

Cease to Maintain Letters

What is a cease to maintain letter?

Receiving a 'cease to maintain letter' means the LA is giving notice of their intent to end an EHCP.

There are two reasons for ending an EHCP:

1. The LA is no longer responsible for a child or young person (CYP). For example, the family moved away, the CYP is 25 years old, a young person leaves education or training), OR

2. The LA determines that it is no longer necessary for the EHCP to be maintained. Examples of this are when the outcomes on the EHCP have been achieved and the special educational provision (additional support in place) is no longer necessary, or a young person decides to finish their education or training.

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.

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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.

SEND Code of Practice 2015 Chapter 9

9.200 - Local authorities must not cease to maintain the EHC plan simply because the young person is aged 19 or over.

9.202 - Where a young person of compulsory school or participation age - i.e. under the age of 18 - is excluded from their education or training setting or leaves voluntarily, the local authority must not cease their EHC plan, unless it decides that it is no longer necessary for special educational provision to be made for the child or young person in accordance with an EHC plan.



9.203 - Where a young person aged 18 or over leaves education or training before the end of their course, the local authority must not cease to maintain the EHC plan unless it has reviewed the young person's EHC plan to determine whether the young person wishes to return to education or training, either at the educational institution specified in the EHC plan or somewhere else.

If the young person does wish to return to education or training, and the local authority thinks it is appropriate, then the local authority must amend the EHC plan as necessary and it must maintain the plan.

9.205 - Where a local authority is considering ceasing to maintain a child or young person's EHC plan it must:

- inform the child's parent or the young person that it is considering this
- consult the child's parent or the young person
- consult the school or other institution that is named in the EHC plan

9.206 - Where, following the consultation, the local authority decides to cease to maintain the child or young person's EHC plan, it must notify the child's parent or the young person, the institution named in the child or young person's EHC plan and the responsible health service of that decision.

9.209 - Where the child's parent or the young person disagrees with the local authority's decision to cease their EHC plan, they may appeal to the Tribunal. Local authorities must continue to maintain the EHC plan until the time has passed for bringing an appeal or, when an appeal has been registered, until it has been concluded.