



## Democratic Services

**Location:** Phase II  
**DDI:** 01895 277655  
**CMD No:** 1557

**To: COUNCILLOR SUSAN O'BRIEN  
CABINET MEMBER FOR CHILDREN, FAMILIES &  
EDUCATION**

**COUNCILLOR EDDIE LAVERY  
CABINET MEMBER FOR FINANCE &  
TRANSFORMATION**

c.c. All Members of the Children, Families &  
Education Select Committee  
c.c. Julie Kelly – Corporate Director Children Services  
c.c. Abi Preston – Director of Education & SEND

**Date:** 16 December 2025

## Non-Key Decision request

## Form D

### Education, Health & Care Plan (EHCP) Back Payments Policy

Dear Cabinet Members,

Attached is a report requesting that a decision be made by you as an individual Cabinet Member. Democratic Services confirm that this is not a key decision, as such, the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 notice period does not apply.

You should take a decision **on or after Wednesday 24 December 2025** in order to meet Constitutional requirements about publication of decisions that are to be made. You may wish to discuss the report with the Corporate Director before it is made. Please indicate your decision on the duplicate memo supplied and return it to me when you have made your decision. I will then arrange for the formal notice of decision to be published.

Anisha Teji  
Democratic Services

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**Title of Report:** Education, Health & Care Plan (EHCP) Back Payments Policy

**Decision made:**

**Reasons for your decision:** (e.g. as stated in report)

**Alternatives considered and rejected:** (e.g. as stated in report)

Signed ..... Date.....

*Cabinet Member for Finance & Transformation / Cabinet Member for Children, Families & Education*

## Education, Health & Care Plan (EHCP) Back Payments Policy

<b>Cabinet Member &amp; Portfolio</b>	Councillor Susan O'Brien – Cabinet Member for Children, Families & Education Councillor Eddie Lavery – Cabinet Member for Finance & Transformation
<b>Responsible Officer</b>	Julie Kelly – Corporate Director Children Services
<b>Report Author &amp; Directorate</b>	Abi Preston – Director of Education & SEND
<b>Papers with report</b>	Appendix 1 - EHCP Schools' Back Payment Claims Policy

## HEADLINES

<b>Summary</b>	That the Cabinet Members review and approve the Education, Health & Care Plan (EHCP) back payments policy.
<b>Putting our Residents First</b>  <b>Delivering on the Council Strategy 2022-2026</b>	This report supports our ambition for residents/ the Council of: An efficient, well-run, digital-enabled council working with partners to deliver services to improve the lives of all our residents  This report supports our commitments to residents of: Thriving, Healthy Households
<b>Financial Cost</b>	The policy will improve the efficiency and accuracy of budget setting by removing the uncertainty of unexpected claims usually built into the budget.
<b>Select Committee</b>	Children, Families & Education Select Committee
<b>Ward(s)</b>	N/A

## RECOMMENDATIONS

**That the Cabinet Member for Finance & Transformation, in consultation with the Cabinet Member for Children, Families & Education approve the Education, Health & Care Plan (EHCP) back payments policy in Appendix 1.**

### Reasons for recommendations

To present the EHCP Back Payments Policy for approval and implementation. This policy sets out clear procedures and timeframes for schools to claim back payments related to Education, Health and Care Plans (EHCPs), ensuring consistency, transparency, and accountability in the management of EHCP funding.

## SUPPORTING INFORMATION

### Background

Schools can experience discrepancies in EHCP top-up funding due to system transitions, administrative errors, or complex placement arrangements. These discrepancies can result in delayed or missed payments, impacting school budgets and the delivery of SEND provision. The absence of a formalised process has led to inconsistent handling of such cases.

### Policy Overview

The policy applies to all maintained schools, academies, and free schools within the local authority area. It outlines:

- A **two-year time limit** for submitting claims from the end of the financial year in which funding was due.
- Required **documentation** to support claims, including EHCP details, evidence of provision, and correspondence.
- A **review and appeals process** to ensure fairness and transparency.
- Recognition of **exceptional circumstances** where claims outside the two-year window may be considered.
- Confirmation that the policy does not override the statutory six-year debt legislation.

### Legal and Statutory Context

The policy is underpinned by the Children and Families Act 2014, the SEND Code of Practice (0 to 25 years), and the High Needs Funding Operational Guide. These frameworks establish the local authority's duty to secure EHCP provision and ensure appropriate funding arrangements.

### Implementation and Monitoring

The SEND Finance Team will oversee the implementation of this policy. Claims will be reviewed within 30 working days, and appeals will be handled by a senior officer. The policy will be reviewed periodically to reflect legislative or operational changes.

### Financial Implications

The policy will improve the efficiency and accuracy of budget setting by removing the uncertainty of unexpected claims usually build into the budget.

We anticipate there to be a slight increase in queries as providers sure up their funding in the first year of the policy implementation.

## RESIDENT BENEFIT & CONSULTATION

### The benefit or impact upon Hillingdon residents, service users and communities

- **Improved SEND Provision:** Timely and accurate funding enables schools to maintain high-quality support for children with EHCPs, directly benefiting families.
- **Financial Stability for Schools:** Ensures schools receive the funding they are entitled to, supporting consistent delivery of services.
- **Transparency and Trust:** Establishes a fair and consistent process, building confidence among schools, families, and the wider community.

- **Efficient Use of Public Funds:** Supports responsible financial management and ensures resources are directed where most needed.
- **Equity Across Settings:** Applies uniformly to all schools, promoting fairness and reducing disparities in funding access.

### **Consultation & Engagement carried out**

No consultation has been carried out by the LA.

## **CORPORATE CONSIDERATIONS**

### **Corporate Finance**

Corporate Finance have reviewed this report and concur with the Financial Implications set out above, noting approval is sought for the implementation of the EHCP School's Back Payment Claims Policy.

Furthermore, it is noted that the proposed policy introduces a structured process for managing EHCP funding claims, improve efficiency and accuracy of budget setting by removing the uncertainty of unexpected claims.

### **Legal**

There are no legal implications arising out of the report.

## **BACKGROUND PAPERS**

N/A

## **APPENDICES**

Appendix 1 - EHCP Schools' Back Payment Claims Policy



# EHCP School Back Payment Claims Policy

October 2025 v1 final

## 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@hillingdon.gov.uk](mailto:SENFinance@hillingdon.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.