

Sample letter for drafting responses to recommendations

The following template is designed as a guide to support local authority social care commissioners and health commissioners structure their response to recommendations made by the Tribunal under the [Special Educational Needs and Disability \(First-tier Tribunal Recommendations Power\) Regulations 2017](#). Local authority social care commissioners and health commissioners are required to send their response to the parent or young person making the appeal and to the local authority SEND team within 5 weeks of the date of the recommendation (unless the Tribunal directs a different time limit). The local authority SEND team must then forward this letter to the trial evaluators at SENDletters@IFEResearch.com within one week of receiving it. It must also be sent to the Department for Education at Rec.SEND@education.gov.uk. Ofsted and the Care Quality Commission will obtain these letters from local areas to feed into local area SEND inspections.

RE: [subject line]

[Insert Tribunal reference]

As you are aware, your case has been considered as part of the single route of redress national trial. This trial gives the First-tier Tribunal (SEND) extended powers to make non-binding recommendations on the health and social care aspects of Education, Health and Care (EHC) plans.

In relation to [case reference], a recommendation has been made on the [delete as appropriate]:

- Education and health aspects of the EHC plan
- Education and social care aspects of the EHC plan
- Education, health, and social care aspects of the EHC plan

The Tribunal has made the following recommendation [insert recommendation].

We have considered the recommendation made by the Tribunal and have decided to [delete as appropriate]:

- Follow the recommendation fully
- Follow part of the recommendation
- Not follow the recommendation

[If following all or part of the recommendation:] We will take the following action:

- [Details of the steps you have decided to take following the Tribunal's recommendations. Please include details and timescales for each step.]

[If not following all or part of the recommendation:] Our reasons for not following [all or part] of the recommendations are:

- [Please provide clear and full reasons for your decision].

Although any recommendations made by the Tribunal on health and social care aspects of an EHC plan are non-binding, if they are not followed you can complain to the [Local Government and Social Care Ombudsman](#) (LGSCO) or [Parliamentary and Health Service Ombudsman](#) (PHSO) or seek to have the decision judicially reviewed.

If there has been a significant change in circumstances relevant to the recommendations made by the Tribunal since the decision was made, you may request a review on that basis pursuant to Rule 48 of the Tribunal Procedure Rules 2008. Appeals can be made to the Upper Tribunal if there is an

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error of law and this will include errors relating to health and social care issues considered by the Tribunal.

For further information, including information on health and social care complaints procedures, please visit [insert details of the Local Offer and where this information can be found].

If you require further information, support or advice, you should contact your local Information, Advice and Support Service (IASS), which can provide impartial advice about the law on SEN, local SEN arrangements and support for your child's needs. The service can also help you prepare for meetings with the school, LA or other agencies. Please contact [insert local SENDIASS details].