

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.