

## How do I name a school (or college) in an EHC plan?

The law says that when an EHC plan is first issued, or when the local authority writes to you with proposed amendments (at Annual or early review) you have 15 days in which to respond, when you can request a particular setting to be named in the plan.

This includes requesting a **mainstream setting, a special school or a further education or sixth form college** (maintained, academy or free school).

Some independent schools are included in the lawful list of schools you can request. [View the published list of approved independent schools and colleges, known as 'section 41' schools.](#)

See [SEND Code of Practice 2015](#) paragraph 9.78 for the list of school types you can request).

The local authority **must** then consult with that setting, allowing **15 days** before considering any response and deciding whether to name it in the plan. The SEND Code says that the local authority must consider very carefully before deciding whether to name a setting in a plan. There are very specific lawful reasons they may reject your request which are explained below, you can read the full description in paragraph 9.79 of the Code:

- Unsuitable (due to age, ability, aptitude or SEN of a child)
- Attendance would be incompatible with the efficient education of others (where the impact of admitting one more child would mean the effect on others' education would be too great)
- Attendance would be incompatible with the efficient use of resources (costs)

Mainstream education cannot be refused on the grounds it is unsuitable or too expensive alone. Note, however, that this is a right to mainstream education but not necessarily a right to a particular mainstream school.

Where a nursery, school or college is named in an EHC plan, they **must** admit the child or young person.

## Can I ask for a Specialist\* Unit to be named in an EHC plan?

*\*Specialist Units attached to mainstream schools are categorised in law as mainstream provision*

If a Unit is listed as a separate institution on the [Department for Education's register](#), it can be named in section I of an EHC plan.

If not, you can ask for the mainstream school (to which the Unit is attached to) to be named in section I of the plan, and for the provision at the specialist unit to be clearly described in section F. The local authority may be happy to specify the unit in section F as well.

It is important to ensure that the provision in section F of the plan describes the support that is required to meet your child's needs, and that there is a clear link to what the Unit you are requesting can offer.

## Can I ask for an independent school to be named in an EHC plan, which is not on the section 41 list of approved providers?

You can 'make representations' (request and give your reasons) for an independent school to be named. Though the local authority **must** consider your wishes, there is no conditional duty to name.

They will only name where a place has been offered by that independent school. This is because independent schools do not have the same duty to admit if named in a plan.

## When should I get a final EHC plan?

These are the lawful timescales a local authority **must** comply with:

- The first EHC plan - must be issued within **20 weeks** of the initial request for an EHC needs assessment
- Final amended EHC plan following Annual Review (including those carried out early) - must be issued within **8 weeks** of notifying you of proposed amendments
- Annual Reviews ahead of a transfer to a new phase of education (e.g., infant, junior, primary, secondary) - final amended EHC plan must be issued (including the name of the educational setting for September) by **15<sup>th</sup> February** in the calendar year in which they are transferring. For transfers into post-16 settings, this must be issued by **31<sup>st</sup> March** (See Code 9.179 & 9.180). This is to allow sufficient time to plan transition to the new setting.
  - **NOTE** In the academic year 2022-2023, Suffolk local authority has also given dates for schools to have completed and submitted their annual review paperwork for these phase transfers, ready for a September 2023 start date. For transfers to infant, junior, primary, secondary – they would like schools to submit the paperwork by **the end of October half-term**. For transfers to post-16 settings - schools are being asked to submit the paperwork by **30<sup>th</sup> November**.

## What can I do if a legal timescale has not been met?

Talk to your Family Services Co-ordinator (their contact information will be on any letters sent to you about the EHC plan) about the delay and ask when you will receive the finalised plan. Let the local authority know as soon as possible if the delay is preventing being able to plan support or transition to their next school.

If unresolved you could [complain to the local authority](#) and, if you remain dissatisfied, to the [Local Government & Social Care Ombudsman](#). Read more in our information about '[raising concerns](#)'.

There is more information about getting started, types of settings and things to think about on our website: [Choosing and naming a school in an EHC plan - Suffolk SENDIASS](#)