

# Private Reports

## - can they be used for the EHC needs assessment?

Please note: 'child' = 'child or young person'

Should reports that parents have commissioned privately, be accepted by the LA during an Education Health & Care Needs Assessment (EHCNA)?

There is no black and white advice on this, but [the Special Educational Needs and Disability Regulations 2014](#) do provide some direction especially in Part 2: Sections 6 and 7. The Section 6(1) list referred to below is taken directly from these regulations. This factsheet explores this and considers what options you have if you are in this situation.

### What advice and information must the LA request

During an EHCNA, the LA must seek advice and information on the needs of the child or young person, and what provision may be required to meet these needs, as well as the outcomes that are intended to be achieved by the child or young person receiving that provision. Section 6(1) gives us a list of who this advice and information must be sought from, and includes:

- psychological - from an educational psychologist.
- any other person the local authority thinks are appropriate.
- from any person the child's parent or young person reasonably requests that the local authority seek advice from.

When seeking advice, the LA must provide the person they are seeking advice from, copies of:

- any representations made by the child's parent or the young person, and
- any evidence submitted by or at the request of the child's parent or the young person, for example the existing private report

### When the LA should not seek any information or advice

The LA should not seek any advice or information (as listed in (b) to (h) of the Part 2: 6 (1) list), if the advice has previously been provided 'for any purpose' and the person providing it, the local authority and the child's parent or the young person are all satisfied that it is 'sufficient for the purposes of an EHC needs assessment'.

For example, a professional report should contain advice and information on the CYP's needs, the Special Educational Provision required to meet those needs (e.g. what the support is, who is expected to provide it, how often, for how long and so on) as well as the outcomes that can be expected from having that provision. Any report that fails to include this specificity must be re-referred back to them for additional advice.

This implies that if you have a private report and ask for it to be included in the EHCNA then the only reasons the LA should refuse to consider it is that they themselves or the person who wrote it are not satisfied that it is 'sufficient for the purpose of an EHCNA' (i.e. it does not have the specificity) and implies that the LA should go back to the author for additional advice.

However, if for any reason this cannot be done, and not all parties are satisfied with the existing information and advice, then the LA can seek advice from another professional (sending the existing report to them to consider).

### Other considerations...

As part of the EHC needs assessment, the SEND regulations also state that the LA must consider any information provided to the local authority at the request of the child, the child's parent or the young person; and **minimise disruption for the child, the child's parent, the young person and their family.** 7(b) & (e).



This would generally apply to any additional information and advice outside of the 6(1) list, but the phrase above (in bold) is particularly important here. If a private EP (for example) has already seen your child, AND the report includes all the specificity AND you and the EP themselves are 'satisfied that it is sufficient for the purposes of an EHC needs assessment' then the LA would have to have a very good reason for not including it and / or carrying out another EP assessment.

It is worth noting that professionals have certain work standards (or codes of conduct) that they must work to – whether they work for the LA or privately. Generally, if they assess a child then they are committed to doing what is right for that child. This means identifying their needs and the provision required based on this child's particular needs rather than any specific resources that may or may not be available.

When weighing up whether a private or LA commissioned report is 'preferred' then such factors as the amount of time the professional has spent observing and assessing the child; how often and over how long; and the expertise of the professional, should all be considered.

If the LA accept the validity of the report and the author, then **all** the recommendations should be agreed, unless additional advice has been sought, and they have agreed with some of the recommendations and not others. There should be clear reasons why any recommendations are being refused.

Remember: if paying for a private report, make sure the person writing the report agrees for it to be included within an EHCNA and that it specifies needs, provision and outcomes appropriately.

### **Your options if refused...**

Ask the LA (your SEND Officer) to explain clearly in writing why they would not include your report (or sections of the report) in the EHCNA.

The LA should be able to give you the specific reasons why they are not satisfied that it is sufficient for the purposes of the EHCNA. If you do not agree with their response and if it is about specificity, ask the LA to go back to the author of the report (or allow you time) to ask them to include this (it might be beneficial to do this anyway).

If you feel that there isn't a valid reason, and an assessment by a different professional would cause unnecessary disruption to your CYP, yourselves and the family, contact the LA and explain this and ask them to reconsider.

If, despite discussion no compromise can be reached then you may need to submit an appeal to the SEND Tribunal regarding Contents. [See our website for more guidance.](#)



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### **Service Statement**

The role of the SENDIAS service is to ensure all parents, children and young people have access to impartial information, advice and support so they can make informed decisions related to their situation. Any information that is shared with the service is in confidence unless permission has been obtained to share this with any individuals, services and agencies that may be able to help in the circumstances. For more detail, view our [policies and privacy notice](#) on our website.

**How to contact us:** Tel: 0330 222 8555 / Email: [send.ias@westsussex.gov.uk](mailto:send.ias@westsussex.gov.uk) or [cyp.sendias@westsussex.gov.uk](mailto:cyp.sendias@westsussex.gov.uk) (up to age 25) / Website: [www.westsussexsendias.org](http://www.westsussexsendias.org)

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