

When a Local Authority argues that your preferred placement should not be named because it would involve “**unreasonable public expenditure**” or be “**incompatible with the efficient education of others**”, they’re relying on specific legal exceptions under the Children and Families Act 2014.

To succeed at the First-tier Tribunal (Special Educational Needs and Disability), your evidence needs to **directly challenge those claims** — not just restate your child’s needs.

What the LA Is Trying to Prove

They must show that:

1. The placement is **significantly more expensive** than alternatives (*not just a bit more*)
 2. The extra cost is **not justified by your child’s needs**
 3. OR your child’s placement would **negatively impact other pupils’ education**
-

Evidence to Challenge “Unreasonable Use of Resources”

1. Cost Comparisons (Very Powerful)

You want to show:

- The LA’s “cheaper option” **isn’t actually cheaper in reality**, OR
- The higher cost is **necessary to meet needs**

Useful evidence:

- Cost breakdowns from both schools
- Evidence of hidden costs in LA placement (e.g. 1:1 support, outreach, exclusions, transport changes)

- Evidence of other LA children/young people already placed via a Freedom of Information Request

💡 Strong argument:

“When required support is included, the cost difference is minimal or justified”

2. 🔍 Show the LA Placement Can't Meet Needs

This is often the **strongest counter-argument**.

Evidence:

- Professional reports stating required provision
- School evidence showing unmet needs
- History of breakdown, exclusions, or distress

👉 Key point:

If the LA placement can't meet needs, cost becomes far less relevant

3. 🧠 Link Cost to Outcomes

Tribunals look at **value, not just price**.

Show:

- Without the right placement:
 - No progress
 - Increased anxiety or refusal
 - Risk of exclusion

💡 Argument:

A cheaper placement that fails is not efficient use of resources

4. Evidence of Inefficiency in Current/LA Placement

Include:

- Repeated interventions with little impact
- High staffing input already required
- Time lost to dysregulation or absence or suspension

 This builds the case that:

The current approach is already inefficient

5. Long-Term Cost Argument (Very Persuasive)

Show that the preferred placement:

- Builds independence
- Reduces future support needs
- Prevents crisis situations
- Outcomes for students already attending (use school OFSTED/prospectus/exam results)

 Example:

Investing now avoids higher long-term costs (e.g. mental health support, alternative provision)

Evidence to Challenge “Incompatible with Education of Others”


The LA must prove **real, significant disruption** — not just possibility.

1. Evidence from the Preferred School

This is key.

Ask the school to confirm:

- They **can meet your child’s needs**
- They have:
 - Appropriate staffing
 - Experience with similar pupils
 - Systems to manage behaviour/support needs

 A strong letter can directly undermine the LA argument.

If preferred school are saying ‘they are full’ (which is unlawful but often used to justify ‘incompatible with education of others):

- Evidence how admitting one extra student, will not have an impact
 - Ask preferred school, size of classroom
 - Number of staff to students ratio currently
 - What the school’s Net Capacity is compared to Published Admission Numbers (PAN)
 - Evidence of not being over PAN
-

2. Class Size & Environment Evidence

Show:

- Smaller classes
- Higher staff ratios
- Structured or specialist environment

 Argument:

The setting is designed to support pupils like your child

3. Behaviour & Needs Evidence (Context Matters)

Often behaviour is used to justify incompatibility with the age, aptitude, ability and SEN too

If behaviour is raised:

- Show **why it happens** (unmet needs)
- Show it reduces with proper support
- Refer to profile of students school already admits (OFSTED report and school prospectus).

 Key argument:

Behaviour is a communication of unmet need, not inherent disruption

4. Evidence of Successful Support Elsewhere

Include:

- Periods where your child coped better
- Support strategies that worked


 This shows:

With the right provision, disruption is manageable

5. Challenge Assumptions Directly

LAs sometimes rely on:

- Generic statements (“would require too much staff attention”)
- Hypothetical risks

 Tribunal approach:

They need **evidence**, not speculation

Structuring Your Argument

1. Placement Meets Needs

- Supported by professional evidence

2. LA Placement Does Not

- Evidence of failure or limitations

3. Cost Argument

- Difference justified OR not as large as claimed





4. No Incompatibility

- School can manage needs without harming others

5. Conclusion

- Legal tests not met → your placement should be named
-

Key Strategic Points

-  Needs come first, cost second
 -  LA must prove their claims — you don't have to disprove everything
 -  Specific evidence beats general statements
 -  A supportive school statement is often decisive
-

Common LA Weaknesses (You Can Challenge)

- No detailed cost breakdown
 - Ignoring required provision in cheaper placement
 - Vague claims about disruption
 - No evidence from the actual school
-

Final Thought

At tribunal, the question becomes:

“Is the Local Authority’s refusal based on **clear evidence**, or on **assumptions and cost-saving preferences**?”

Your job is to show:

- The placement you want is **necessary, appropriate, and workable**
- The LA’s objections are **not evidenced strongly enough**