



IPSEA

Common Myths

Myth 2

Date of resource: September 2014

Myth: A particular therapy is not going to be included in the statement as it is not available from the local health service

Fact: If a child's SEN are identified in Part 2 of the statement, provision to meet these needs has to be made in Part 3. The only relevant issue is meeting the child's needs (not whether resources are locally available).

Law: The landmark case of *R v The Secretary of State for Education and Science, ex parte E* [1992] 1 FLR 377 CA ruled that "the statement must specify in part 2 the authority's assessment of the special educational needs of the child ... and in part 3 the special educational provision to be made for the purpose of meeting those needs".

NB: This is true not only for statements but also for EHC plans, see paragraph 9.69 of the SEN and Disability Code of Practice 2014, "Provision must be specified [in Section F] for each and every need specified in Section B".

Section 21 (5) of the Children and Families Act 2014 says: "Health care or social care provision which educates or trains a child or young person is to be treated as special educational provision (instead of health care provision or social care provision).

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