

Email: [REDACTED]



13th November 2024

Sent via email

Dear Senior Coroner Richard Travers,

Re: Response to Prevention of Future Deaths (PFD) Report Concern

I am writing on behalf of Surrey County Council in response to the concern raised in your recent Prevention of Future Deaths report, published on 14th October 2024.

We have noted the issue regarding the perceived requirement for schools and further education providers to allocate £6,000 of support to a pupil or learner with Special Educational Needs and Disabilities (SEND) before they are eligible to apply for an Education, Health, and Care Needs Assessment (EHCNA).

In response, we have prepared a communication to be sent to all Surrey education providers, including schools, non-maintained independent sector providers, and further education institutions, to address and clarify this misunderstanding.

This communication reinforces the statutory position as set forth under the Children and Families Act 2014, which does not stipulate a financial threshold as a prerequisite for requesting an EHCNA. Our aim is to provide clear guidance to prevent any further confusion on this matter.

The full wording of this communication is attached for your information, and we will be disseminating it via our established channels to ensure that it reaches all relevant Surrey education providers.

Please feel free to contact my office if you require any further clarification or additional information regarding our response.

Yours sincerely,

[REDACTED]

[REDACTED]
Chief Executive
Surrey County Council

Attachment: Communication to Surrey Education Providers

Further to the concern raised by the coroner in a recent Prevention of Future Deaths hearing published on 14th October 2024, we wish to reiterate and reinforce the following information to all Surrey education providers who support children and young people from statutory school age to 25 years old. This includes all non-maintained independent sector and further education providers in addition to schools.

The Concern:

Some schools and further education providers believe it is necessary to provide £6,000 of support to a pupil or learner with SEND before being able to apply for an EHC Needs Assessment.

Statutory Position as Upheld by Surrey County Council:

Under the Children and Families Act 2014, local authorities are required to consider an EHC needs assessment if the child has or may have SEN, and if the provision may need to be made through an EHCP. There is no mention in the law or in the SEND Code of Practice of a requirement for the school to spend a specific amount before initiating an assessment.

The focus remains on the educational progress of the child and the sufficiency of the support provided through SEN support plans; it does not require schools to exhaust a fixed budget before requesting an EHC assessment. The decision to request an assessment is based on individual needs and the inability of current support to sufficiently meet those needs, not on a financial spending threshold.

The expectation set out in the **School and Early Years Finance (England) Regulations 2023** sets a **high needs cost threshold of £6,000** which we, and the coroner, recognise may lead to some confusion.

The £6,000 threshold refers to **element 2 of the schools' SEND funding system** from which schools are expected to support pupils with additional needs, in line with what should be ordinarily available. However, these funding regulations are **not a barrier to requesting an EHCNA** where it is required.

Guidance to Education Providers:

All education providers are expected to make a decision whether to request an EHC Needs Assessment based on their professional judgment and taking into account the guidance published on the **Surrey SEND Local Offer** website.