

A Parent's Guide to Choosing a School or College With an EHCP

Choosing the right school or college for a child with an Education, Health and Care Plan (EHCP) can feel overwhelming, but the law gives you strong rights. This guide explains those rights in simple terms, so you can make confident, informed decisions.

Your Legal Right to Request a School or College

If your child has an EHCP, even a draft one, you have the legal right to request that a particular school or college is named in it.

You can make this request when:

- You receive a draft EHCP, or
- You receive an amendment notice after an annual review.

You must be given at least 15 days to make your request.

What Types of Schools You Can Request

You have the right to request any setting listed in Section 38(3) Children and Families Act 2014, including:

- Maintained mainstream or special schools
- Academies (mainstream or special)
- Further Education Colleges
- Non-maintained special schools
- Section 41 approved schools

If you request one of these, the LA can only refuse for very limited legal reasons (explained later).

Specialist Units or Resource Bases

If you want a school with a specialist unit:

- ➔ If the unit is a separate institution, you can request this directly
- ➔ If the unit is part of mainstream school, the school can be named, but the unit itself usually cannot be named in Section I

This makes Section F crucial; it must describe the provision delivered in the unit.

Your Right to Mainstream Education

If you want mainstream, the law is on your side.

Section 33 CFA 2014 says a child with an EHCP must be educated in mainstream unless:

- You do not want mainstream, or
- The LA proves mainstream would be incompatible with the efficient education of others and no reasonable steps could remove that incompatibility.

This is a powerful protection for families seeking mainstream.

What Happens After You Make Your Request

The LA must consult:

- The school you requested
- Any school the LA is considering
- Any other LA if the school is in a different area

Schools are given 15 days to respond, but the LA does not have to wait if they don't reply. The final decision rests with the home LA (where you live), even if the school objects.

When the LA Can Refuse Your Request

The LA can only refuse your choice for three lawful reasons:

1. The school is unsuitable for your child's age, ability, aptitude, or SEN
2. Your child's attendance would be incompatible with the efficient education of others
3. It would be an inefficient use of public resources

A school being "full" is not a lawful reason.

If the LA refuses your request, it must still name a school or type it considers "appropriate".

If You Haven't Found a School Yet

If you don't request a school, the LA must name:

- A school it considers appropriate, or
- A type of school.

You can still challenge this later if you disagree.

When a School Is Named, Their Duty to Admit

If the school you requested is named in Section I, that setting must admit your child or young person.

This is a legal duty under Section 43 Children and Families Act 2014.

If the LA names a school that you didn't want, that school must also admit your child, but you can appeal this.

If the Plan Names Only a "Type" of School

Sometimes Section I only says "mainstream" or "special". This is lawful but:

- No school has a duty to admit
- The LA must still deliver all provision in Section F
- The LA must amend the plan once a school is identified.

Asking for an Independent School

You can ask for an independent school, but the rules are different.

You must show:

- ➔ It is appropriate

- ➔ The LA's choice cannot meet needs
- ➔ Or, if both can meet needs, the independent option is not unreasonable public expenditure.

This usually requires professional evidence.

Education Otherwise Than at School (EOTIS/EOTAS)

If no school is suitable, you can request education outside a school setting.

The LA must consider:

- Your child's needs
- Their history
- Their reactions to school
- Facilities available in and out of school
- Your views and your child's views

Section F must then be extremely detailed.

If You Disagree with the School Named

You can appeal to the SEND Tribunal if:

- The LA refuses your choice
- The LA names a different school
- The LA names only a type
- You disagree with Section B or F

Appealing B and F alongside I is strongly recommended.

SEND Empowerment Top Tips before You Submit Your Preference:

- ★ Visit the setting
- ★ Request written confirmation of what provision they can deliver
- ★ Check Section F matches the placement
- ★ Keep your request in writing