

E-BOOKLET



DEVELOPED BY LISA THOMAS

Weasel Words in Education, Health and Care Plans (EHCPs)

‘Weasel words’ is an informal term describing words and phrases which appear to add helpful detail to any document but which in fact could undermine meaning and clarity. Extra words such as **‘as appropriate’** and **‘when required’** can subtly change the apparent meaning of agreements or water down and confuse readers about what is actually meant by a particular statement. Whilst weasel words can be used legitimately in Education, Health and Care Plans (EHCPs), Child in Need, Adult Care or Health Care Plans, they can also make provision woolly rather than as specific as it **must** be in the case of EHCPs.

The Children and Families Act 2014 and Special Educational Needs and Disability Code of Practice: 0 to 25 years (2015) require that EHCPs specify needs, outcomes and provision for education, health and care. The Code of Practice states that provision “**must** be detailed and specific and should normally be quantified, for example, in terms of the type, hours and frequency of support and level of expertise...”. Specificity is very important because it ensures different readers can’t conclude different things from reading the same plan. It makes a plan equally clear to all and easy to implement. It is also important because it is very difficult to enforce provision unless it is appropriately specified.

Weasel words may be used to provide flexibility, but this is often for the provider rather than the child or young person. This may not be in the child’s best interests. Flexible statements such as loosely defined **‘support’** or **‘programmes’** in section F, G and H of EHCPs are likely to undermine lawfulness of the plan.

Clear, specific and quantified plans preserve the purpose of EHCPs, making sure key elements such as provisions in section F are deliverable, measurable and enforceable in law.

The SENDIST Upper Tribunal (B-M and B-M v Oxfordshire CC (SEN) [2018] UKUT 35 (AAC) has confirmed that **'opportunities for'** is "vague, meaningless and unenforceable...". Words such as **'will benefit from'** or **'access to'**, for example, large print books or certain equipment may amount to nothing when scrutinised: essentially, they are saying the support in question is optional. 'Opportunities' or 'access' does not ensure a child will receive the stated provision; a specific detailed statement of arrangements may be required e.g. 'large print books (font size x) will be available in the x range/level and *child* will be taught to know where these books can be found. She will be taken/encouraged/supported by *staff role* to select and read from them with/without support on one 15 minute library visit each day.'

Words and phrases such as **'periodic'**, **'frequent'**, **'regular'** and **'up to'** may also be unhelpful when quantifying provision. Think about **'regular reading'**; what does this mean? Once per day/once per week/once per month? Birthdays are regular! How will you know when 'regular' therapy is delivered or if there is a shortfall? These words are particularly unhelpful in provision and consultations for new placements; if a setting is unclear about exactly what it must deliver, how can it know if it is able to meet needs? 'Regular' is impossible to enforce in law if 'regular' was never defined in the first place. If needs and provisions are unspecified and unclear, funding may also be unclear, particularly where funding is attached to banded plans.

Unfortunately, generalisation and weasel words in advice reports can lead to poor drafting of EHCPs. An EHCP is only ever as good as the advice and information which shapes it.

Suggestions from advisors that provisions might be delivered **‘as required’** and unspecified **‘programmes’** which are still **‘to be determined’** or even **‘explored’** add nothing when copied into an EHCP, because they are still to be established, which is not the point of expert advice at all.

If an LA intends for a provision to be delivered to meet a need, learning difficulty or outcome, then the LA has no need to avoid being specific about this, even in specialist settings. Case law has concluded that “even for a child in specialist provision, the requirement of specificity cannot be abandoned where detail could reasonably be provided”.

When checking an EHCP, look at weasel words closely and consider whether they add useful definition or create uncertainty. It may be necessary to remove weasel words or add more specific words and detail so as to be absolutely clear what is intended to be delivered and avoid difficulties later on.

Next time you look at your child’s EHCP, weed out weasel words and spruce up specificity

- ***‘X will benefit from up to 90 minutes of high-level Speech and Language Therapy delivered by a Senior therapist registered with the HCPC, as deemed appropriate’.*** ‘Up to’ and ‘as deemed appropriate’ undermine all certainty about **how much** provision is to be delivered. ‘Benefit from’ implies that the support in question is optional rather than something that needs to be provided. What does high level actually mean? This sentence could simply be rewritten as *“X will receive 90 minutes a week of direct high level Speech and Language Therapy delivered by a Senior therapist registered with the HCPC.”*
- ***‘X will be supported by the class team for up to 25 hours per week’*** is not clear about what is intended to be delivered in a week. If a school provides 5 hours, it may consider it has met requirements.

Who is the ‘team’? The teacher? Or teaching assistant, lab assistant or volunteers? Should this be 1:1, 1:2, in small groups, or otherwise? **How many** of these people will be involved?

- ***‘10 hours per week adult support as appropriate’***; could mean zero support. Who decides how much is appropriate? When will this be decided? Will the parent/child be told? What skills or training will the ‘support’ have? The words “as appropriate” should simply be deleted.
- ***‘The equivalent of 25 hours of support to be used flexibly across the school week to include individual, small group and whole class teaching to meet the outcomes described’*** is still vague! It does not specify who will provide the support and what does ‘support’ mean exactly? What is ‘the equivalent of 25 hours’; this class teachers’ hours, a team of different support assistants, a single support assistant or a monetary value that may be spent on goods or services or anything and not personnel at all? Who will decide and deliver what, where and when?

Other examples of weasel words

By typing these words (one by one) into the 'find' box in a word, pdf document or similar search tool, you can readily identify the use of potential weasel words, sense check their value and meaning and seek clarification and correction if required. This is not an exhaustive list.

Weasel words	Consider
Qualified	In what? Try, ‘all teaching staff (or teacher or TA/TA’s) will be Trained in X with Y years’ experience at level Z Or ‘Will have a minimum of X years’ experience of working with children with X needs/condition’
May like to consider	Guarantees absolutely nothing. Try “will provide”, “will receive”

Weasel words	Consider
Staff can consult the SALT/OT service for advice	Does not guarantee either that advice will be sought or that it will be followed. Try “the SALT/OT service will review X’s programme once a term and will provide advice and training as to implementation and any changes needed.”
Access to, Or Opportunities for...	“opportunities” is vague, meaningless and unenforceable. Some children need more than access to the books on the shelf or opportunities to develop social skills. ‘Will be provided with 15 minutes TA support, 3 times per week, to practise...’
If available Or As available Or To be determined...	Is provision intended to be delivered at all? When exactly? Or will it remain optional or flexible? Why keep options open? If provision is not needed, it shouldn’t be here. If needed, it will be made available and the advisor must provide details about precise frequency and duration e.g. 3 times week, 30 mins each time.
Up to X Or Approximately X Equivalent of X	Could mean once or zero! Suggests nothing at all is required What is meant by “equivalent”? Who will decide how much of something is to be delivered? Who is to provide the support? Obtain detail and specificity about the precise quantity recommended by advisor e.g. 3 times week for 30 minutes each time.
Regular/ frequent/ periodic/ contacts/ daily	How often is regular? Christmas is regular; is once per year what is intended? What is a contact and how long does it last for? Obtain specificity about precise frequency and duration of ‘sessions’ or interventions from advisor e.g. 3 times week for 30 minutes each time.
May Or May be helpful	This provision may not be provided at all! Professionals must specify their recommendations/ treatment and programmes If needs or judgement change, a review and amended EHCP can resolve what needs to change in the EHCP. Why keep options open?

Weasel words	Consider
As advised, Or A programme or therapy will be devised...	‘Programme’ adds nothing to clarify content. What does the programme look like? Exactly who, when, where, what will be delivered? The Plan should set out who (in terms of their job position, e.g. teacher, TA, therapist) is to devise the programme, who will deliver it, what training and supervision they need, arrangements for monitoring and revision. Can the advisor know and detail the content of a programme following assessment? What is the advisor waiting for?
As staff feel needed Or As required Or As appropriate	It seems optional as to who will decide provision, and when! Is it possible for the advisor know now? Flexibility is not the purpose of an EHCP unless, exceptionally, in the child’s interests. The advisor must advise; frequency, quantity, type of provision.
Mum reports	The parents view counts! It should not be devalued by attaching ‘reports’, ‘claims’, ‘believes’, ‘thinks’ to their contribution. Regulation 6(1) of the Special Educational Needs and Disability Regulations 2014 places the child’s parent or the young person at ‘A’ on the list of people the LA must seek advice and information from. If a piece of advice is included in a plan it must be taken to have been accepted by the plan authors and so, there is no need to further qualify it as ‘mum’ or ‘parent’ unless all advice is qualified in the same way otherwise it implies there is a lesser quality or secondary value to this content.
Adult	The adult could be anyone one over the age of 18! Specify: teacher, TA, LSA, catering or domestic staff, volunteers, students, any member of class team? ‘Named/dedicated/job titles will be trained to meet specific needs xxx’ ‘A team made up of no less than 3 TA’s’ (Number may vary or not be specified at all)’

Weasel words	Consider
Will benefit from	Lots of things will benefit a child; the LA is only required to ensure provision to meet needs, not offer choices to the discretion of some other (less qualified) person at a later time. ‘*Name* will be provided with xxx’ clearly states what is to be provided.
One to one support	<p>Who, how much, when and where?</p> <ul style="list-style-type: none"> • To ensure/scaffold/*CHILDS* attendance/participation/communication/attention/ safety etc... • *CHILD/Young Person* will be provided with X hours of dedicated/named one to one (or other ratio such as 2:1) teaching assistant support per week, to cover all structured and unstructured times throughout each school day/ or, on these days/at these times/in these lessons/on these occasions/events/trips/conditions..... • Under supervision of the class teacher, 2 (or other number) trained teaching assistants will work to jointly provide *NAME* with a rota of personalised 1:1 support across X hours per week and *CHILD/PARENTS* will be informed of who this will be at least X days in advance. • Along-side and additional to (existing class team/other TA’s/nursery nurse/typical support staff). This TA support will be exclusively for *CHILD*, and will support him 1:1 (or other ratio) during any small group activities, events and trips which must be led by another adult. • "TA will have X experience of working with young people with *condition* • TA will be trained in/undergo training in XYZ prior to/within X weeks of starting work with • *CHILD* *Child* will receive X hours of 1:1 support from a HLTA with X number of years’ experience/qualification in X and at least 2 days of training per year in Y.

These examples illustrate clear and specific text EHCPs. There is no one size fits all text for all children/young people and other wording may also be appropriate. When checking an EHCP, look at weasel words closely and consider whether they add definition or create ambiguity.

Further information:

Section F of an EHC Plan is very important and must set out the special educational provision to meet each and every need specified in Section B. This is not optional or variable by local policies or dependent on the availability of advice at the time. It is a legal requirement:

1. Children and Families Act 2014

a. Section 37:

(2)...an EHC plan is a plan **specifying** –

- (a) the child's or young person's special educational needs (section B of EHCP);
- (b) the outcomes sought for him or her (section E of EHCP);
- (c) the special educational provision required by him or her (section F of EHCP);
- (d) any health care provision reasonably required by the learning difficulties and disabilities which result in him or her having special educational needs (section G of EHCP);
- (e) in the case of a child/young person aged under 18, any social care provision...(section Hi of EHCP);
- (f) any social care provision reasonably required by the learning difficulties and disabilities which result in the child or young person having special educational needs, to the extent that the provision is not already specified in the plan under paragraph (e). (section Hii of EHCP);

b. **Section 42:** Duty to secure special educational provision and health care provision in accordance with EHC Plan:

(2)The local authority must secure the specified special educational provision...

(3)If the plan specifies health care provision, the responsible commissioning body must arrange the specified health care provision for the child or young person.

(6) “Specified”, in relation to an EHC plan, means specified in the plan. (Not the appendices.)

2. The Special Educational Needs and Disability Regulations 2014

a. **Regulation 6(1)** During a statutory Education, Health and Care Assessment, the LA “**must seek...advice and information...**on the **needs** of the child or young person, and what **provision** may be required to meet such needs and **the outcomes that are intended to be achieved by the child or young person receiving that provision**”. Therapists etc may perform individual service assessment to qualify their advice. This can be contentious.

b. **Regulation 12(1)(f)** of provides that the LA “must set out... the special educational provision required by the child or young person”

3. SEND Code of Practice 2015

a. **Paragraph 9.68:** ...EHC plan MUST specify the special educational provision required to meet each of the child or young person’s special educational needs. The provision should then enable the outcomes to be achieved.

b. **Paragraph 9.69:**

B, C, D: Needs (in EHCP section B, C, D) **must** be specified; F: Provision (in EHCP section F)

➡ **must** be detailed and specific and should normally be quantified, for example, in terms of the type, hours and frequency of support and level of expertise, including where this support is secured through a Personal Budget.

➡ **must** be specified for each and every need specified in section B.

➡ It should be clear how the provision will support achievement of the outcomes.

4. Case Law

- **East Sussex CC v TW [2016] UKUT 528 (AAC):** greater flexibility may be allowed in a special school but,
- **B-M and B-M v Oxfordshire CC (SEN) (2018):** “a high level of specificity is required, even when placement is in a special school or a mainstream school with a special resource base” and “even for a child in specialist provision, the requirement of specificity cannot be abandoned where detail could reasonably be provided”

Worth a read, Judge A Rowley: Physical difficulties affecting mobility, the ability to sit comfortably and the like, which will require provision to ensure the 01.pdf

- **IPSEA v Secretary of State for Education and Skills 2003 EWCA Civ 7, (2003) ELR 393:** provision by therapists should be conclusive, not left unspecified to allow for providers/LA flexibility. Following thorough assessment, a therapist must be in a position to detail a provision programme or intervention. A two-step process to determine provision later leaves it unclear if, when or what will be put in place and is difficult to enforce.
- **L v Clarke and Somerset CC [1998] ELR 129):** “Provision must be so specific and clear as to leave no room for doubt as to what has been decided”.
- **JD v South Tyneside Council (SEN) [2016] UKUT 0009 (AAC) HS/1185/2015 2:** the Upper Tribunal confirmed the L v Clarke & Somerset County Council [1998] ELR 129 judgement that “statements should be so specific and clear as to leave no room for doubt” remains applicable under the Children and Families Act 2014 and criticised “individual programmes tailored to her needs. She will require a handwriting programme, a PE programme and a reading programme. These programmes can be provided on an individual basis or in a group situation as deemed appropriate by her school (SENCO); the bare provision for programmes tailored to needs add nothing” to the EHCP as the content of programmes if not specified.
- **E v Flintshire [2002] EWHC 388 [2002] ELR 378:** specificity “is not a bureaucratic purpose...the requirement for specificity outlaws ... a general statement...” and “once made in terms which are specific... the provision can be ...effected by enforceability....”
- **Worcestershire County Council v SE [2020] UKUT 217 (AAC)** sets out at paragraph 74 a useful summary of the relevant law in 11 principles. It confirms that although there may be a need for flexibility, it should not be an excuse for lack of specificity where

detail could reasonably have been provided, and that more specificity is likely to be needed for a child in a mainstream school as opposed to a special school.

- **London Borough of Redbridge v HO (SEN) [2020] UKUT 323 (AAC):** in limited and specific circumstances, the need for specificity must be balanced against the need for flexibility and pragmatism. “The EHCP is a legal document of an unusual type. Insofar as the FTT has made an order, the order must have sufficient certainty to be enforced in case of dispute. On the other hand, the plan is a living document for a developing pupil. The tension is between the certainty the parties, in particular, the LA, need to comply with or enforce their respective duties and rights and the need for sufficient flexibility for the plan to remain relevant until the next review of the plan takes place. The child will develop or deteriorate considerably during that period.”

5. Other resources

- **Children & Families Act 2014, Part 3:**
<https://www.legislation.gov.uk/ukpga/2014/6/part/3/enacted>
- **SEND Regulations 2014:**
<https://www.legislation.gov.uk/uksi/2014/1530/contents/made>
- **SEND Code of Practice 2015:** <https://www.gov.uk/send-code-of-practice-0-to-25>
- **Matrix Law**, SEND legal synopsis ‘The Noddy Guide 2020’: <https://www.matrixlaw.co.uk/Noddy-Guide-2020.pdf>
- **SOSSEN:** EHCP, section by section detailed guidance booklet:
<https://www.sossen.org.uk/resources/ehcps.pdf>
- **IPSEA:** EHCP section by section EHCP content checklist:
<https://www.ipsea.org.uk/EHCP-checklist-2017>
- **Special Needs Jungle:** topical SEND journalism and features:
<https://www.specialneedsjungle.com/>

6. Free/low cost education law & EHCP advice & information

- **SENDIASS:** <https://find-your-local-ias-service>
- **SOSSEN:** www.sossen.org.uk
- **IPSEA:** www.ipsea.org.uk
- **CORAM:** <https://childlawadvice.org.uk/>

This information was assembled by Lisa Thomas in July 2020 (reviewed and updated in August 2025, by Eleanor Wright, Legal Officer, SOS!SEN) to address key issues raised in my parent carer learning events and coaching. It is shared for the convenience of other parent carers but is not provided as advice. These resources are not exhaustive; links and content will change and date with sector developments. There may also be some temporary exceptions to the usual legislative arrangements from time to time, as a result of Government Coronavirus amendments. Readers are responsible for checking accuracy and currency of all information and relevance to own circumstances and may need further advice or legal assistance from specialists.

Please feel free to use and quote from this document with credit. Please don't adopt it as your own or amend. We welcome comments on any aspect of this document particularly if you think we have missed something out or got something wrong.

About SOS! Special Educational Needs

SOS!SEN is a national charity aiming to empower parents & carers of children /young people with SEN & disability to tackle successfully themselves the difficulties they face in ensuring special education needs, support and their children's educational rights are met. See our website for details about our term-time helpline, workshops and webinars, Advice Centres, EHC checks & other legal services: www.sossen.org.uk