

Cease to Maintain an EHC Plan

Education, Health and Care (EHC) Plans are put in place to support children and young people. The Local Authority may decide to cease to maintain or end the EHC Plan. If this happens, the child or young person with the EHC Plan, or their parent or carer, must be contacted.

When the Local Authority decides to end an EHC Plan, this is called 'ceasing to maintain'. The EHC Plan will come to an end and the Local Authority will no longer have the legal duty to make sure that the Special Educational Provision (SEP) specified in the EHC Plan is received by the child or young person whose Plan it is.

Procedure

Before the Local Authority decides to cease to maintain the plan, it must first:

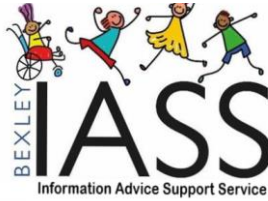
- consult with the child's parent or young person as well as the head teacher or principal of the school or college being attended
- issue a 'cease to maintain notice' – this means a formal notice in writing to the parent or young person telling them that the Local Authority wants to cease to maintain the EHC Plan and the reasons for this.

The LA can only cease to maintain an EHC Plan if one of two grounds applies:

1. **The Local Authority is no longer responsible for the child or young person**
2. **It is no longer necessary to maintain the EHC Plan**

As stated in the [Special Educational Needs and Disability Regulations 2014](#), in the case of a young person, the Local Authority will no longer be responsible if:

- A child or young person has moved to a different Local Authority
- the young person has taken up paid employment (this does not include apprenticeships)
- The young person has started a higher educational course
- A young person aged 18 or over has left education and no longer wishes to engage in further learning
- The young person has turned 25



It may no longer be necessary for an EHC Plan to continue where, for example, a child or young person's needs have changed, and they no longer need the provision in the EHC Plan. For a young person over 18, the Local Authority must consider whether the educational or training outcomes in the EHC Plan have been achieved.

If they have not been achieved, the EHC Plan should continue. Where the outcomes have been achieved, the Local Authority should consider whether new ones need to be set.

The Local Authority cannot cease a plan just because a young person reaches the age of 19.

Can the Local Authority cease to maintain the EHC Plan because the child or young person is out of education?

Under 18

Where a child or young person under 18 is excluded from their education or training setting or leaves voluntarily, the Local Authority should try to re-engage the young person in education or training as soon as possible. The Local Authority must review the EHC Plan and amend it if needed, to make sure that the young person continues to receive education or training.

The Local Authority can only cease the EHC Plan if it is no longer necessary for Special Education Provision (SEP) to be made for the child or young person.

Over 18

Where a young person aged 18 or over stops attending the educational placement specified in their EHC Plan, the Local Authority cannot simply cease to maintain that EHC Plan.

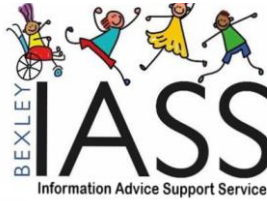
The Local Authority must first **hold a review**, following all the process for an annual review.

The Local Authority can only then cease an EHC Plan if:

It has been established that the young person does not wish to return to education or training at any setting.

The Local Authority concludes that returning to education or training would not be appropriate for the young person.

If the young person wants to return to education but at a different setting, the Local Authority must amend the EHC Plan to name an appropriate setting.



Will the provision stop straight away?

If a cease to maintain notice is issued, the Local Authority is not allowed to simply stop funding the provision straight away.

Similarly, the education institution named in Section I of the EHC Plan must continue to let the child or young person attend until the right of appeal has expired or the appeal is finished.

If you decide not to appeal against the decision, the Local Authority must keep the provision in place at least until your right of appeal has expired.

If you decide to appeal against the decision, the LA must keep the provision in place at least until the appeal is finished. The EHC Plan will only cease if the SEND Tribunal has made an order saying the EHC Plan should be ceased.

Appeal

If a cease to maintain notice is issued, there is a right of appeal to the SENDist Tribunal. An appeal must be submitted within either **two months** of the decision to cease to maintain, or **one month** from the date of the mediation certificate, whichever is later.

Further information, guidance and case law about appealing a Cease to Maintain an EHC Plan decision can be found [here](#).

If you would like further advice, please send us a [SELF – REFERRAL FORM](#)

Or, contact the Bexley IASS (Bexley Information, Advice and Support Service):

Email: bexleyiass@bexley.gov.uk

Website: www.bexleyiass.co.uk

Telephone: 0203 045 5976

Address: Bexley SENDIASS, Civic Offices, 2 Watling Street, Bexleyheath, DA6 7AT