



# IPSWICH SCHOOL

## **EDUCATION AND WELFARE PROVISION FOR PUPILS WITH EDUCATION AND HEALTH CARE PLANS**

### Introduction

This policy applies to the whole of Ipswich School (“School”).

This Policy is made available to parents of prospective pupils on the School’s website, and to parents of current pupils. A hard copy or electronic copy or alternative format is available on request.

In drawing up this policy the School has had regard to legislation and guidance including the following (in so far as they apply to the School as an Independent School):

- Special Educational Needs and Disability Code of Practice: 0 to 25 years (updated September 2024)
- Equality Act 2010
- Children and Families Act 2014
- The Education (Independent School Standards) Regulations 2014

### What is an EHCP?

An Education, Health and Care Plan (“EHCP”) is a legal document for children and young people aged up to 25 who need more support than is available through special educational needs support ([Gov.uk](https://www.gov.uk)). Although EHCPs can continue to 25, if a young person goes to university, their EHC Plan ends.

An EHCP identifies a child/young person’s educational, health and social needs, and sets out the additional support required to meet those needs. An EHCP should also specify the short and long term outcomes that it is designed to help the child or young person to achieve and the special educational, health and social care provision that will be made to support them. This could include, for example, access to specialist teaching, speech and language therapy provision, and short breaks.

An Education, Health and Care Plan (EHCP) is prepared by the Local Authority (LA) following a statutory assessment process. This involves gathering advice from a range of professionals involved in the child or young person’s education, health and social care, to ensure a holistic understanding of their needs and the support required. The LA is under a legal duty to conduct an Education, Health and Care (EHC) needs assessment if it considers that it may be necessary for special educational provision to be made in accordance with an EHC Plan. If, following the assessment, the LA determines that an EHC Plan is necessary,

it must prepare and issue one. Where a pupil needs more support than is available through special educational needs support, parents and others have a statutory right to ask the Local Education Authority to make an assessment with a view to drawing up an EHCP. A young person can request an assessment themselves if they are aged 16 to 25.

As a school, we have the right to request an EHC needs assessment from the LA and will always consult with parents before doing so. This request is typically made when a pupil's needs appear to go beyond what can be reasonably provided through SEND Support and reasonable adjustments. If a pupil is making expected progress with existing support, the School would not usually initiate the EHCP assessment process. However, where concerns persist despite targeted interventions, an assessment may be appropriate.

### EHCP's and Ipswich School

Ipswich School is an independent mainstream school and not funded, organised or controlled by central government or LA so, unless Ipswich School is named within the EHCP, Ipswich School does not have a legal duty to identify special educational need and disability (SEND) or fund any extra provision if required, beyond that required to comply with the duty to provide reasonable adjustments under the Equality Act. Ipswich School is not approved under Section 41 of the Children and Families Act 2014 and therefore is not under a statutory duty to admit pupils named in EHCPs or to deliver the provision specified therein, unless it voluntarily agrees to do so.

Ipswich School, while not under a statutory duty to identify or provide SEND support in the same way as maintained schools, has systems in place to identify potential SEND and provide reasonable adjustments under the Equality Act 2010. An EHCP may include provision that exceeds the scope of reasonable adjustments, and the School is not legally required to deliver such provision unless named in the EHCP and agreed with the Local Authority.

If your child has an EHCP, the LA has a legal duty to fund the provision within a maintained setting. This duty does not extend to independent mainstream schools. This means that EHCP provision at Ipswich School other than Reasonable Adjustments, might have to be funded through other means, such as by the School's fee payer.

Where Ipswich School is not named in the EHCP, or where the LA does not agree to fund the placement, the cost of provision beyond reasonable adjustments may fall to the fee payer. In some cases, parents may negotiate contributory arrangements with the LA, but this is not guaranteed and cannot be ordered by a Tribunal.

Although the School has regard to the SEND Code of Practice, the requirements set out in the code regarding EHCPs, such as the duty to hold the annual review and to implement or fund provision or processes, will not have to be formally adhered to by independent mainstream schools.

In circumstances where a child or young person has an EHCP, but Ipswich School is not named within that EHCP, it will be a matter between the LA and a child's parents to agree (a) whether the provision within the

EHCP can be met at Ipswich School, and (b) how this will be funded. It will also be a matter for the LA to review the EHCP on an annual basis.

When applying to Ipswich School, we ask that parents disclose if their child has an existing Education, Health and Care Plan (EHCP), or is undergoing assessment for one. This enables us to have an informed discussion about the child's needs and to assess whether the School can reasonably support the provision specified in the EHCP. As an independent mainstream school not approved under Section 41 of the Children and Families Act 2014, Ipswich School is not under a statutory duty to deliver EHCP provision. A place will only be offered where it is established that the School can meet the child's needs within its available resources and reasonable adjustments. If you are considering requesting that Ipswich School, be named in an EHCP, we encourage early dialogue to explore whether the necessary support can be arranged.

#### Naming an independent mainstream school

When requesting an assessment for an EHCP from the LA, a parent or young person can request to name an independent school in an EHCP. However, unless it is defined as an 'Independent Special School' under section 41 of the Children and Families Act 2014, there will be no duty on the LA to name that institution to admit the child or young person.

Ipswich School is not on the section 41 list of SEND specialist schools. The Section 41 list is updated regularly; the latest version (August 2025) is available at <https://www.gov.uk/government/publications/independent-special-schools-and-colleges>

Local Authorities (LAs) will typically seek to name a maintained or mainstream school in an EHCP if they are satisfied that it can meet the child's needs appropriately and cost-effectively. Parents may request that an independent school be named, but unless the school is approved under Section 41 of the Children and Families Act 2014 or the LA agrees to fund the placement, parents may be responsible for covering the cost of school fees and any additional provision beyond the reasonable adjustments required under the Equality Act 2010.

#### Where Ipswich School is named within an EHCP

Where a pupil has an EHCP that names Ipswich School, the School will engage in individual discussions with the Local Authority and the pupil's parents to agree how the educational and welfare provision will be delivered. At the Prep School, this process will be led by the Head of Learning Enhancement and the Prep Head; at the Senior School, it will be coordinated by the Head of Learning Support in consultation with the Head.

Where Ipswich School is named in a pupil's Education, Health and Care Plan (EHCP), the School will work collaboratively with the Local Authority and the pupil's parents to support the annual review process. While the statutory duty to conduct the review lies with the Local Authority, Ipswich School will contribute to the review and may host the meeting where appropriate. At the Prep School, this process is coordinated by the Head of Learning Enhancement and the Prep Head; at the Senior School, it is led by the Head of Learning

Support in consultation with the Head. The EHCP will be reviewed to reflect any changes in the pupil's needs, and the School's ability to continue meeting those needs will be regularly assessed in dialogue with the Local Authority.

In some cases, the School may inform parents that it is no longer able to meet a pupil's needs within its ordinary provision, or that the support required exceeds what can reasonably be provided as a reasonable adjustment under the Equality Act 2010. Where additional provision is requested or agreed that is not covered by an EHCP and goes beyond reasonable adjustments, the School may enter into a separate arrangement with parents to fund this support. Any such arrangement would be discussed and agreed in advance with the family.

### Reasonable Adjustments

Reasonable Adjustments are changes that schools must make under the Equality Act 2010 to prevent disabled pupils from being placed at a substantial disadvantage compared to their peers. These adjustments help ensure that pupils with disabilities can access and benefit from the School's educational and wider provision. The duty to make Reasonable Adjustments is separate from the duty to deliver the special educational provision specified in an Education, Health and Care Plan (EHCP), which is the responsibility of the Local Authority.

As a non-Section 41 independent school, Ipswich School is not subject to the statutory duties under the Children and Families Act 2014 that apply to maintained schools and Section 41 approved institutions. However, the School will do all that is reasonable to meet its legal obligations under the Equality Act 2010, including making reasonable adjustments to support pupils with disabilities. Where a pupil has additional needs that can be met through reasonable adjustments, the School will seek to accommodate those needs within its available resources.

### Applying VAT to Private School Fees and Removal of Charitable Business Rates Relief

From 1 January 2025, independent schools in the UK are required to apply VAT at the standard rate of 20% to all education and boarding services. This includes fees paid from 29 July 2024 onwards for terms beginning in 2025.

Where a pupil has an Education, Health and Care Plan (EHCP) and the Local Authority (LA) has named an independent school as the required placement in Section I of the EHCP, the LA remains responsible for funding the provision and may be able to recover the VAT under public sector rules. In such cases, VAT will not be added to the fees paid by the LA.

However, where an independent school is not named in the EHCP or is chosen by parents as a matter of preference rather than necessity, VAT will apply to the fees. This includes pupils with SEND whose needs could be met in the state sector, and whose EHCP does not specify that placement at an independent school is necessary to meet their needs. In these circumstances, parents will be responsible for the full cost of fees, including VAT.

In addition, from April 2025, independent schools that are registered charities will no longer be eligible for business rates charitable relief, which previously provided an 80% discount on rates.

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Person(s) responsible for this policy: Head of Learning Support