co.uk)

Free download - share with any parent who needs it

Prepared by EHCP Expert | [ehcpexpert.co.uk](http://ehcpexpert.co.uk) | April 2026

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Print it. Pin it to the fridge. Take it to meetings. Fill in the checklists as you go. Everything in this pack comes from UK legislation - the Children and Families Act 2014 and the SEND Code of Practice 2015. This is not legal advice, but it is the law.

# Your Legal Rights at Every Stage

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Under the Children and Families Act 2014, your child has legally enforceable rights to an Education, Health and Care Plan if they have special educational needs that cannot be met by the school alone. The local authority (LA) cannot refuse simply because your child is 'making progress' or because the school hasn't tried everything yet.

## **The key principle (Section 19, CFA 2014)**

Local authorities must have regard to the views, wishes and feelings of the child and their parent. They must ensure the child participates in decisions. They must ensure the child achieves the best possible outcomes.

## Your rights at each stage:

### **Right to request assessment (Section 36, CFA 2014)**

Any parent can ask the LA to assess their child for an EHC plan. You do not need the school's permission. You do not need a diagnosis. The threshold is simply that the child 'may' have SEN.

### **Right to be consulted (Section 36(7), CFA 2014)**

The LA must inform you of your right to express a preference for a school, give your views on the assessment, and submit evidence. They must consider everything you provide.

### **Right to choose a school (Sections 38-39, CFA 2014)**

You have the right to request any maintained school, academy, or free school. The LA must name your preferred school unless it is unsuitable for the child's needs, incompatible with other children's education, or an inefficient use of resources.

### **Right to appeal (Section 51, CFA 2014)**

If the LA refuses to assess, refuses to issue a plan, or issues an inadequate plan, you can appeal to the First-tier Tribunal (SEND). There is no cost to appeal. Over 90% of appeals are decided in the parent's favour.

### **Right to mediation (Section 55, CFA 2014)**

Before you can appeal to Tribunal, you must contact a mediation adviser. You do not have to go through mediation - just make contact. This takes one phone call. You then get a certificate allowing you to appeal.

## Right to a personal budget (Section 49, CFA 2014)

If your child has an EHC plan, you can request a personal budget to control how their provision is delivered. The LA must consider this request.

### **If the LA says 'we don't have the budget'**

This is not a lawful reason to refuse an assessment or adequate provision. The duty under s.42 CFA 2014 is absolute - the LA must secure the provision in the plan regardless of cost. If they use budget as an excuse, say: 'I understand budget pressures, but s.42 places an absolute duty to secure the provision in the plan. I would like this to proceed.'

## 2

# The EHCP Timeline

The entire EHC process - from your request to the final plan being issued - must be completed within 20 weeks. Here is every deadline the LA must meet.

| Stage                 | Legal deadline       | What happens   |
|-----------------------|----------------------|--|
| You send your request | Day 0                | Write to the LA SEND team requesting an EHC needs assessment. Keep a copy. Send by email with read receipt AND recorded delivery post.             |
| LA acknowledges       | Within days          | The LA should acknowledge your request. If no acknowledgement within 5 working days, chase in writing.   |
| Decision to assess    | 6 weeks from request | <b>The LA must decide whether to assess within 6 weeks.</b> If no response, write again citing s.36 CFA 2014 and the 6-week statutory timescale.   |
| Assessment period     | Weeks 6-16           | If they agree, professionals assess your child: educational psychologist, speech and language, occupational therapy, etc. The LA coordinates this. |
| Draft plan issued     | Week 16              | The LA sends you a draft EHC plan. <b>You have 15 days to comment.</b> This is your most important window - scrutinise every word.                 |
| Your comments         | 15 days from draft   | Send detailed comments. Challenge anything vague ('access to support' should be '3 hours per week of 1:1 TA support'). Name the school you want.   |
| Final plan issued     | Week 20              | <b>The final EHC plan must be issued within 20 weeks of your original request.</b> If late, write to the LA and copy in your local councillor.     |
| Appeal window         | 2 months from final  | If the plan is inadequate, you have <b>2 months to appeal to the SEND Tribunal.</b> Do not miss this deadline.                                     |

Write today's date next to 'Day 0'. Count forward 6 weeks and 20 weeks. Mark those dates in your diary.  
If the LA misses any deadline, write to them immediately citing the statutory timescale.

# Evidence Checklist

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The stronger your evidence, the harder it is for the LA to refuse. Gather as much as you can before you request the assessment. Tick each item off as you collect it.

## School evidence

- School reports (last 2 years)
- Individual Education Plan (IEP) or SEN Support Plan
- Any letters from the SENCO about concerns
- Records of meetings with the school about your child
- Exclusion letters (if applicable)
- Attendance records (if school avoidance is an issue)

## Professional reports

- Educational Psychologist (EP) report
- Speech and Language Therapy (SALT) report
- Occupational Therapy (OT) report
- CAMHS assessment or report
- Paediatric assessment or diagnosis letter
- Physiotherapy report (if applicable)
- Sensory assessment (vision/hearing)
- Any private professional assessments you have paid for

## Medical evidence

- GP letters confirming diagnosis or referrals
- Hospital letters or discharge summaries
- Medication records
- Diagnosis letters (autism, ADHD, etc.)

## Your evidence (this matters more than you think)

- Your written account of daily challenges
- Diary of incidents, meltdowns, or difficulties
- Photos or videos showing impact (sensory overload, anxiety, etc.)
- Timeline of events and requests you've made
- Copies of all letters and emails to/from the school and LA
- Record of phone calls (date, who you spoke to, what was said)

### **Your parental statement is powerful**

Write a personal statement in your own words describing how your child's needs affect daily life, learning, and your family. The Tribunal takes parental evidence seriously. Be honest, specific, and emotional - this is your child's story. EHCP Expert can help you write this at [ehcpxpert.co.uk/app](https://ehcpxpert.co.uk/app)

# Template Phrases for Letters

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Use these legally precise phrases in your letters. They reference the correct legislation and make it clear you know your rights. Copy them word for word.

## Opening a request for assessment

*"I am writing to formally request that [LA name] carry out an Education, Health and Care needs assessment for my child [name], date of birth [DOB], under Section 36 of the Children and Families Act 2014. I believe my child may have special educational needs which require provision beyond what the school can provide through SEN support."*

## If the LA hasn't responded within 6 weeks

*"I wrote to you on [date] requesting an EHC needs assessment under Section 36 of the Children and Families Act 2014. Under the statutory timescale, the local authority must notify the parent of its decision within 6 weeks. This deadline has now passed. I request an immediate response confirming whether you will proceed with the assessment."*

## Challenging a refusal to assess

*"I have received your decision not to carry out an EHC needs assessment for my child. I wish to inform you that I intend to appeal this decision to the First-tier Tribunal (SEND) under Section 36(8) of the Children and Families Act 2014. I have contacted a mediation adviser as required under Section 55."*

## Responding to a draft plan

*"Thank you for the draft EHC plan dated [date]. Under Section 38(5) of the Children and Families Act 2014, I am exercising my right to make representations within 15 days. I have the following concerns about the draft plan, and request that the following amendments are made before the plan is finalised."*

## Requesting specific provision

*"Section B of the plan describes my child's needs as [vague description]. This is insufficiently specific. The SEND Code of Practice (9.69) states that the plan must specify the provision required to meet each need. I request that this be amended to state: [specific provision, e.g., '3 hours per week of 1:1 speech and language therapy delivered by a qualified Speech and Language Therapist']."*

## Naming your preferred school

*"Under Section 38(2)(b)(i) of the Children and Families Act 2014, I wish to express a preference for [school name] as the educational placement for my child. Under Section 39, the local authority must name the school unless one of the limited exceptions in s.39(4) applies. I request that [school name] is named in Section I of the plan."*

Need more than template phrases? EHCP Expert generates complete, personalised letters citing the exact legislation for your child's situation. Generate your first letter at [ehcpxpert.co.uk/app](http://ehcpxpert.co.uk/app)

## What the LA Must Legally Do

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These are duties, not discretionary favours. If the LA is not doing these things, they are breaking the law.

| Duty   | Law                        | What it means for you   |
|--|----------------------------|---|
| Respond to assessment requests within 6 weeks        | s.36, CFA 2014             | If they miss this deadline, write immediately. They cannot just ignore you.   |
| Complete the process in 20 weeks                     | SEND Regs 2014             | From request to final plan. Delays beyond this are a breach of statutory duty.  |
| Secure the provision in Section F                    | s.42, CFA 2014             | <b>This is absolute.</b> The LA must deliver what is in the plan. Budget is not an excuse.                                |
| Consult you on the draft plan                        | s.38(5), CFA 2014          | You must be given 15 days to comment. If they finalise without consulting you, that is unlawful.                          |
| Name your preferred school (unless exceptions apply) | s.39, CFA 2014             | The LA must name your choice unless one of three narrow exceptions applies. The burden is on them to prove the exception. |
| Review the plan at least annually                    | Reg 18, SEND Regs          | If the annual review is late, chase in writing. Changes to the plan should reflect current needs.                         |
| Provide transport if needed                          | s.508B, Education Act 1996 | If the named school is not within walking distance, the LA must arrange transport. This is a separate duty.               |

# Annual Review Action Plan

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Your child's EHC plan must be reviewed at least once every 12 months. The annual review is your chance to update the plan, change the school, increase provision, or challenge anything that isn't working.

## Before the review meeting

- Read the current plan - highlight anything that is out of date or not being delivered
- Write down what has changed since the last review (new diagnoses, new difficulties, progress)
- Ask the school for their written advice at least 2 weeks before the meeting
- Ask any professionals involved with your child to submit written reports
- Prepare your own written contribution - your views must be included
- List specific changes you want to the plan (be precise: hours, provision type, outcomes)

## At the review meeting

- Bring a copy of the current plan and your notes
- Ask the school to explain what provision has actually been delivered
- Ask if the outcomes in Section E have been met - if not, why not
- State clearly what changes you want and why
- If you disagree with anything, say so on the record
- Ask for the meeting notes to be sent to you within 2 weeks

## After the review

The LA has 4 weeks from the review meeting to decide whether to amend the plan, maintain it, or cease it. If they propose amendments, you have 15 days to comment. If you disagree with the outcome, you can appeal to the SEND Tribunal within 2 months.

### **If provision isn't being delivered**

If the school or LA is not delivering what is in Section F of the plan, that is a breach of s.42 CFA 2014. Write to the LA immediately: 'The provision specified in Section F of [child's name]'s EHC plan is not being delivered. Under s.42, you have an absolute duty to secure this provision. Please confirm within 14 days what steps you are taking to rectify this.'

# SEND Tribunal Preparation

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**Over 90% of SEND Tribunal appeals are decided in the parent's favour.**

You do not need a solicitor. You do not need to pay anything. The Tribunal is designed to be accessible to parents. Many parents represent themselves successfully. The LA knows the statistics - sometimes just filing the appeal is enough to make them settle.

## Step-by-step tribunal process

**1**

### Contact a mediation adviser

You must do this before you can appeal. Call the mediation helpline, explain you want a certificate. You don't have to go through mediation - just make the call. You'll get a certificate within days.

**2**

### Register your appeal

Go to the SEND Tribunal website. Fill in the appeal form. You need: the decision you're appealing, the date of the decision, what you want the Tribunal to order, and your mediation certificate.

**3**

### Submit your evidence

Gather all documents: the EHC plan, professional reports, school reports, your parental statement, correspondence with the LA. Organise them in a bundle with a contents page.

**4**

### The LA submits their response

The LA has 30 working days to respond. They must explain why they made their decision and provide their evidence.

**5**

### Case management

The Tribunal may hold a case management hearing (usually by phone) to agree the timetable and what evidence is needed.

6

### **The hearing**

Usually 1 day. You present your case, the LA presents theirs. The panel asks questions. Be honest, be specific, refer to the evidence. Explain the impact on your child.

7

### **The decision**

The Tribunal issues its decision within 10 working days. If you win, the LA must comply. The decision is legally binding.

## Key Contacts & Resources

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All of these organisations provide free support to parents.

| Organisation                         | What they do  | Contact  |
|--------------------------------------|---|--|
| <b>IPSEA</b>                         | Free legally-based advice on the EHC process. Can provide legal representation for Tribunal.                  | ipsea.org.uk Helpline: 01011 (check website)   |
| <b>SOS!SEN</b>                       | Free workshops on EHC plans and Tribunal. London-based but open to all.                                       | sossen.org.uk  |
| <b>Contact (for families)</b>        | Support for families of disabled children. Helpline and local groups.   | contact.org.uk Helpline: 0808 808 3555   |
| <b>Council for Disabled Children</b> | Information and resources on SEND rights and the EHC process.   | councilfordisabledchildren.org.uk  |
| <b>Your local SENDIASS</b>           | <b>Every local authority must provide a free, impartial SEND advice service.</b> Search '[your LA] SENDIASS'. | Search: '[your area] SENDIASS'   |
| <b>SEND Tribunal</b>                 | The court that hears EHCP appeals. Free to use. No solicitor needed.  | gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability |
| <b>Local Government Ombudsman</b>    | If the LA has failed in its duties (delays, maladministration), complain here. Can award compensation.        | lgo.org.uk 0300 061 0614   |

# Your Personal Action Tracker

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Fill this in and keep it updated. Bring it to every meeting.

|  |  |
|--|--|
| <b>Child's name:</b>                   |  |
| <b>Date of birth:</b>                  |  |
| <b>School:</b>                         |  |
| <b>Local Authority:</b>                |  |
| <b>LA SEND team email:</b>             |  |
| <b>SENCO name:</b>                     |  |
| <b>Date of assessment request:</b>     |  |
| <b>6-week deadline (decision due):</b> |  |
| <b>20-week deadline (plan due):</b>    |  |
| <b>Diagnosis/conditions:</b>           |  |



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## Need more help?

EHCP Expert generates full, personalised EHCP letters citing the exact legislation for your child's situation. Your first letter is free. Go to [ehcpexpert.co.uk/app](https://ehcpexpert.co.uk/app) to get started.

Share this pack with any parent who needs it. Every child with SEN deserves proper support.

[hello@ehcpexpert.co.uk](mailto:hello@ehcpexpert.co.uk) | [ehcpexpert.co.uk](https://ehcpexpert.co.uk)