

# RIASS

Redbridge Information, Advice & Support Service  
for Special Educational Needs & Disability



## **Cease to maintain an EHC Plan – The Legal bits**

An Education, Health and Care Plan (EHC plan) can only be brought to an end (known as “ceasing to maintain”) in specific circumstances. The law sets out strict rules that local authorities must follow.

## **What the SEND Code of Practice 2015 Says**

### **Young people aged 19 or over:**

A local authority cannot stop an EHC plan just because a young person has turned 19. (Section 9.200)

### Children and young people under 18:

If a child or young person under 18 leaves their education or training (either because of exclusion or voluntarily), the local authority must not stop the EHC plan unless it decides that the child no longer needs special educational provision through a plan. (Section 9.202)

### Young people aged 18 or over:

If a young person aged 18+ leaves education or training before finishing their course, the local authority must review the EHC plan first. They need to find out if the young person wants to return to education or training, either at the same setting or somewhere else. If they do, and the local authority thinks this is appropriate, the plan must be updated and kept in place. (Section 9.203)

### When considering ceasing an EHC plan:

#### Before deciding to stop a plan, the local authority must:

- Tell the child's parent or the young person that they are considering it
- Ask for the views of the parent/young person
- Ask for the views of the school, college or other setting named in the plan (Section 9.205)
- If the local authority decides to cease the plan:

They must write to the parent/young person, the education setting, and the health service involved, explaining their decision. (Section 9.206)

- Right to appeal:

If the parent or young person disagrees, they have the right to appeal to the SEND Tribunal. Importantly, the local authority must continue to maintain the plan until:

- The deadline to appeal has passed, or
- If an appeal is lodged, until the Tribunal has made its decision. (Section 9.209)

### **Key Legal References**

The rules on ceasing to maintain an EHC plan come from:

- Children and Families Act 2014 – especially Sections 37 (duty to secure provision in a plan), 45 (ceasing to maintain), and 51 (appeals).
- SEND Regulations 2014 – Regulations 29, 30, 31, and 44.
- Education Act 1996 – wider duties relating to special educational needs.

### **Important Case Law**

Several cases have clarified how the law should be applied:

- Buckinghamshire v SJ – confirmed that age alone is not a reason to end a plan.
- AB v East Sussex CC – highlighted the importance of proper consultation.
- EM v Royal Borough of Windsor and Maidenhead – stressed that decisions must be based on current and accurate evidence.
- Hampshire CC v GC – emphasised that local authorities must carefully consider ongoing educational needs before ceasing a plan.

## **SEND Tribunal – Appealing a Decision to Cease a Plan**

### **If you appeal to the SEND Tribunal:**

- The local authority must keep the EHC plan in place until the Tribunal makes its decision. (Children and Families Act 2014, Section 45(4))
- The Tribunal has the power to:
- Order the local authority to continue the plan
- Require amendments to the plan
- Make recommendations about health and social care (these are not legally binding, but usually taken seriously).
- Appeals about ceasing a plan can be combined with “contents appeals” (disputes about what is written in the plan). In these cases, a Working Document is used to show the proposed changes.

### **Bundle Page Limits**

- The SEND Tribunal imposes page limits for evidence: 75 pages for cease to maintain appeals, 100 additional pages for Sections B/F, and 75 for Section I.
- Requests to exceed limits must be made using Form SEND 7.

### **Getting Legal Help**

#### **Legal Aid:**

Legal Aid may cover solicitor advice, help with preparation, and funding for independent expert reports. It does not usually cover solicitor representation at the Tribunal hearing itself.

### Free or low-cost support:

- IPSEA (Independent Provider of Special Education Advice) offers free advice and sometimes representation.
- Advocate and other pro bono schemes can sometimes arrange free barristers.
- Local SENDIASS services provide information, advice, and support.

### Final note:

A local authority cannot end an EHC plan just because a child leaves education, turns 19, or drops out of a course. There must be a proper review, consultation, and a lawful decision-making process. If you disagree, you have the right to challenge the decision through the Tribunal, and your child's plan must stay in place during the appeal.