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STATUTORY INSTRUMENTS

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**2017 No. 1306**

**The Special Educational Needs and Disability (First-tier Tribunal Recommendations Power) Regulations 2017**

**Responding to health care recommendations**

**6.—**(1) When the First-tier Tribunal makes a recommendation in respect of health care needs or health care provision, it must send a copy of the recommendation to the responsible commissioning body.

(2) When sending a copy of a recommendation, the First-tier Tribunal may also send a copy of the decision which disposes of the appeal brought under section 51(1) of the Act to the responsible commissioning body.

(3) The responsible commissioning body must respond within 5 weeks beginning with the date of the recommendation to—

- (a) the child's parent or the young person, and
- (b) the local authority that maintains the EHC plan.

(4) The time limit specified in paragraph (3) does not apply where the First-tier Tribunal directs that a different time limit is to apply for the responsible commissioning body's response.

(5) A response under paragraph (3) must—

- (a) be in writing,
- (b) state what steps, if any, the responsible commissioning body has decided to take following its consideration of the recommendation, and
- (c) give reasons for any decision not to follow the recommendation, or any part of it.

(6) The local authority must send a copy of the response received from the responsible commissioning body under paragraph (3)(b) to the Secretary of State within 1 week beginning with the date it was received.

**Changes to legislation:**

There are currently no known outstanding effects for the The Special Educational Needs and Disability (First-tier Tribunal Recommendations Power) Regulations 2017, Section 6.