

THE BULLETPROOF EHCP CASE-BUILDING CHECKLIST

A Legal Guide for Parents Navigating the SEND System

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1. Introduction: The Legal Threshold

Most parents are told by SENCos or Local Authorities that getting an Education, Health and Care Needs Assessment (EHCNA) is an incredibly high bar. You might have been told that you must wait for a specialist diagnosis, or that the school must spend £6,000 from their budget first [1] [2].

This is legally incorrect.

Under **Section 36(8) of the Children and Families Act 2014**, the legal test for a Local Authority to secure an assessment is exceptionally low [1]. The Local Authority **must** carry out an assessment if:

1. The child or young person has or **may have** special educational needs, and
2. It **may be** necessary for special educational provision to be made for them in accordance with an EHCP [1].

Notice the word “**may.**” It does not say “must prove” or “must have a diagnosis.” It says “**may.**”

This checklist is designed to help you gather the precise, objective evidence required to prove that your child meets this legal threshold. If you present this evidence clearly, the Local Authority cannot legally refuse your request [1].

2. Phase 1: Documenting Educational Needs (The Academic Evidence)

Local Authorities often claim a child is “fine” because they are meeting academic benchmarks. However, educational needs encompass communication, social interaction, and emotional well-being—not just reading and maths [1].

Evidence Category	What to Gather	Why This Matters Legally
School Progress Reports	Gather the last 2 years of termly reports. Highlight any comments mentioning “distraction,” “social difficulties,” or “requires support.”	Proves that academic performance is inconsistent or maintained only through excessive effort.
Individual Education Plans (IEPs)	Request copies of all IEPs, Pupil Passports, or “Assess, Plan, Do, Review” cycles [3].	Proves that the school has already attempted “school support” and your child still requires more help.
Standardised Assessment Scores	Ask for raw scores from any standardized testing (e.g., SATs, phonics screening, reading age assessments).	Provides objective data showing a gap between your child’s chronological age and their functional age.
Work Samples	Keep copies of schoolwork showing incomplete tasks, high levels of adult correction, or significant handwriting difficulties.	Visual proof of executive dysfunction, fine motor difficulties, or learning barriers.

3. Phase 2: Documenting Health & Sensory Needs (The Masking Evidence)

This is where most cases are won or lost. If your child masks their difficulties at school and collapses into meltdowns at home, you must document this home environment. Legally, the Local Authority must assess the child’s needs across *all* settings [1].

Evidence Category	What to Gather	Why This Matters Legally
The Meltdown Log	Keep a 14-day diary. Record the date, time, trigger, duration, and severity of every meltdown, school refusal episode, or sleep disturbance.	Proves that the school day is causing a severe psychological impact that manifests at home.
Sensory Trigger Mapping	List your child's specific sensory triggers (e.g., noise, bright lights, clothing textures, crowded corridors) and how they react.	Establishes a clear need for sensory accommodations under the "Health" section of the EHCP.
Specialist Reports	Gather any letters or reports from GPs, paediatricians, Speech and Language Therapists (SLT), Occupational Therapists (OT), or CAMHS [3].	Provides independent clinical evidence of needs that the school is not qualified to diagnose.
Private Assessments	If you have paid for private OT, SLT, or educational psychology reports, compile these.	Legally, Local Authorities must consider private reports under SEND Regulation 6(1)(g) [3].

4. Phase 3: The Parent & Child Voice (The Human Evidence)

The law places a heavy emphasis on the views, wishes, and feelings of the parent and the child [1]. This is Section A of the EHCP, and it sets the tone for the entire document.

Section A: The Parent's Statement

Write a detailed, 1-page narrative of your child's life. Do not sugarcoat their difficulties. Use the "Good Day vs. Bad Day" framework:

- **A Good Day:** *"On a good day, with highly structured transitions and quiet spaces, my child can manage 3 hours of school before sensory overload begins."*
- **A Bad Day:** *"On a bad day, triggered by an unexpected change in teacher, my child suffers a severe panic attack, refuses to enter the building, and experiences self-harming behaviours."*

Section A: The Child's Voice

Gather your child's views in whatever format they can communicate. This can include:

- **A One-Page Profile:** A simple template where they write (or dictate) what they like, what they find hard, and how they want to be helped.
 - **Drawings or Video:** If your child is non-verbal, take a video of them experiencing sensory distress or draw a picture showing how school makes them feel (e.g., "sad," "scared").
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5. How to Submit Your EHCNA Request

Many parents wait for the school to apply. **Do not wait.**

You as a parent have a legal right to submit an EHCNA request directly to your Local Authority yourself [1].

The Step-by-Step Submission Process

1. **Identify the Department:** Find the "SEND Team" or "EHC Team" email address on your Local Authority's website.
 2. **Write the Request Letter:** Use a standard legal template. State clearly that you are requesting an EHCNA under Section 36(1) of the Children and Families Act 2014 [1].
 3. **Attach Your Checklist Evidence:** Send your completed Meltdown Log, IEPs, and specialist reports as a single, organised PDF bundle.
 4. **The 6-Week Clock:** Once you hit send, the Local Authority has exactly **6 weeks** to give you a legal decision [3]. Mark this date in your calendar. If they miss the deadline, they are in breach of their statutory duty.
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6. What to Do If They Refuse

Local Authorities refuse approximately **20% to 30%** of parent-led EHCNA requests on the first attempt, often citing internal policies that have no basis in law.

If you receive a refusal letter:

1. **Do not panic.** This is a standard gatekeeping tactic.
2. **Register an Appeal:** You have exactly **2 months** from the date of the refusal letter to register an appeal with the SEND Tribunal [3].
3. **Get Expert Help:** Over **95%** of parent appeals to the SEND Tribunal are successful [4].

If you have received a refusal letter or are struggling to compile your evidence, book a **Free 15-Minute EHCP Case Review** with me. We will look at your child's situation, expose the legal errors the Local Authority has made, and map out a winning strategy.

👉 Book your free call at: sendnavigate.org/ehcp-advisory.html

References

- [1] UK Government, *Children and Families Act 2014, Part 3: Children and young people in England with special educational needs or disabilities*, 2014.
- [2] SEND Support UK, *Independent SEND Consultant Fees & Charges*, 2024.
- [3] IPSEA (Independent Providers of Special Education Advice), *Asking for an EHC Needs Assessment: Step-by-Step Guide*, 2025.
- [4] Ministry of Justice, *Tribunal Statistics Quarterly: Academic Year SEND Tribunal Appeals Data*, 2025.