



EHCP School Back Payment Claims Policy

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Purpose

This policy outlines the procedures and timeframes for schools to claim back payments related to Education, Health and Care Plans (EHCPs). It ensures consistency, transparency, and accountability in the management of EHCP funding.

Scope

This policy applies to all maintained schools, academies, independent and free schools within the local authority area that receive EHCP funding for pupils with special educational needs and disabilities (SEND).

Legal Framework

This policy is underpinned by the following legislation and statutory guidance:

- **Children and Families Act 2014 – Part 3**
Establishes the legal duty of local authorities to secure the special educational provision specified in an EHCP and to ensure timely and appropriate funding arrangements.
- **SEND Code of Practice: 0 to 25 Years (Statutory Guidance)**
Provides guidance on the responsibilities of local authorities and schools in delivering EHCP provision, resolving disputes, and ensuring funding is aligned with the needs outlined in the EHCP.
- **High Needs Funding Operational Guide (Department for Education)**
Sets out how high needs funding is allocated, including funding for pupils with EHCPs, and the expectations for local authorities to meet their statutory duties under the Children and Families Act 2014.

Policy Statement

Schools may submit claims for EHCP-related back payments where funding discrepancies or omissions have occurred. However, to ensure timely resolution and financial accountability, a **maximum time limit of two years** from the end of the financial period for which the funding period in question applies.

Key Principles

- Claims must relate to top up funding (EHCP or AP) that was agreed by the Council to be paid but not received.
- Claims must be supported by appropriate documentation, including:
 - EHCP details
 - Evidence of provision delivered
 - Evidence of the agreed funding amount including the period it covers
 - Correspondence or records indicating the funding discrepancy
- Claims must be submitted within **two years** of the end of the financial year in which the funding was due.
- This policy on back payments only relates to funding where it has been agreed to be paid by the Council previously. Schools or settings cannot claim back payments where they believe they should have had a higher/ different funding rate than that agreed. These matters must be dealt with at the time of placing a child/ a new EHCP.

Circumstances where EHCP Payments may be delayed

Below are examples of reasons why EHCP payments could be delayed. These should be identified by the provider and the local authority. This must be no later than within 2 years from the end of the financial year in which the funding period related to.

- **Administrative errors by the local authority** that prevented the school from receiving or being notified of the funding.
- **Systemic data transfer issues** during school conversions (e.g., academy status) or local authority system migrations.
- **Cases involving looked-after children** where placement and funding responsibilities were unclear or disputed between authorities.
- **Movers in** where placement and funding responsibilities transferred between authorities.
- **Other**

Each case will be assessed individually, and supporting documentation must be provided to justify the delay.

Exceptional circumstances

Claims outside the two-year window in which the funding was due will not be considered, except in exceptional circumstances, where the LA has failed in its duty to resolve any query in a timely manner. Evidence will need to be provided of repeated attempts by the provider to resolve the issue within the timeframe, with no response or resolution forthcoming from the local authority.

This policy does not override the 6-year debt legislation.

Procedure

1. Identification of Discrepancy

- a. Providers should review EHCP funding allocations monthly and identify any discrepancies at least termly.

2. Submission of Claim

- a. Claims must be submitted in writing to the SEND Finance Team - SEnFinance@hillington.gov.uk
- b. Include all supporting documentation and a clear explanation of the discrepancy.

3. Review and Decision

- a. The local authority will review the claim within 30 working days.
- b. Schools will be notified of the outcome and any approved back payment will be processed accordingly.

4. Appeals

- a. If a claim is rejected, schools may appeal in writing within 20 working days of the decision.
- b. Appeals will be reviewed by a senior officer not involved in the original decision.

Monitoring and Review

This policy will be reviewed by local authority officers to ensure it remains fit for purpose and reflects any changes in legislation or funding arrangements.