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STATUTORY INSTRUMENTS

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**2015 No. 359**

**The Special Educational Needs and  
Disability (Amendment) Regulations 2015**

**Amendment of the Special Educational Needs and Disability Regulations 2014**

**8.** In regulation 45 (unopposed appeals)—

(a) for paragraphs (3) to (6) substitute—

“(3) If the appeal is made under section 51(2)(a) or (d) of the Act, the local authority must, within 2 weeks of the date it notified the First-tier Tribunal under paragraph (1), notify the child’s parent or the young person that it must make the EHC needs assessment or reassessment.

(3A) If following the EHC needs assessment or reassessment, the local authority—

(a) decides that it is not necessary for special educational provision to be made for the child or young person in accordance with an EHC plan, the local authority must notify the child’s parent or the young person of its decision, giving reasons for it as soon as practicable, and in any event within 10 weeks of the date it notified the First-tier Tribunal under paragraph (1), or

(b) decides that it is necessary for special educational provision to be made for the child or young person in accordance with an EHC plan, it must send the finalised plan to the child’s parent or the young person under regulation 14(2) and those specified in regulation 13(2) as soon as practicable and in any event within 14 weeks of the date it notified the First-tier Tribunal under paragraph (1).

(4) If the appeal is made under section 51(2)(c)(i) or (ii), or (e) of the Act, the local authority must issue the amended EHC plan to those specified in regulation 22(3) within 5 weeks of the date it notified the First-tier Tribunal under paragraph (1).

(5) If the appeal is made under section 51(2)(c)(iii) or (iv) of the Act, the local authority must issue the amended EHC plan to those specified in regulation 22(3)—

(a) within 2 weeks of the date it notified the First-tier Tribunal under paragraph (1), or

(b) where the local authority is also required to amend the EHC plan under paragraph (4), within 5 weeks of the date it notified the First-tier Tribunal under paragraph (1).

(6) If the appeal is made under section 51(2)(b) of the Act, the local authority must—

(a) issue a draft EHC plan within 5 weeks of the date it notified the First-tier Tribunal under paragraph (1), and

(b) send a copy of the finalised EHC plan to the child’s parent or the young person under regulation 14(2) and to those specified in regulation 13(2), within 11 weeks of the date it notified the First-tier Tribunal under paragraph (1).

(6A) If the appeal is made under section 51(2)(f) of the Act, the local authority must continue to maintain the EHC plan, and where the local authority has also agreed to amend

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the EHC plan, the local authority must amend it within 5 weeks of the date it notified the First-tier Tribunal under paragraph (1).”;

(b) in paragraph (7), omit “,(4)”.