

RIASS

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



Cease to maintain an EHC Plan

If a Local Authority (LA) decides to stop an Education, Health and Care (EHC) plan, it must follow a legal process and inform you in writing. You have the right to appeal or request mediation.

The two lawful reasons an LA can stop an EHC plan:

1. **The LA is no longer responsible.** For example, if the young person starts full-time employment (not an apprenticeship), higher education, leaves education and declines further learning, turns 25 (and LA decides not to continue the plan), or moves permanently out of England.

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| Moving to a different area |
| <ul style="list-style-type: none"> ○ If you move within England, the plan should transfer to the new LA – it doesn't just stop. ○ Temporary moves (e.g. for work) may mean your original LA still has responsibility. |
| Reaching the age limit: |
| <ul style="list-style-type: none"> ○ EHC plans are for under-25s. ○ The LA can keep it until the end of the school year (or sometimes until just before the 26th birthday if in certain training/apprenticeships). |
| Starting full-time paid work or a university-level course: |
| <ul style="list-style-type: none"> ○ Full-time paid work (not apprenticeships) ends LA responsibility. ○ University or other Level 4+ courses also end it. ○ Level 3 courses can still keep the plan. |

2. **The plan is no longer necessary.** The LA believes the child's needs have changed and the plan isn't required to provide special educational provision. However, they cannot base the decision solely on the fact that previous outcomes were achieved or because of modest progress.

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| The LA must show: |
| <ul style="list-style-type: none"> ○ Your child/young person no longer needs the special educational help in the plan, or ○ (If over 18) they've achieved their education/training outcomes. |
| It should not stop just because: |
| <ul style="list-style-type: none"> ○ Help could in theory be given without the plan – it must actually happen in practice. ○ All original goals were met – new goals can be set. ○ Progress is slow – small steps can still be valuable. ○ The help is from health or social care, if it teaches or trains your child. |

There must be an Annual Review Meeting.

The following should be discussed:

- whether ending the EHCP is appropriate and what it will mean
- whether the young person does or does not want to continue with education or training OR
- that returning to education or training would not be right (appropriate) for the young person

Cease to maintain letters

To cease or end an EHCP there should be a clear plan in place setting out the process, the timescales, which decisions must be made and what these decisions will mean. Parents/carers and young people should work together, with the young person leading and identifying who can support them. Once a formal 'cease to maintain letter' is received from the LA young people can:

- ask for a meeting with the LA to talk about the reasons for ending the EHCP and/or discuss the reasons for the decision;
- consider mediation if they disagree with the LA's decision ·appeal the LA's decision to end the EHCP.

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Who must prove it?

- The LA must prove the plan should end – you do not have to prove it should continue.
- You can strengthen your case with your own evidence (e.g. reports, letters from professionals, proof support would not happen without the plan).

What happens while you appeal?

- The plan stays in place until the Tribunal decides.
- All special educational help, health provision, placement, and funding in the plan must continue.

If you lose, the plan ends immediately.

Evidence to use

- Show the plan is still needed or the LA is still responsible.
- You can also appeal the contents of the plan at the same time (e.g. to update the school or provision).
- The Tribunal can recommend health and social care support too.
- There are page limits for evidence – check before sending documents.

Possible outcomes

If you win:

- The plan continues immediately.
- Any ordered changes must be made within 5 weeks.

If you lose:

- The plan stops immediately.
- Support in Sections F and G ends (health care may continue under other rules).
- School/college placement may end if it depends on the plan.

Deadlines are strict – no extensions for stopping a plan or amending it after a Tribunal decision.

Before the LA can issue a cease to maintain decision for any child or young person with an EHC plan, it must:

1. Inform the parent or young person that it is considering ceasing to maintain the EHC plan
2. Consult with the parent or young person, as well as head teacher, principal or equivalent person at the setting named in the EHC plan,
3. notify the parent or the young person, the institution named in the EHC plan and the responsible commissioning body of its decision once made.

If You Have an EHC Plan and Are **Not in Education, Employment or Training (NEET)**, there are special rules the local authority (LA) must follow before they can stop your plan. These rules are set out in the SEND Regulations 2014 and are different depending on your age.

| If you're under 18 | |
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| | <ul style="list-style-type: none">• The LA cannot end your EHC plan just because you're not in school or training• They must review your plan and update it so you can continue to get training or learning opportunities. |
| If you're 18 or over | |
| 1. | If you've stopped going to the place named in your EHC plan and are no longer in education or training, the LA still can't automatically stop your plan |
| 2. | First, they must: |
| | <ul style="list-style-type: none">• Hold a review meeting.• Find out if you want to return to education or training.• Decide if returning is suitable for you. |
| 3. | If you do want to go back and it's appropriate, they must update your EHC plan so you can do this. |

Important to know

- EHC plans don't "automatically lapse" if you leave education or training.
- Sadly, some young people slip through the net because the LA doesn't follow the correct process.
- For under 18s – your plan can't end just because you're out of education.
- For over 18s – it can't end without a review first.

If you want to return to education or training

You can:

- Ask for an emergency or early annual review, referring to the SEND Regulations 2014.
- Ask the LA to make sure the support in your plan is provided, and updated if needed.
- If the LA still doesn't act, you may need to take further steps to make sure your plan is followed.

Legal Aid and Representation

- Legal aid may cover solicitor preparation and independent reports but not representation at the hearing.
- Alternatives include pro bono support from charities like IPSEA or Advocate.

During an appeal

If the LA tries to stop your plan without asking about your wishes, the SEND Tribunal should ask you directly. However, it's best if you or your supporters tell the Tribunal what you want, rather than relying on them to ask.

SEND Tribunal Procedures

- The SEND Tribunal must maintain the EHC plan until the appeal is decided (Section 45(4) CFA 2014).
- Tribunal powers include ordering amendments to the plan and making non-binding health and social care recommendations.
- Appeals can combine cease to maintain decisions with contents appeals, requiring a Working Document.

Post-Appeal Outcomes

- If the appeal is successful, the plan continues immediately and amendments must be made within 5 weeks.
- If unsuccessful, the plan ends immediately, and support in Sections F and G ceases unless covered by other legislation.
- Placement may end if dependent on the EHC plan.

Final Thoughts

You're not alone. STOPPING an EHC plan isn't straightforward for an LA, and you have clear rights to challenge it. Use the LA's decision letter to understand their reasons, reach out for support early, and follow the steps above to stand up for your child's needs.