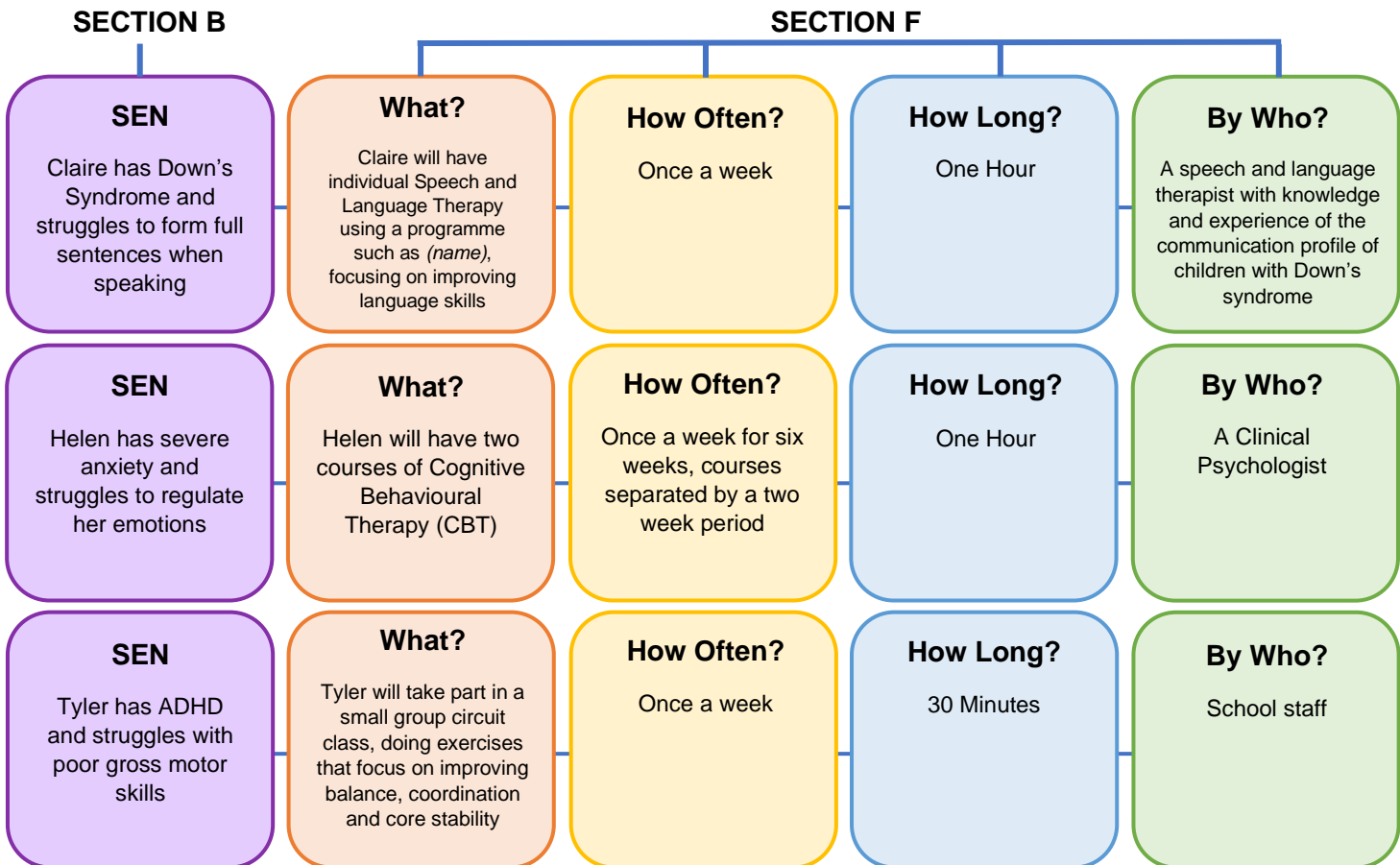


Checking your EHCP: Specificity

What does this mean? The support (provision in section F) in an EHCP must be clear, so that you and everyone else reading the plan understands what your child should be getting and when, and how that support will be given. It's important because it ensures that the right support is given and there is no room for misunderstanding. That means education, health and social care support should all be specific. For the support listed in the plan, you should know:

<p>What?</p> <p>What the support is that will be given</p> <p>(e.g. attending a nurture group)</p>	<p>How Often?</p> <p>Frequency the support will be given</p> <p>(e.g. once a week)</p>	<p>How Long?</p> <p>Time the support will be given for</p> <p>(e.g. for 30 minutes)</p>	<p>By Who?</p> <p>Who will give the support</p> <p>(e.g. TA, teacher or therapist)</p>
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What does this look like? Every individual educational need listed and numbered (Section B) to be matched with appropriate provision in Section F. The support that's set out in an EHC plan comes from recommendations made by professionals. Highlight or underline the strategies they give in their reports (in Section K) and check these against what is written in Section F. Here are some examples:



For more detailed information on EHCPs please visit our website information pages and resources.

Checking your EHCP: What *must* be included?



Section	
	Parent and Child/Young Person (CYP) Views & Aspirations
A	<ul style="list-style-type: none"> Introduction to CYP & history, might be written in first person – it must be clear who's words are who's Summary of how to communicate with them – to engage them in decision making processes
	Special Educational Needs (SEN)
B	<ul style="list-style-type: none"> Every individual educational need listed and numbered to be matched with appropriate provision in Section F Must include ALL educational difficulties that are identified in the reports during assessment/Annual Review
	Health Care Needs
C	<ul style="list-style-type: none"> Every individual health need listed – if any impact on education, need to be listed in Section B as well The CCG may choose to specify needs not related to SEN (e.g. a long-term condition which might need management in a special educational setting)
	Social Care Needs
D	<ul style="list-style-type: none"> Every individual social care need listed – must be clearly identified by a social care assessment CYP needs to be known to Social Care service, even if it is not required
	Outcomes (intended result of SEP)
E	<ul style="list-style-type: none"> List of intended outcomes for CYP – an “outcome” is a benefit/difference made as a result of intervention Should be personal and match SMART criteria (Specific, Measurable, Achievable, Realistic, Timely) Should be a matched provision and outcome for each need with a clear distinction between them
	Special Educational Provision (SEP)
F	<ul style="list-style-type: none"> Details of provision required to meet every single need listed in Section B – must include therapies Each provision must be quantifiable and specific, leaving no room for doubt Must include details of the specific type, hours per week, frequency of the provision and the level of expertise required by the person(s) carrying out the provision
	Health Care Provision
G	<ul style="list-style-type: none"> Agreed health care provision reasonably required by CYP's disability and/or learning difficulty which results in their SEN, sometimes unlinked provision may be specified May include specialist support, such as medical treatments and delivery of medications, a range of nursing support, specialist equipment, wheelchairs and continence supplies
	Social Care Provision
H1	<ul style="list-style-type: none"> Agreed social care provision reasonably required by CYP under Section 2 of the CSDPA (under 18s) Could include: practical assistance and/or adaptations in the home, provision/assistance in obtaining: recreational/educational facilities and meals at home/outside home, travel to facilities, necessary special equipment, non-residential short breaks (on basis that CYP and parent will benefit)
	Social Care Provision (any other)
H2	<ul style="list-style-type: none"> This includes residential short breaks and services provided for their SEN but unrelated to a disability For YP over 18 – includes any adult social care provision to meet eligible needs Other social care plans can be included here such as Child in need, Child protection, Adult care plans
	Name & Type of Education Placement
I	<ul style="list-style-type: none"> Details the named school/educational institute CYP will be attending Must include the name and the type of school Must be left blank when in the draft stage – the parent or YP must confirm their preferred choice
	Personal Budget (PB)
J	<ul style="list-style-type: none"> Outlines PB to be used to pay for provision in Section F, G, H – by means of Direct Payments Should include arrangements, LA to provide exact number, and what outcomes are to be met by PB Sometimes a PB is not allocated/necessary
	Index / Evidence Documents
K	<ul style="list-style-type: none"> A list of reports and individual documents that were gathered during assessment (Appendices)

For full details see the table, “What to include in each section of the EHC plan” under Section 9.69 of the Department for Education [SEND Code of Practice 2014](#)

Checking your EHCP: Does it work for you?



Education Needs & Provision (Section B & F)

Does it list ALL the education needs? Are provisions SPECIFIC?

Section B must list all the current educational needs, as the child's difficulties are likely to change over time, so make sure everything is up-to-date and clearly states what the child truly needs help with.

In section F, look out for vague language, such as 'opportunities for'; 'access to'; 'regular'; 'as required' 'input from', 'may benefit from'. You wouldn't know the details of exactly what your child gets from these words. Good practice examples are on the first page of this factsheet.

An EHC plan is a long-term plan. The support that's set out comes from recommendations made by professionals. Highlight or underline the strategies they give in their reports (in Section K) and check these against what is written in Section F. It should be supported by a plan made by your child's school or college, which sets out how support works day to day.

Health care or social care **provision which educates or trains** a child or young person is to be treated as special educational provision (instead of health care provision or social care provision). *Section 21 Children and Families Act 2014*. Examples of this could include various therapies, and specialist health/social support to teach/increase independence.

Education Placement (Section I)

Does it name the TYPE and SETTING?

The education placement named in section I of a plan should be a logical conclusion to what sections B and F say. Therefore, it is worth checking these to determine appropriate education placement.

If sections B and F do not accurately set out your/child's needs and the provision required to meet those needs, the Tribunal (if at appeal) may conclude a choice of school that they consider can meet the needs (as described in the EHC plan) which in reality is not appropriate.

Therefore, it is important to ensure that section B and F are specific and quantifiable, an accurate reflection of ALL the needs. When considering an appeal over placement, it would be important in most cases to challenge Section B and F as well.

NEEDS (B) + PROVISION (F) = SCHOOL (I)

Social Care (Sections D & H)

Does it list ALL the social care needs? Are provisions SPECIFIC? (If relevant)

A social care assessment must inherently be done to inform provision in **Section H** of the EHC plan. The social care assessment should determine whether any provision is required. A 'not known to this service' response is not sufficient to meet the requirement of providing "advice and information", and social services should be providing something more detailed.

You can ask your LA case worker to refer you for a Section 17 social care assessment as the EHCP must specify any social care provision which must be made under section 2 of the *Chronically Sick and Disabled Person's Act 1970*. The Council for Disabled Children has an easy to read resource that explains the process: [Securing good quality social care advice for education, health and care \(EHC\) plans](#).

Health Care (Sections C & G)

Does it list ALL the health care needs? Are provisions SPECIFIC? (If relevant)

These sections should be informed by any involvement you have had with health care professionals such as the GP, hospitals, Child and Adolescent Mental Health Services (CAMHS), other NHS services etc. You can also [check this guidance](#) to see if your school is meeting its duties to make arrangements to support children with medical conditions. For further information, see [IPSEA's information on illness](#) and our [EBSA resources](#).

Views and Aspirations (Section A)

Ensure that any key points mentioned in **Section A** are reflected elsewhere in the EHC Plan, as Section A is not legally enforceable. Make sure it reflects the child as they are now.

Outcomes (Section E)

It should be clear how the provision sections will support achievement of the outcomes. Check that outcomes are personal and match SMART target criteria: Specific, Measurable, Achievable, Realistic, Timely. Does **Section E** reflect what you want to achieve?

Advice and Information (Section K)

Are the appendices clear, accurate, and specific?

They should provide advice about outcomes relevant for the child or young person's age and phase of education and strategies for their achievement. They may comment on the amount of provision they consider a child or young person requires and local authorities should not have blanket policies which prevent them from doing so. (*SEND code of practice*)

Check that all the information in the Section K documents has informed the EHC Plan. Make sure each report is analysed and highlights each difficulty with specificity and detail in Section B. You can do this by going through the documents and circling/highlighting any mention of a specific need and/or provision. These are the documents that inform what goes into the plan.

Personal Budget (Section J)

Are budget arrangements clearly identified? (If relevant)

This should clearly set out the amount of money that is available to spend on support for your child. It does not mean that your child will get any extra funding. However, it should mean that you have more say in how the money that has been allocated is spent. In some circumstances you may have the option of getting direct payments, which you can use to buy support for your child rather than have this arranged for you. While it is expected that many parents will want to take up the option of a personal budget, you are not obliged to and can simply ask the local authority or CCG to continue planning and managing the support that your child receives. *Contact* has a useful resource that explains the finer details of [Personal Budgets](#). See [Southampton City Council's Personal Budgets Policy](#) for guidance and [IPSEA's template letter](#).

You can also ask SENDIASS for further advice. You know yourself/your child best so you will be the best judge of what support is needed. We can only advise on whether the EHCP is legally compliant and how to ask for the changes you want.

Checking your EHCP: How to request and implement changes



Reasons for making changes

- Something in the EHCP is incorrect or missing
- The child/young person's needs have changed
- Resolving disagreements
- The child/young person has been excluded
- The school or placement is no longer suitable
- Specificity
- Goals/Plans for the future have changed
- Phase transfer & transitions
- Preparing for Adulthood
- More or different provision is needed
- Changed circumstances
- Lack of expected progress
- New outcomes needed
- Moving to a new Local Authority

Who to ask? Who is responsible?

The Local Authority/SEN Team

They have the legal duty to secure the provisions listed in **Section F**. This means if there are any disputes over educational provision, it is ultimately their responsibility, not the education setting. Speak to your case officer at the SEN Team and ask for amendments to ensure the current EHCP specifies & quantifies the provision needed.

The Report Writers/Professionals

The provision set out in an EHCP comes from recommendations made by professionals. These recommendations are detailed in their reports, listed in **Section K**. If the strategies they give in their reports are vague and unspecified, you may need to go back to them and ask them to make it more specific in order to be EHC compliant.

At Assessment Stage

You may still have chance to influence the outcome of the assessments that are carried out. When professionals issue their reports, go back and ask them to specify their findings. If you disagree with any of the findings, query this with the service that the professional works for.

See *SEN Help's* example [template letter on requesting changes to professionals reports](#).

At Draft Plan Stage

Once you receive your draft EHCP following assessment or review, you will have 15 calendar days to make 'representations'. This is your opportunity to check through the draft and either agree to it as it stands or annotate and query your disagreements. You will also be asked to request your preferred educational setting.

See *IPSEA's* [template letter on responding to your draft plan](#).

At Final Plan Stage

Once you receive your final EHCP following assessment or review, you can lodge an appeal to the SEND Tribunal if you still disagree with the plan. You will have 2 months from the date of the LA's decision letter, or 1 month from the date of a mediation certificate, whichever is later.

See *SENDIASS's* [guide for 'Contents Appeals'](#) and [video walkthrough on how to fill in the appeal form](#).

At Annual Review Stage

Information must be gathered about the child/young person and circulated 2 weeks before the Annual Review meeting. This must be obtained from professionals as well as from the parent(s) or young person. This is your chance to highlight whether you think something in the EHCP needs to change.

See *SENDIASS* [advice on contributing to the Annual Review process](#).

Any Other Time

If an Annual Review is not due, or has been conducted unlawfully, you can request an interim/early Annual Review if there are problems with the education your child is receiving and/or content of their EHCP. It is a statutory process which opens your legal right to appeal and formally request changes.

See *IPSEA's* [template letter on requesting an interim/early annual review](#).

Relevant Legal Framework & Case Law

Children and Families Act 2014 – Section 37

SEND Code of Practice 2014 – Section 9

"Provision should meet each and every need identified in Section B" (*L v Clarke and Somerset [1998] ELR 129.*)

"It is not permissible to leave SEP unspecified or unquantified simply to allow for flexibility in the school's approach/arrangements" (*IPSEA v Secretary of State [2003] EWCA Civ 7 #8.*)

"When looking at specificity, an EHC Plan should outline placement specific wording, such as class, size and where small group or 1:1 work would be involved the size of the group, and the length and frequency of sessions" (*L v Lancashire [2000] ELR 471*) (*L v Clarke and Somerset [1998] ELR 129.*)

"It should also outline the staff qualifications and experience of those teaching students, i.e. whether the teacher involved has to be specifically qualified or experienced to deal with particular special educational needs" (*L v Wadsworth Ex Parte M [1998] ELR*)

What can I do if changes are refused?

When you disagree with the advice sought and/or the process that was followed for this:

[IPSEA: Complaining when the local authority does not seek the correct advice during an EHC needs assessment: Model letter 7](#)

When you disagree with the amendments the LA are proposing:

[IPSEA: Objecting to the amendments the LA is proposing to make to an EHC plan: Template letter 4](#)

When you disagree with the finalised EHCP:
[EHCP Contents Appeal to the SEND Tribunal Guide](#)

When the report writer and/or the LA refuse to specify and you are at appeal:

[Ask the Tribunal to order specificity from the LA via Request for Changes form](#)

Further guidance:

[Special Needs Jungle: What options do families have?](#)

Checking your EHCP: Your Working Document



If you are appealing sections B and/or F, you and the LA will be required to work together on making amendments to these sections of your child's EHCP before the hearing date. This is called a Working Document. You will be given an editable copy of your final EHCP, on which both parties (family and LA) can amend to show the changes to the wording that they want or can agree on. It will also then show any unresolved issues which the Tribunal must decide on the day of the final hearing. The LA might start on the Working Document in response to the details of your reasons for appeal; or they may send it unaltered and invite you to start it.

Step 1

To begin with, you might find it helpful to look at your original reasons for appeal. You will need to make full use of the professional reports in the appendices of your child's EHCP, along with any further professional reports you have included as evidence.



Step 2

Go through the Working Document, making your proposed amendments (following the key above). For section B, identify descriptions of your child's learning difficulties from the professional reports; for section F, identify any recommendations for provision that is required to meet the educational needs of your child. When you add things to section B or section F, you should quote from the professional reports you are drawing from, and you should reference the relevant report and page with each proposed amendment. If you seek amendments that are not supported by professional evidence, the LA should still consider those proposed amendments.



Step 3

The Working Document will go backwards and forwards (ideally quite promptly) between you and the LA, with the aim of reaching further agreement each time. If you and the LA engage fully in this process the final Working Document should have far fewer areas of outstanding dispute when it is sent to the Tribunal.



Step 4

Ten working days before the hearing, the LA must send the final Working Document to the Tribunal (and to you) so that everyone knows what remains outstanding. A well-prepared Working Document should enable the Tribunal hearing to focus on just the more difficult areas of dispute (which may of course concern information that is missing or assessments that have not been made).

Tribunal standard key to working document amendments:

- Normal type = Original statement
- Underlined type/strikethrough = Amendments/deletions agreed by both parties
- **Bold type** = Parents' proposed amendments
- ~~**Bold**~~ = Parents' proposed deletions
- *Italic type* = LA's proposed amendments
- ~~*Italic*~~ = LA's proposed deletions

Requesting an assessment?

If the LA have not approached all of the people that are listed in Regulation 6(1) of the SEN and Disability Regulations 2014 (the "SEN Regs"), they are in breach of their legal obligations, and you can make a complaint about this. You can also complain if you have asked the LA to seek advice from a particular person under SEN Reg 6(1)(h) and they have refused to do so even though your request was reasonable.

See here: <https://www.ipsea.org.uk/what-happens-in-an-ehc-needs-assessment> for more information on what a 'reasonable' request would be and who the LA should approach.

What if my assessment reports are not quantifiable and specific?

The statutory guidance with respect to the advice to be provided in an EHC needs assessment is at paragraph 9.51 of the SEND code of practice and is very clear: *"evidence and advice submitted by those providing it should be **clear, accessible and specific**. They should provide advice about outcomes relevant for the child or young person's age and phase of education and strategies for their achievement"*.

Whether the assessing expert is employed in-house at the local authority or independent, their report should be clear, accessible and specific to ensure that the language and detail of the report can be easily understood by anyone who reads it.

Words like "as appropriate", "as required", would benefit from, "regular", "opportunities", "access to" "subject to review" are all likely to illustrate illegality.

If the report does not meet specificity requirements, you could go back to the author or the LA if they funded it and request that the provisions are made quantifiable and specific.

When you disagree with the advice sought and/or the process that was followed for this:

[IPSEA: Complaining when the local authority does not seek the correct advice during an EHC needs assessment: Model letter 7](#)

See our Checking your EHCP resource for further guidance.

**When you're reading through the EHC plan ask yourself, what does this actually mean? Is it clear what I/my child is going to get?
If it's not, then it's not specific enough!**

- Section A** Does it summarise how to communicate with the child/young person?
- Section B** Does it list all the specific learning needs?
- Section C** Does it list all the specific health care needs?
- Section D** Does it list all the specific social care needs?
- Section E** Are the outcomes SMART, up-to-date and appropriate?
- Section F** Does it list specific provisions for each individual need in Section B?
- Section G** Does it list specific provisions for each individual need in Section C?
- Section H** Does it list specific provisions for each individual need in Section D?
- Section I** Does it name the type and setting for Education Placement?
- Section J** Are budget arrangements clearly identified?
- Section K** Does it have any incorrect or missing evidence?

If changes are required

Speak to your case officer at the SEN Team and ask for amendments to ensure the current EHCP specifies & quantifies the provision needed.

For further advice, see our factsheet on [How to request and implement changes to your EHCP](#)

Checking your EHCP: Summary

Information Summary Sheet

SECTION K

ADVICE AND INFORMATION



SECTION B

SPECIAL EDUCATIONAL NEEDS



SECTION F

SPECIAL EDUCATIONAL PROVISION



SECTION I

EDUCATION PLACEMENT



The support that's set out in an EHC plan comes from recommendations made by professionals.

Highlight or underline the needs and strategies they give in their reports in Section K

Every individual educational need is listed and numbered.

Make sure these are up-to-date and relevant in Section B and cross referenced with what you highlighted in Section K

Every individual educational provision is listed and numbered.

Make sure these are matched to the appropriate need in Section B and cross referenced with what you highlighted in Section K

The placement should be a logical conclusion to what sections B and F say.

Does it name the TYPE and SETTING in Section I?

*This section must be left blank when at draft stage

WHAT PROVISION DETAILS MUST BE INCLUDED?

SECTION B

SECTION F

SEN

Describing what the need is (e.g. struggles to regulate emotions)

What?

What the support is that will be given (e.g. attending a nurture group)

How Often?

Frequency the support will be given (e.g. once a week)

How Long?

Time the support will be given for (e.g. for 30 minutes)

By Who?

Who will give the support (e.g. TA, teacher or therapist)

How to request and implement changes

Checking Provision in the EHC Plan

The support (Section F) in an EHCP must be clear, quantifiable, and specific, so that anyone who reads it understands what your child must be getting, leaving no room for misunderstanding.

Look out for vague language in Section F such as 'opportunities for'; 'access to'; 'regular'; 'as required' 'input from', 'may benefit from'.

EHCP provision should be supported by a plan made by your child's school or college, which sets out how support works day to day.

Undergoing assessment(s)?

[SEN Help's template letter on requesting changes to professionals reports](#)

Received your EHCP Draft?

[IPSEA Template letter on responding to your draft plan](#)

Received your EHCP Final?

[SENDIASS Guide for 'Contents Appeals'](#)

At EHCP Annual Review?

[SENDIASS Advice on contributing to the Annual Review process](#)

Any other time?

[IPSEA Template letter on requesting an interim/early annual review](#)

Disagree with how advice was sought by the LA?

[IPSEA Template complaint letter when LA does not seek the correct advice during an EHCNA](#)

For more detailed information on checking EHCPs please see our full "Checking your EHCP" resource & the EHCPs section of our website