



# Children and Families Act 2014

## 2014 CHAPTER 6

### PART 3

#### CHILDREN AND YOUNG PEOPLE IN ENGLAND WITH SPECIAL EDUCATIONAL NEEDS OR DISABILITIES

##### *Education, health and care plans*

#### **45 Ceasing to maintain an EHC plan**

- (1) A local authority may cease to maintain an EHC plan for a child or young person only if—
  - (a) the authority is no longer responsible for the child or young person, or
  - (b) the authority determines that it is no longer necessary for the plan to be maintained.
- (2) The circumstances in which it is no longer necessary for an EHC plan to be maintained for a child or young person include where the child or young person no longer requires the special educational provision specified in the plan.
- (3) When determining whether a young person aged over 18 no longer requires the special educational provision specified in his or her EHC plan, a local authority must have regard to whether the educational or training outcomes specified in the plan have been achieved.
- (4) A local authority may not cease to maintain an EHC plan for a child or young person until—
  - (a) after the end of the period allowed for bringing an appeal under section 51 against its decision to cease to maintain the plan, where no such appeal is brought before the end of that period;
  - (b) after the appeal has been finally determined, where such an appeal is brought before the end of that period.

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*Changes to legislation: There are currently no known outstanding effects for the  
Children and Families Act 2014, Section 45. (See end of Document for details)*

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- (5) Regulations may make provision about ceasing to maintain an EHC plan, in particular about—
- (a) other circumstances in which it is no longer necessary for an EHC plan to be maintained;
  - (b) circumstances in which a local authority may not determine that it is no longer necessary for an EHC plan to be maintained;
  - (c) the procedure to be followed by a local authority when determining whether to cease to maintain an EHC plan.

**Commencement Information**

- I1** S. 45 in force at 1.4.2014 for specified purposes by S.I. 2014/889, art. 3(e)
- I2** S. 45 in force at 1.9.2014 in so far as not already in force by S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505 and (1.9.2015) by S.I. 2015/1619)

**Changes to legislation:**

There are currently no known outstanding effects for the Children and Families Act 2014, Section 45.