

Special Educational Needs & Disability Education



A Family Survival Guide (England)

Created by Families



LOTTERY FUNDED

| | |
|--|-----------|
| Introduction | 8 |
| <i>Background.....</i> | <i>8</i> |
| <i>Stronger Together</i> | <i>9</i> |
| <i>Avoiding Crisis - Support Needed</i> | <i>9</i> |
| <i>About Us</i> | <i>10</i> |
| <i>How to use this guide.....</i> | <i>10</i> |
| <i>What this Guide offers</i> | <i>10</i> |
| What is SEND..... | 11 |
| <i>Myth:.....</i> | <i>11</i> |
| <i>Definition of Special Educational Needs (SEN)</i> | <i>11</i> |
| <i>Definition of Disability.....</i> | <i>12</i> |
| <i>Definition of Special Educational Provision.....</i> | <i>12</i> |
| <i>Four Broad Areas of Need</i> | <i>13</i> |
| <i>Communication and Interaction:</i> | <i>13</i> |
| <i>Cognition and Learning</i> | <i>13</i> |
| <i>Social, Emotional and Mental Health difficulties</i> | <i>14</i> |
| <i>Sensory and/or Physical needs</i> | <i>14</i> |
| <i>What is the purpose of the four areas of need?</i> | <i>14</i> |
| School Duties | 15 |
| <i>Myth.....</i> | <i>15</i> |
| <i>Fact</i> | <i>15</i> |
| <i>Duty to Admit</i> | <i>16</i> |
| <i>Improving Outcomes</i> | <i>16</i> |
| <i>Identify and Address the SEN of pupils they support</i> | <i>16</i> |
| <i>Assess, Plan, Do & Review:</i> | <i>17</i> |
| <i>Assess</i> | <i>17</i> |
| <i>Plan.....</i> | <i>17</i> |
| <i>Do</i> | <i>18</i> |
| <i>Review</i> | <i>18</i> |
| <i>Reasonable Adjustments.....</i> | <i>19</i> |
| <i>Medical Conditions</i> | <i>19</i> |
| <i>SEN Information Report.....</i> | <i>20</i> |

| | |
|---|-----------|
| <i>Staff roles and responsibilities</i> | 22 |
| <i>Governors:</i> | 22 |
| <i>Head Teachers/Principals</i> | 22 |
| <i>Teachers</i> | 22 |
| <i>SENCOs</i> | 22 |
| <i>School’s Designated Safeguarding Person</i> | 24 |
| <i>Admission and Treatment</i> | 24 |
| <i>Preventing Discrimination</i> | 25 |
| <i>Involving Parents</i> | 25 |
| <i>The School Website</i> | 26 |
| <i>School Funding</i> | 27 |
| <i>Every pupil</i> | 27 |
| <i>The Notional SEN budget</i> | 27 |
| <i>High Needs/Top Up funding</i> | 28 |
| Education Health & Care (EHC) Plans | 29 |
| <i>What is an EHC Plan?</i> | 29 |
| <i>Does my child need an EHC Plan?</i> | 29 |
| EHC Assessment | 31 |
| <i>Myth</i> | 31 |
| <i>Fact</i> | 31 |
| <i>Apply for an EHC Assessment?</i> | 31 |
| <i>What is an EHC Assessment?</i> | 32 |
| <i>If the Assessment is refused</i> | 33 |
| <i>What should the process involve?</i> | 34 |
| <i>Co-Ordination</i> | 34 |
| <i>Timescales</i> | 35 |
| <i>Exemptions to Timescales: (SEND Regulations 2014 - Reg 10 (4))</i> | 35 |
| <i>Who is involved?</i> | 36 |
| EHC Plan - Sections | 39 |
| <i>Section A:</i> | 39 |
| <i>Section B:</i> | 40 |
| <i>Section C:</i> | 41 |

| | |
|---|-----------|
| <i>Section D:</i> | 41 |
| <i>Section E:</i> | 42 |
| <i>Section F:</i> | 44 |
| <i>Section G:</i> | 46 |
| <i>Section H1:</i> | 47 |
| <i>Section H2:</i> | 48 |
| <i>Section I:</i> | 49 |
| <i>Section J:</i> | 50 |
| <i>Section K:</i> | 50 |
| <i>The Golden Thread</i> | 51 |
| Therapies | 52 |
| <i>Section C or Section F?</i> | 52 |
| <i>Local Policy?</i> | 52 |
| Involving Parents | 54 |
| <i>Section 19 (Children & Family Act)</i> | 54 |
| <i>Code of Practice</i> | 54 |
| Reviews | 56 |
| <i>If my child does not have an EHC Plan?</i> | 56 |
| <i>How often should EHC Plans be reviewed?</i> | 56 |
| <i>What is an Annual Review?</i> | 57 |
| <i>Do parents and their child or young person have any input in an Annual Review?</i> | 57 |
| <i>Who is invited to an Annual Review?</i> | 57 |
| <i>Notice of an Annual Review?</i> | 57 |
| <i>Tip:</i> | 58 |
| <i>After the Annual Review?</i> | 58 |
| <i>If amends are made to the plan?</i> | 59 |
| What if my child's needs are not being met? | 60 |
| <i>The complaint process:</i> | 60 |
| <i>Write to the Local Authority</i> | 61 |
| <i>Write to Department for Education</i> | 61 |
| <i>Write to Ofsted</i> | 62 |

| | |
|---|-----------|
| <i>Judicial Review</i> | 62 |
| <i>Legal Advice</i> | 63 |
| <i>Local Government Ombudsman</i> | 63 |
| Appeals & Mediation | 65 |
| <i>What is a Tribunal</i> | 65 |
| <i>Time Scales for Appeals</i> | 66 |
| <i>Mediation</i> | 66 |
| <i>SEND Tribunal - SEND35 (not including refusal to assess)</i> | 67 |
| <i>Refusal to Assess - SEND35a (refusal to assess):</i> | 68 |
| <i>At the Tribunal Hearing</i> | 68 |
| <i>Tribunal’s decision</i> | 69 |
| Exclusions | 70 |
| <i>Myth</i> | 70 |
| <i>When can a School Exclude?</i> | 70 |
| <i>Tendency to Physical Abuse</i> | 72 |
| <i>If your child is excluded:</i> | 72 |
| Home Education | 74 |
| <i>Deregister your child</i> | 74 |
| <i>Children with EHC Plans</i> | 75 |
| <i>Further Information</i> | 75 |
| Home to School Transport | 76 |
| <i>Eligibility</i> | 76 |
| <i>Distance to School</i> | 76 |
| <i>Suitability of Travel arrangements</i> | 77 |
| <i>Paying for Transport</i> | 77 |
| <i>Transport for young people (16-19)</i> | 78 |
| <i>Safeguarding & Training</i> | 79 |
| <i>Home to School Transport Appeals</i> | 79 |
| Dealing with meetings | 81 |
| <i>Getting ready</i> | 82 |
| <i>At the meeting</i> | 82 |
| <i>After the meeting</i> | 83 |

| | |
|--|-----------|
| <i>Waiting For:</i> | 83 |
| The Law | 85 |
| <i>Primary Legislation:</i> | 85 |
| <i>Examples of Primary Legislation</i> | 85 |
| <i>Secondary Legislation</i> | 85 |
| <i>Examples of Secondary Legislation</i> | 85 |
| <i>Supplementary/Guidance</i> | 86 |
| <i>Examples of Supplementary/Guidance</i> | 87 |
| <i>Further Information</i> | 87 |
| <i>Primary</i> | 87 |
| <i>Secondary</i> | 88 |
| <i>Guidance</i> | 89 |
| Other Useful Links..... | 91 |
| <i>Social Care</i> | 91 |
| <i>Education</i> | 91 |
| <i>Model Letters</i> | 91 |
| <i>EHC Plans</i> | 91 |
| <i>Schools</i> | 91 |
| <i>Exclusion</i> | 92 |
| <i>Home Education</i> | 93 |
| <i>Working Together</i> | 93 |
| <i>Complaints</i> | 94 |
| <i>Appeals and Mediation</i> | 95 |
| <i>Transport</i> | 96 |
| <i>Health</i> | 96 |
| <i>Support</i> | 96 |
| <i>Send Karma</i> | 96 |
| <i>http://sendkarma.co.uk</i> | 97 |
| <i>Information Advice & Support Services Network (IASS)</i> | 97 |
| <i>https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network</i> | 97 |
| <i>SEND Information Organisations Group (SENDIOG)</i> | 97 |

| | |
|--|------------|
| <i>https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/what-send-information-organisations-group</i> | 97 |
| <i>Legal Resources</i> | 97 |
| How to look after you too | 99 |
| <i>Keep track of your own needs</i> | 99 |
| <i>Get a Carer’s Assessment</i> | 100 |
| <i>Look after your physical health needs</i> | 101 |
| <i>Making the most of your GP Practice</i> | 101 |
| <i>Tell your GP that you are a carer</i> | 101 |
| <i>Make an appointment</i> | 102 |
| <i>NHS Health Check</i> | 102 |
| <i>Look after your mental health needs</i> | 102 |
| <i>Emergency planning for carers</i> | 104 |
| <i>Getting a backup carer</i> | 104 |
| <i>Making a carer’s emergency plan</i> | 105 |
| <i>What to include in your emergency plan</i> | 105 |
| <i>What if backup family care is not available?</i> | 105 |
| <i>Carer’s Emergency Card scheme</i> | 106 |
| <i>‘In Case of Emergency’ cards</i> | 107 |
| <i>Carer’s Allowance and emergencies</i> | 107 |
| <i>Build yourself a ‘circle of support’</i> | 107 |
| <i>Develop and maintain a network of helpers</i> | 107 |
| <i>Seek out Respite Care</i> | 108 |
| <i>Speak with your employer</i> | 108 |
| <i>Ask about ‘Shared Lives’</i> | 109 |
| <i>Find community support</i> | 109 |
| Conclusion | 113 |
| Acknowledgements | 114 |
| Acronyms | 115 |
| Disclaimer | 117 |

Introduction

This guide has been written by families for families of children and young people with Special Educational Needs and/or Disabilities. It is a guide to the law in England. It is not meant to replace legal advice, as we are not legally qualified to provide this. It is merely a guide to what the law says and where to find the relevant information to help you.

There is a lot of information out there for families but as parents, we often find it difficult to find the right piece of information when we need it the most.

Background

In late 2017, we launched a questionnaire to look at Parent Carer Health and the impact of the caring role. Over 1000 families responded and the results were soul destroying to read.

We asked families what was causing them stress, as a parent carer, and 65% of families said Education (or more accurately the Education system).

Schools only want children without complications, due to league tables, LA don't want to spend money so ignore health consequences, EHCP is so vague it's meaningless but can only tackle school aspect in court (cannot afford judicial review) it's all a mess and my daughter is ill, stressed and out of school, again.

There is no help, there is no hope, it will not get better.

The full results of the survey can be found in our report - <http://bringingustogether.org.uk/wp-content/uploads/2018/05/Parent-Carer-Health-final.pdf>

In addition to this, we were constantly hearing from our Stronger Together families that “it went wrong in Education and it didn’t get back on track”

Stronger Together

Our Stronger Together families are those who have (or have had) a child or young person in an Assessment and Treatment Unit.

Avoiding Crisis - Support Needed

In July 2016, Bringing Us Together and a charity called Respond undertook a piece of work with families called *Avoiding Crisis – A Parent Survey on Support Needed*. You can read the report here:

<http://bringingustogether.org.uk/wp-content/uploads/2016/07/Justice-Together-Support-Needed-15.07.16-CK-v2-3.pdf>.

The *Avoiding Crisis* project aimed to find out about the experiences of families and particularly the support they received in crisis. Some of the responses from the survey were shocking. Here are some of the key findings.

- Only just over half of the families reported being given any advice on where to seek help.
- Even when advice and guidance was given, families often found that help was hard to get and inadequate. Some families were too exhausted by the caring role to follow it up.
- Telephone help lines were generally not felt to be useful, while internet access, discussion groups and support from other parents were felt to be more helpful.
- When families actually found and accessed support, there was a 50/50 split between those who found the support package helpful and those for whom it was not helpful.
- Families identified emotional support, specialist advice, circles of support, advocacy and legal advice as the top priorities to sustain and support them.

This anecdotal evidence made it clear to us that families need more advice support and information. This guide is one of the ways we have tried to help.

About Us

Bringing Us Together is led by parents of children and young people with a variety of Special Educational Needs and Disabilities (SEND). We bring families together to share experiences, stories and solutions so they can create a life worth living for their loved ones. Find out more at

<https://bringingusttogether.org.uk>

How to use this guide

This information aims to support families to understand the basics of education law (and to avoid a potential crisis). We've included tools, references and links to further resources, so that you can dip in and out as required.

What this Guide offers

Having a child with Special educational needs and disabilities (SEND) can bring many challenges. Many parents tell us that the biggest challenge is "the system" rather than the actual disability or special educational need.

For many, finding the right information at the right time is a challenge. Frequently, we find the information too late for it to be of use. How many parents can remember finding something and thinking "I wish I had found this earlier?"; whether it be a service, a book, a website or a group on Facebook.

We have tried to collate as much information as possible into this Guide and also offer further useful resources. We have also addressed some of the myths surrounding SEND and the system, for example, who can and can't request an EHC Assessment.

We hope that this Guide will help families who are just starting in the arena of Special Educational Needs and Disability as well as those who have been in the arena for some time.

Please tell your friends and colleagues about this guide. All feedback – good or bad - is very welcome. We want to make this guide as useful as possible. Contact us at: Debs@bringingusttogether.org.uk

What is SEND

There is often some uncertainty as to what is or isn't Special Educational Needs and Disabilities. As a parent, especially at the beginning, we may not quite be sure if our child actually has SEND, so we wanted to bring together the definitions and where you can find these definitions should you wish to quote them.

Special educational needs and disabilities (SEND) can affect a child or young person's ability to learn. They can affect their:

- behaviour or ability to socialise, for example they struggle to make friends
- reading and writing, for example because they have dyslexia
- ability to understand things
- concentration levels, for example because they have ADHD
- physical ability

Myth:

Please note you do **NOT** need a confirmed diagnosis to have a learning difficulty which calls for special educational provision.

Definition of Special Educational Needs (SEN)

The definition for Special Educational Needs is taken from the Children and Families Act.

Section 20(1) - Children and Families Act

"if he/she has a learning difficulty or a disability which calls for special educational provision to be made for him or her"

Section 20(2) - Children and Families Act

A child of compulsory school age or a young person has a learning difficulty or disability if he or she

- has a significantly greater difficulty in learning than the majority of others of the same age, or

- has a disability which prevents or hinders him or her from making use of facilities of a kind generally provided for others of the same age in mainstream post-16 institutions

Section 20(3) - Children and Families Act

A child under compulsory school age has a learning difficulty or disability if he or she is likely to be within 20(2) when of compulsory school age (or would be likely, if no special educational provision were made).

Section 20(4) - Children and Families Act

A child or young person does not have a learning difficulty or disability solely because the language (or form of language) in which he or she is or will be taught is different from a language (or form of language) which is or has been spoken at home.

Definition of Disability

The definition for Disability is that used in The Equality Act:
'a physical or mental impairment which has a substantial and long-term adverse effect on your ability to carry out normal day-to-day activities'

A substantial effect on your day to day activities means one that is "more than minor or trivial".

A long-term effect means something that has affected you or is likely to affect you for at least a year.

Definition of Special Educational Provision

The definition for Special Educational Provision is taken from the Children and Families Act

Children over 2 and young people:

Section 21 (1) - Children and Families Act

"Special educational provision", for a child aged two or more or a young person, means educational or training provision that is additional to, or different from, that made generally for others of the same age in—

- a) mainstream schools in England,
- b) maintained nursery schools in England,
- c) mainstream post-16 institutions in England, or
- d) places in England at which relevant early years education is provided.

Children Under 2

Section 21 (2) - Children and Families Act

“Special educational provision”, for a child aged under two, means educational provision of any kind.

Four Broad Areas of Need

These four broad areas give an overview of the range of needs that **schools and Local Authorities should plan for**.

These are the definitions used in the **SEND Code of Practice 2015** (Chapter 6.28 - 6.35 - Code of Practice)

Communication and Interaction:

Children and young people with speech, language and communication needs (SLCN) have difficulty in communicating with others. This may be because they have difficulty saying what they want to, understanding what is being said to them or they do not understand or use social rules of communication. The profile for every child with SLCN is different and their needs may change over time. They may have difficulty with one, some or all of the different aspects of speech, language or social communication at different times of their lives.

Children and young people with ASD, including Aspergers Syndrome and Autism, are likely to have particular difficulties with social interaction. They may also experience difficulties with language, communication and imagination, which can impact on how they relate to others.

Cognition and Learning

Support for learning difficulties may be required when children and young people learn at a slower pace than their peers, even with appropriate differentiation. Learning difficulties cover a wide range of needs, including moderate learning difficulties (MLD), severe learning difficulties (SLD), where children are likely to need support in all areas of the curriculum and associated difficulties with mobility and communication, through to profound and multiple learning difficulties (PMLD), where children are likely to have severe and complex learning difficulties as well as a physical disability or sensory impairment.

Specific learning difficulties (SpLD), affect one or more specific aspects of learning. This encompasses a range of conditions such as dyslexia, dyscalculia and dyspraxia.

Social, Emotional and Mental Health difficulties

Children and young people may experience a wide range of social and emotional difficulties which manifest themselves in many ways. These may include becoming withdrawn or isolated, as well as displaying challenging, disruptive or disturbing behaviour. These behaviours may reflect underlying mental health difficulties such as anxiety or depression, self-harming, substance misuse, eating disorders or physical symptoms that are medically unexplained. Other children and young people may have disorders such as attention deficit disorder, attention deficit hyperactive disorder or attachment disorder.

Schools and colleges should have clear processes to support children and young people, including how they will manage the effect of any disruptive behaviour so it does not adversely affect other pupils. The Department for Education publishes guidance on managing pupils' mental health and behaviour difficulties in schools – see the References section under Chapter 6 for a link.

Sensory and/or Physical needs

Some children and young people require special educational provision because they have a disability which prevents or hinders them from making use of the educational facilities generally provided. These difficulties can be age related and may fluctuate over time.

Many children and young people with vision impairment (VI), hearing impairment (HI) or a multi-sensory impairment (MSI) will require specialist support and/or equipment to access their learning, or habilitation support. Children and young people with an MSI have a combination of vision and hearing difficulties.

Information on how to provide services for deafblind children and young people is available through the **Social Care for Deafblind Children and Adults guidance** published by the Department of Health.

Some children and young people with a physical disability (PD) require additional ongoing support and equipment to access all the opportunities available to their peers.

What is the purpose of the four areas of need?

(Chapters 6.27 - Code of Practice)

The four broad areas give an overview of the range of needs that should be planned for. They are to work out what action the school needs to take, not to fit a pupil into a category. In practice, many children will have needs across more than one of these areas and some will have needs across all of the areas. A detailed assessment of need should ensure that the full range of an individual's needs is identified, not simply the primary need.

School Duties

For many families, the biggest issues lie directly with the school. Their child may have an EHC Plan, or be on the SEN register of the school but the provision can be either non-existent or poor.

There are many duties the school must comply with, **irrelevant of whether a child has an EHC Plan or not**. This is referred to as SEN Support.

Myth

"I was told that Academies and Free Schools do not have to follow the guidance, they are independent and can pretty much do as they like."

Fact

The SEND Code of Practice does apply to them too.

Does this apply to ALL schools?

The Code of Practice is statutory guidance for the following:

- the governing bodies of schools, including non-maintained special schools
- the governing bodies of further education colleges and sixth form colleges
- the proprietors of academies (including free schools, university technical colleges and studio schools)
- the management committees of pupil referral units
- independent schools and independent specialist providers approved under Section 41 of the Children and Families Act 2014
- all early years providers in the maintained, private, voluntary and independent sectors that are funded by the local authority

Duty to Admit

(Children and Families Act - Section 39(4))

Schools have to accept a child with an EHC Plan if the school is named on the Plan. They can only refuse a child where:

- the school or other institution requested is unsuitable for the age, ability, aptitude or special educational needs of the child or young person concerned, or,
- the attendance of the child or young person at the requested school or other institution would be incompatible with:
 - the provision of efficient education for others, or
 - the efficient use of resources

Improving Outcomes

Schools must have high aspirations and expectations for children and young people with SEN. *(Chapter 6.1 - Code of Practice)*

All children and young people are entitled to an appropriate education. This should allow them to

- achieve their best
- become confident individuals living fulfilling lives, and
- make a successful transition into adulthood (whether that is employment, further/higher education or training)

Identify and Address the SEN of pupils they support

Every school is required to identify and address the SEN of the pupils that they support. *(Chapter 6.2 - Code of Practice)*

Mainstream schools, academies that are not special schools, maintained nursery schools, 16 to 19 academies, alternative provision academies and Pupil Referral Units (PRUs), must:

- use their best endeavours to make sure that a child with SEN gets the support they need – **this means doing everything they can** to meet children and young people’s SEN (*Children & Families Act 2014 - Section 66*)
- ensure that children and young people with SEN engage in the activities of the school alongside pupils who do not have SEN
- designate a teacher to be responsible for co-ordinating SEN provision – the SEN co-ordinator, or SENCO (this does not apply to 16 to 19 academies)
- inform parents when they are making special educational provision for a child
- prepare an SEN information report and their arrangements for the admission of disabled children, the steps being taken to prevent disabled children from being treated less favourably than others, the facilities provided to enable access to the school for disabled children and their accessibility plan showing how they plan to improve access progressively over time

Assess, Plan, Do & Review:

Assess

(Chapters 6.45-6.47 - Code of Practice)

In identifying a child as needing SEN support the class or subject teacher, working with the SENCO, should carry out a clear analysis of the pupil’s needs.

Schools should take seriously any concerns raised by a parent. These should be recorded and compared to the setting’s own assessment and information on how the pupil is developing.

Plan

(Chapters 6.48-6.51 - Code of Practice)

Where it is decided to provide a pupil with SEN support, the parents must be formally notified, although parents should have already been involved in forming the assessment of needs.

The teacher and the SENCO should agree in consultation with the parent and the pupil the adjustments, interventions and support to be put in place, as

well as the expected impact on progress, development or behaviour, along with a clear date for review.

All teachers and support staff who work with the pupil should be made aware of their needs, the outcomes sought, the support provided and any teaching strategies or approaches that are required.

Parents should be fully aware of the planned support and interventions and, where appropriate, plans should seek parental involvement to reinforce or contribute to progress at home.

Do

(Chapter 6.52 - Code of Practice)

The class or subject teacher should remain responsible for working with the child on a daily basis.

Where the interventions involve group or one-to-one teaching away from the main class or subject teacher, they should still retain responsibility for the pupil.

They should work closely with any teaching assistants or specialist staff involved, to plan and assess the impact of support and interventions and how they can be linked to classroom teaching.

The SENCO should support the class or subject teacher in the further assessment of the child's particular strengths and weaknesses, in problem solving and advising on the effective implementation of support.

Review

(Chapters 6.53-6.56 - Code of Practice)

The effectiveness of the support and interventions and their impact on the pupil's progress should be reviewed in line with the agreed date.

The impact and quality of the support and interventions should be evaluated, along with the views of the pupil and their parents. This should feed back into the analysis of the pupil's needs. The class or subject teacher, working with the SENCO, should revise the support in light of the pupil's progress and development, deciding on any changes to the support and outcomes in consultation with the parent and pupil.

Parents should have clear information about the impact of the support and interventions provided, enabling them to be involved in planning next steps.

Where a pupil has an EHC plan, the local authority must review that plan as a minimum every twelve months. Schools must co-operate with the local authority in the review process and, as part of the review, the local authority can require schools to convene and hold annual review meetings on its behalf.

Reasonable Adjustments

All schools have duties under the Equality Act 2010 ([Part 6 - Chapter 4](#)) towards individual disabled children and young people. They must make reasonable adjustments, including the provision of auxiliary aids and services for disabled children, to prevent them being put at a substantial disadvantage. This duty applies to the responsible body of the school (eg Governing body, Management Committee).

These duties are anticipatory – they require thought to be given in advance to what disabled children and young people might require and what adjustments might need to be made to prevent that disadvantage.

The Equality and Human Rights Commission (EHRC) have published guidance for schools in England on [Reasonable Adjustments for Disabled Pupils](#).

Medical Conditions

The Children and Families Act 2014 places a duty on maintained schools and academies to make arrangements to support pupils with medical conditions. Individual healthcare plans will normally specify the type and level of support required to meet the medical needs of such pupils.

EHC Plans are for children and young people with special educational needs. Children with health needs and no SEN will have access to individual Healthcare Plans.

Where children and young people also have SEN, their provision should be planned and delivered in a co-ordinated way with the healthcare plan. Schools are required to have regard to statutory guidance '[Supporting pupils at school with medical conditions](#)' ([Chapter 6.11 - Code of Practice](#))

The School must have a policy for supporting pupils with medical conditions that is available easily to parents and staff. The policy must include:

- a named person who is responsible for ensuring that sufficient staff are suitably trained

- a commitment that all relevant staff will be made aware of the child's condition
- cover arrangements in case of staff absence or turnover
- briefing for supply teachers
- risk assessments for school visits, holidays and other activities outside the normal timetable
- monitoring of individual healthcare plans and who is responsible for their development
- arrangements for when a child (who is competent) to manage their own health needs and medicines
- procedures to be followed for managing medicines
- what happens in an emergency situation
- procedures followed when they are notified a pupil has a medical condition
- how complaints are made and handled with regard to the support provided to a pupil with a medical condition

SEN Information Report

(Children and Families Act 2014 - Part 3 - 69 and SEND Regulations 2014 - Schedule 1)

The Children and Families Act 2014 places a duty on maintained schools, maintained nursery schools in England and the proprietors of Academy Schools to prepare a report containing SEN information.

This should include:

- the kinds of Special Educational needs for which provision is made at the school
- how the school evaluates the effectiveness of its provision for such pupils
- the school's arrangements for assessing and reviewing the progress of pupils with special educational needs
- the school's approach to teaching pupils with special educational needs
- how the school adapts the curriculum and learning environment for pupils with special educational needs

- additional support for learning that is available to pupils with special educational needs
- how the school enables pupils with special educational needs to engage in the activities of the school (including physical activities) together with children who do not have special educational needs
- support that is available for improving the emotional, mental and social development of pupils with special educational needs
- the name and contact details of the SEN Co-ordinator (SENCO)
- information about the expertise and training of staff in relation to children and young people with special educational needs and about how specialist expertise will be secured
- information about how equipment and facilities to support children and young people with special educational needs will be secured
- the arrangements for consulting parents of children with special educational needs about, and involving such parents in, the education of their child
- the arrangements for consulting young people with special educational needs about, and involving them in, their education
- any arrangements made by the governing body (or proprietor) relating to the treatment of complaints from parents of pupils with special educational needs concerning the provision made at the school
- how the governing body involves other bodies, including health and social services bodies, local authority support services and voluntary organisation, in meeting the needs of pupils with special educational needs and in supporting the families of such pupils
- the contact details of support services for the parents of pupils with special educational needs
- the school's arrangements for supporting pupils with special educational needs in a transfer between phases of education or in preparation for adulthood and independent living
- information on where the Local Authority's local offer is published

Staff roles and responsibilities

Governors:

There should be a member of the governing body or a sub-committee with specific oversight of the school's arrangements for SEN and disability. (*Chapter 6.3 - Code of Practice and Governance Handbook 2017 - Chapter 5.1*)

Governing Bodies should make sure that their school complies with all aspects of discrimination law. (*Governance Handbook 2017 - Chapter 6.3*)

Head Teachers/Principals

School leaders should regularly review how expertise and resources used to address SEN can be used to build the quality of whole-school provision as part of their approach to school improvement. (*Chapter 6.3 - Code of Practice*)

Teachers

Teachers are responsible and accountable for the progress and development of the pupils in their class, including where pupils access support from teaching assistants or specialist staff. (*Chapter 6.36 - Code of Practice*)

High quality teaching, differentiated for individual pupils, is the first step in responding to pupils who have or may have SEN. Additional intervention and support cannot compensate for a lack of good quality teaching. High quality teaching, differentiated for individual pupils, is the first step in responding to pupils who have or may have SEN. Additional intervention and support cannot compensate for a lack of good quality teaching. (*Chapter 6.37 - Code of Practice*)

SENCOs

Governing bodies of maintained mainstream schools and the proprietors of mainstream academy schools (including free schools) must ensure that there is a qualified teacher designated as SENCO for the school. (*Chapters 6.84-6.94 - Code of Practice and SEND Regulations 2014 reg 50*)

The SENCO must be a qualified teacher working at the school. If a new SENCO is recruited at the school, they must be a qualified teacher and, if they have not previously been a SENCO for more than twelve months at a previous setting, they must achieve a National Award in Special Educational Needs Co-ordination within three years of starting the role.

The SENCO should work with the headteacher and governing body to help determine the development of SEN policy and provision in the school.

The SENCO has day to day responsibility for the operation of SEN policy and co-ordination of specific provision made to support individual pupils with SEN, including those with EHC plans.

The SENCO provides professional guidance to colleagues and works closely with staff, parents and other agencies.

Key responsibilities may include:

- overseeing the day to day operation of the school's SEN policy
- co-ordinating provision for children with SEN and monitoring the effectiveness of any provision made
- liaising with the designated teacher where a looked after pupil (*) has SEN
- advising on the use of the school's SEN notional budget and other resources to meet the pupils needs
- liaising with parents of pupil with SEN
- liaising with early year providers, other schools, educational psychologists, health and social care professionals and other independent/voluntary organisations
- securing relevant services for the pupil where necessary
- being a key point of contact for external agencies (eg the local authority and support services)
- liaising with potential next providers of education to ensure a pupil and their parents are informed about options and that a smooth transition is planned
- working with the Head teacher and governing body to ensure that they school meets its responsibilities under the Equality Act with regard to reasonable adjustments and access arrangements
- ensuring that the records for all pupils with SEN are kept up to date

* *Looked after pupils are children in care.*

School's Designated Safeguarding Person

In the Children Act 2004, the role of the Designated Safeguarding person was introduced. This requires every organisation to have a named person responsible for safeguarding children and young people. This role was previously known as Child Protection Officer or Co-ordinator.

The Designated Safeguarding person within a school should make sure that all staff know how to understand the symptoms of child abuse and/or neglect and how to raise these concerns.

They are also responsible for referring concerns to the police or social care, monitoring the children who have child protection plans and also maintaining child protection records.

Admission and Treatment

All school bodies have legal duties under the Equality Act 2010 ([Part 6](#)).

They must not discriminate against a person

- in the arrangements it makes for deciding who is offered admission as a pupil,
- as to the terms on which it offers to admit the person as a pupil
- by not admitting the person as a pupil

They must not discriminate against a person

- in the way it provides education for the pupil
- in the way it affords the pupil access to a benefit, facility or service
- by not providing education for the pupil
- by not affording the pupil access to a benefit, facility or service
- by excluding the pupil from the school
- by subjecting the pupil to any other detriment

They must not harass

- a pupil
- a person who has applied for admission as a pupil

They must not victimise a person

- in the arrangements it makes for deciding who is offered admission as a pupil
- as to the terms on which it offers to admit the person as a pupil
- by not admitting the person as a pupil

They must not victimise a pupil

- in the way it provides education for pupil
- in the way it affords the pupil access to a benefit, facility or service
- by not providing education for the pupil
- by not affording the pupil access to a benefit, facility or service
- by excluding the pupil from the school
- by subjecting the pupil to any other detriment

Preventing Discrimination

Schools also have wider duties to prevent discrimination, to promote equality of opportunity and to foster good relations. (*Chapter 6.9 - Code of Practice*)

Involving Parents

Schools must provide an annual report for parents on their child's progress.

Where a pupil is receiving SEN support, schools should talk to parents regularly to set clear outcomes and review progress towards them, discuss the activities and support that will help achieve them, and identify the responsibilities of the parent, the pupil and the school. Schools should meet parents at least three times each year.

These discussions should be led by a teacher with good knowledge and understanding of the pupil who is aware of their needs and attainment. This will usually be the class teacher or form tutor, supported by the SENCO.

These discussions will need to allow sufficient time to explore the parents' views and to plan effectively. They will generally be longer than most parent-teacher meetings.

The views of the pupil should be included in these discussions. This could be through involving the pupil in all or part of the discussion itself, or gathering their views as part of the preparation.

A record of the outcomes, action and support agreed should be produced and shared with parents and appropriate school staff.

The School Website

The school website must include:

- the amount of money they get from taking underprivileged children (known as the pupil premium*), what they do with it and the effect it has had
- details of the curriculum
- admission criteria
- behaviour policy
- special educational needs policy (*Children and Families Act 2014 - Section 69 and SEND Code of Practice - Chapter 6.79*)
 - Accessibility policy (*Equality Act 2010. Schedule 10. Paragraph 3*)
 - disability policy
 - SEN Information report (*SEND Regulations 2014 - Schedule 1*)
- links to Ofsted report
- links to performance data
- the school's latest key stage 2 and 4 attainment and progress measures
- school contact details
- school complaints procedure
- Governors Information and duties
- Values and Ethos
- Paper copy requests (if a parent requests a paper copy of the information on the school website, it must be provided free of charge by the school)

* *The pupil premium is additional funding given to schools to help disadvantaged pupils of all abilities perform better and to close the gap*

between them and their peers. It is given to school for each pupil registered as eligible for free school meals. The Pupil Premium is different to SEND funding for schools.

School Funding

School funding is split into three categories, sometimes referred to as Elements 1, 2 and 3 funding streams.

Every pupil

Schools receive funding based on the number of pupils in the school. This varies from Local Authority to Local Authority. Generally secondary schools receive more than primary schools. It is generally around £2000 for each pupil for primary school and £3000 for each pupil for secondary schools.

The Notional SEN budget

Schools receive an additional sum to help them to provide SEN support. This sum is based on formulas and tends to provide more money to schools that have a higher number of children on free school meals (Pupil Premium) and those with a higher percentage of children struggling with English and Maths.

This notional SEN budget is not allocated per child, so if a school gets a good reputation for teaching children with SEN and as a result more parents send their child with SEN there, they can struggle to maintain the levels they have set. They can ask the LA for more funding.

This notional budget is what people are talking about when they mention schools having to use their budget of £6000 to pay for special educational provision.

The notional £6000 is not allocated individually to each child with SEN, so your child does not get £6000 worth of special educational provision. The school can spend this in the manner they think will be of most benefit to their pupils with SEN.

However, schools do have a duty to identify, assess and provide special educational provision for all children with SEN.

Local Authorities also have a duty to specify what the schools are expected to provide with their notional SEN budget and should publish this information on their Local Offer.

High Needs/Top Up funding

Schools can apply for high needs funding if a child needs more than £6,000 spent on them to meet their needs ([Chapter 6.99 - Code of Practice](#)). This is only for children in mainstream schools and sixth forms (including free schools and academies). This does not apply to schools with resourced provision (such as an ASD unit, a VI unit, a HI unit), Special Schools or Pupil Referral Units.

The Criteria varies from LA to LA but generally:

- The child will have an EHC Plan or be on SEN Support with severe and complex needs
- The child will be on the school roll and in full time attendance
- The school has utilised their notional SEN budget to address the needs of the child
- The school can evidence what has been tried and what steps have been taken to meet the needs within the SEN budget

Education Health & Care (EHC) Plans

What is an EHC Plan?

EHC Plans were introduced in 2014 with the Children and Families Act. Previously, families had Statements of Special Educational Needs and Learning Disability Assessments.

They are for children and young people aged up to 25 who need more support than the basic Special Educational Needs support (SEN Support) offered by schools.

An EHC assessment is required in order to get an EHC Plan.

An EHC Plan is a document that details all special educational provision needed to meet the special educational needs of a child or young person.

It shows the views, interests and aspiration of the child or young person and their parents.

It provides a full description of their special educational needs and any health or social care needs.

It defines the outcomes that the special educational provision will provide, based on the child/young persons's needs and aspirations.

It specifies the provision required and how this will be provided to meet the child/young person's needs and achieve their outcomes.

Does my child need an EHC Plan?

The Department for Education is convinced that the majority of children and young people with SEN and disabilities can have their needs met within local mainstream schools, nurseries, colleges, etc. They believe that the school duties listed in the previous chapter are more than adequate.

Where, despite the school having taken relevant and purposeful action to identify, assess and meet the SEN of the child or young person, the child or

young person has not made expected progress, the school or parents should consider requesting an Education, Health and Care needs assessment. To inform its decision the local authority will expect to see evidence of the action taken by the school as part of SEN support. (Chapter 6.63 - Code of Practice)

In theory, an EHC Plan should not always be required for a school to meet your child's SEND. However, anecdotal evidence would show that some schools do not meet the needs of children with SEND without an EHC Plan (and even then, some schools either struggle to or have no desire to meet their needs).

Having an EHC Plan will not guarantee that all of the issues you are having with a school will be resolved. There is a huge culture shift needed in some schools, despite all of the legislation. Unfortunately, there is no reward for a school to provide good SEND support within their school and accountability often lies with the parents and carers.

EHC Assessment

Myth

First and foremost, let's address one of the biggest myths around requesting an Education, Health and Care Assessment for your child or young person.

You can apply for this.

You do not need the School or any other professional to apply for it.

Fact

You can do this. It is always, of course, better to work together with the school or professional but if you are told you cannot apply for an assessment, please refer them to Chapter 9.8 of the code of Practice. (*Remember, legislation always trumps Local policy.*)

Chapter 9.8 - Code of Practice

The following people have a specific right to ask a local authority to conduct an education, health and care needs assessment for a child or young person aged between 0 and 25:

- the child's parent (*)
- a young person over the age of 16 but under the age of 25, and
- a person acting on behalf of a school or post-16 institution (this should ideally be with the knowledge and agreement of the parent or young person where possible)

* Chapter 9.9 also gives this right to Foster Carers.

Apply for an EHC Assessment?

As stated above, you can apply for an EHC Assessment for your child, if you believe that your child has a learning difficulty or a disability which is stopping them from progressing at school.

Your Local Authority's website should clearly show how to apply - usually within their Local Offer. Always apply in writing and always keep a copy. Also, pop a note of the date you posted the letter/sent the email into your diary.

If you are unsure what to write, then IPSEA have templates you can use on their website.

<https://www.ipsea.org.uk/making-a-request-for-an-ehc-needs-assessment>

SOS SEN also provide template letters.

https://www.sossen.org.uk/information_sheets.php

What is an EHC Assessment?

According to the Department for Education, the majority of children and young people with SEN or disabilities will have their needs met within local mainstream early years settings, schools or colleges (as set out in the information on identification and support in Chapters 5, 6 and 7 of the Code of Practice).

Some children and young people may require an EHC needs assessment in order for the local authority to decide whether it is necessary for it to make provision in accordance with an EHC plan.

An EHC Assessment is to assess whether **it may be** necessary for special educational provision to be made. "Whether it may be necessary" is quite a low threshold. The EHC assessment is not there to determine whether it is absolutely necessary for special educational provision to be made, that is what the assessment is for. Local Authorities sometimes confuse this with the legal requirement to issue an EHC Plan and refuse to assess. However, there is now case law to help clarify this.

EHC Assessment - determines **whether it may be** necessary to make special educational provision

EHC Plans issued when an EHC assessment determines that **it is necessary** to make special educational provision.

See **RB v Calderdale MBC (2018) UKUT 390 (AAC)**

There are two criteria that must be met for the LA to have a statutory duty to perform a needs assessment. These can be found in the Children and Families Act, Section 36, paragraph 8

The Local Authority must secure an EHC needs assessment if, after having regard to any views expressed and evidence submitted under subsection (7), the authority is of the opinion that—

- (a) the child or young person has or **may have** special educational needs, and
- (b) it **may be necessary** for special educational provision to be made for the child or young person in accordance with an EHC plan.

This can also be found in the SEN Code of Practice, Paragraph 9.3

Note the words “must” and “may” in the legislation. If the LA cannot state with authority (and evidenced reasons for their decision) that a child categorically does not have SEN, or categorically does not need ANY provisions in line with an EHC Plan then it is possible to counter that a child “MAY” have SEN and “MAY” require provisions.

An EHC needs assessment will not always lead to an EHC plan. The information gathered during an EHC needs assessment may indicate ways in which the school, college or other provider can meet the child or young person’s needs without an EHC plan.

If the Assessment is refused

If your request for an assessment is refused, then these two questions are often useful to ask the Local Authority:

1. Is it fair to say that my child may have Special Educational Needs, and that given the evidence the panel had, you cannot state categorically and provide evidence that s/he does not?
2. Is it fair to say that my child may find it necessary to make use of provisions that could be included in an EHC Plan if one were written, and that given the evidence the panel had, you cannot state categorically and provide evidence that s/he would not?

Should both of these points be confirmed with a yes (*unless the LA can provide evidence otherwise*), then respond with:

“As per the Children and Families Act 2014, and given that you cannot provide evidence otherwise, it is possible that my child may have special educational

needs and they may need provision in line with those that would be written in an EHC Plan document. As such, you now have a legal obligation to carry out a full needs assessment”

What should the process involve?

The assessment and planning process should:

- focus on the child or young person as an individual
- enable children and young people and their parents to express their views, wishes and feelings
- enable children and young people and their parents to be part of the decision-making process
- be easy for children, young people and their parents or carers to understand, and use clear ordinary language and images rather than professional jargon
- highlight the child or young person’s strengths and capabilities
- enable the child or young person, and those that know them best to say what they have done, what they are interested in and what outcomes they are seeking in the future
- tailor support to the needs of the individual
- organise assessments to minimise demands on families
- bring together relevant professionals to discuss and agree together the overall approach, and
- deliver an outcomes-focused and co-ordinated plan for the child or young person and their parents (*Chapter 9.22 - Code of Practice*)

Co-Ordination

Local authorities are responsible for ensuring that there is effective co-ordination of the assessment and development process for an EHC plan. The co-ordination should include:

- planning the process to meet the needs of children, parents and young people

- timing meetings to minimise family disruption
- keeping the child’s parent or young person informed through a single point of contact wherever possible and ensuring relevant professionals have sufficient notice to be able to contribute to the process (9.30 of the Code of Practice)

Timescales

(Chapters 9.39 - 9.44 - Code of Practice)

The time limits set out below are the maximum time allowed. However, steps must be completed as soon as practicable.

- Local authorities **must give their decision** in response to any request for an EHC needs assessment **within a maximum of 6 weeks** from when the request was received or the point at which a child or young person was brought to the local authority’s attention
- When local authorities **request information** as part of the EHC needs assessment process, those supplying the information must respond in a timely manner and **within a maximum of 6 weeks** from the date of the request
- If a local authority decides, following an EHC needs assessment, not to issue an EHC plan, it must inform the child’s parent or the young person **within a maximum of 16 weeks** from the request for a EHC needs assessment, and
- The child’s parent or the young person must be given **15 calendar days** to consider and provide views on a draft EHC plan and ask for a particular school or other institution to be named in it

The whole process of EHC needs assessment and EHC plan development, from the point when an assessment is requested (or a child or young person is brought to the local authority’s attention) until the final EHC plan is issued, **must take no more than 20 weeks** (subject to exemptions set out below).

Exemptions to Timescales: (SEND Regulations 2014 - Reg 10 (4))

Where there are exceptional circumstances, it may not be reasonable to expect local authorities and other partners to comply with the time limits above. The Special Educational Needs and Disability Regulations 2014 set out specific exemptions. These include where:

- appointments with people from whom the local authority has requested information are missed by the child or young person (this only applies to the duty on partners to comply with a request under the EHC needs assessment process within six weeks)
- the child or young person is absent from the area for a period of at least 4 weeks
- exceptional personal circumstances affect the child or his/her parent, or the young person, and
- the educational institution is closed for at least 4 weeks, which may delay the submission of information from the school or other institution (this does not apply to the duty on partners to comply with a request under the EHC needs assessment process within six weeks)

The child's parent or the young person should be informed if exemptions apply so that they are aware of, and understand, the reason for any delays.

Who is involved?

(Chapters 9.45-9.52 - Code of Practice)

The local authority should consider with the child's parent or the young person the range of advice required to enable a full EHC needs assessment to take place.

The child's parent or the young person should be supported to understand the range of assessments available so they can take an informed decision about whether existing advice is satisfactory.

Once decided, the local authority must give to those they are requesting advice from, copies of any representations made by the child's parent or the young person, and any evidence submitted by or at the request of the child's parent or the young person. (9.50 of the Code of Practice)

The local authority must not seek further advice if such advice has already been provided (for any purpose) and the person providing the advice, the local authority and the child's parent or the young person are all satisfied that it is sufficient for the assessment process. In making this decision, the local authority and the person providing the advice should ensure the advice remains current.

In seeking advice and information, the local authority should consider with professionals what advice they can contribute to ensure the assessment covers all the relevant education, health and care needs of the child or young person.

- Advice and information from the child's parent or the young person. The local authority must take into account his or her views, wishes and feelings
- Educational advice and information from the manager, headteacher or principal of the early years setting, school or post-16 or other institution attended by the child or young person. Where this is not available the authority must seek advice from a person with experience of teaching children or young people with SEN, or knowledge of the provision which may meet the child's or young person's needs. Where advice from a person with relevant teaching experience or knowledge is not available and the child or young person does not attend an educational institution, the local authority must seek educational advice and information from a person responsible for educational provision for the child or young person
- If the child or young person is either vision or hearing impaired, or both, the educational advice and information must be given after consultation with a person who is qualified to teach pupils or students with these impairments
- Medical advice and information from health care professionals with a role in relation to the child's or young person's health (see the section later in this chapter on agreeing the health provision in EHC plans)
- Psychological advice and information from an educational psychologist who should normally be employed or commissioned by the local authority. The educational psychologist should consult any other psychologists known to be involved with the child or young person
- Social care advice and information from or on behalf of the local authority, including, if appropriate, children in need or child protection assessments, information from a looked after child's care plan, or adult social care assessments for young people over 18. In some cases, a child or young person may already have a statutory child in need or child protection plan, or an adult social care plan, from which information should be drawn for the EHC needs assessment

- From Year 9 onwards, advice and information related to provision to assist the child or young person in preparation for adulthood and independent living
- Advice and information from any person requested by the child's parent or young person, where the local authority considers it reasonable to do so. For example, they may suggest consulting a GP or other health professional
- Advice from a youth offending team, where the child or young person is detained in a Young Offender Institution. Where the young person is serving their sentence in the community the local authority should seek such advice where it considers it appropriate

Any other advice and information which the local authority considers appropriate for a satisfactory assessment, for example:

- Early Help Assessments
- in the case of children of members of the Armed Forces, from the Children's Education Advisory Service
- in the case of a looked after child, from the Virtual School Head in the authority that looks after the child and the child's Designated Teacher and the Designated Doctor or Nurse for looked after children

EHC Plan - Sections

This is a breakdown of what goes where in an Education, Health and Care Plan.

There are lots of myths and incorrect information about what goes where. The law is clear and hopefully, this breakdown will help you to know what to look for and what to query in any draft EHC Plan you receive.

EHC plans should be forward-looking documents that help raise aspirations and outline the provision required to meet assessed needs to support the child or young person in achieving their ambitions.

Aspiration:

a hope or ambition of achieving something

EHC plans should specify how services will be delivered as part of a whole package and explain how best to achieve the outcomes sought across education, health and social care for the child or young person.

An outcome is not the same as an aspiration.

Complete details of the contents of an EHC Plan can be found in [Chapters 9.62 - 9.76 - Code of Practice](#)

Section A:

Section A should include the views, interests and aspirations of the child and his or her parents or the young person.

- Details about the child or young person's aspirations and goals for the future (but not details of outcomes to be achieved). When agreeing the aspirations, consideration should be given to the child or young person's aspirations for paid employment, independent living and community participation
- Details about play, health, schooling, independence, friendships, further education and future plans including employment (where practical)

- A summary of how to communicate with the child or young person and engage them in decision-making.
- The child or young person's history
- If written in the first person, the plan should make clear whether the child or young person is being quoted directly, or if the views of parents or professionals are being represented
- If the EHC Plan is for a child, the aspirations of the parents should also be recorded.

Section A is not a One Page Profile (and vice versa). Remember, this is a legal document not a person centred tool. You can use the thinking behind a One Page Profile (eg what is important to your child) to help you complete this section but they have different purposes.

This is the section for you and your child to note your aspirations for the future. However, please note that the Code of Practice specifically says that the Local Authority cannot be held accountable for a child or young person's aspirations. An EHC Plan will not continue just because an aspiration has not been achieved.

Many Local Authorities include good day/bad day in Section A. This is a good place to put what does and doesn't work for your child in a school day, especially if you have had good or bad experiences from previous settings.

Section B:

The child or young person's special educational needs.

- All of the child or young person's identified special educational needs must be specified
- SEN may include needs for health and social care provision that are treated as special educational provision because they educate or train the child or young person (see *Therapies* for more details on health and social care provision as special educational provision)
- It is important that the descriptions of all conditions and special needs are fully (and accurately) described.

- Generally, the special educational needs are listed within each broad area of need. However, if your child requires more than one specific provision within one broad area of need, it must be split into more than one need. IPSEA state “a Judge compared this section to a list of symptoms, each of which must be answered by an item in the list of special educational provision”. <https://www.ipsea.org.uk/Handlers/Download.ashx?IDMF=afd8d11f-5f75-44e0-8f90-e2e7385e55f0>
- Make sure the language used within this section is clear and as jargon free as possible. If jargon/clinical details are in there, can they be explained in a way that someone with no knowledge of the condition or need, could understand?
- Highlight the issues around each SEN. Think about the impact on your child if these needs were not met (eg can they access the curriculum, can they express themselves, can they understand requests and instructions, can they interact socially with their peers and with adults, can they achieve self esteem, can they learn to be as independent as is possible).
- In practice, many staff will look at this section for the basis of what they need to be providing before Section F.

Section C:

The child or young person’s health needs which are related to their SEN.

- The EHC plan must specify any health needs identified through the EHC needs assessment which relate to the child or young person’s SEN. Some health care needs, such as routine dental health needs, are unlikely to be related
- The Clinical Commissioning Group (CCG) may also choose to specify other health care needs which are not related to the child or young person’s SEN (for example, a long-term condition which might need management in a special educational setting)

Section D:

The child or young person’s social care needs which are related to their SEN or to a disability.

- The EHC plan must specify any social care needs identified through the EHC needs assessment which relate to the child or young person's SEN or which require provision for a child or young person under 18 under section 2 of the Chronically Sick and Disabled Persons Act 1970

[Chronically Sick and Disabled Persons Act 1970](https://www.legislation.gov.uk/ukpga/1970/44/contents)

<https://www.legislation.gov.uk/ukpga/1970/44/contents>

- The local authority may also choose to specify other social care needs which are not linked to the child or young person's SEN or to a disability. This could include reference to any child in need or child protection plan which a child may have relating to other family issues such as neglect. Such an approach could help the child and their parents manage the different plans and bring greater co-ordination of services. Inclusion must only be with the consent of the child and their parents

Section E:

The outcomes sought for the child or the young person. This should include outcomes for adult life. The EHC plan should also identify the arrangements for the setting of shorter term targets by the early years provider, school, college or other education or training provider.

Outcome:

the benefit or difference made to an individual as a result of an intervention (provision in Section F)

Outcome:

must be SMART

(specific, measurable, achievable, realistic & time-bound)

Specific: The outcome is clear and cannot be interpreted differently by different people.

Measurable: It is possible to know when the outcome has been achieved.

Achievable: It is appropriate to your child or young person and within their capabilities

Realistic: The outcome can realistically be achieved

Time-bound: The outcome has a deadline.

Outcomes are NOT aspirations. Nor are outcomes a description of the service or intervention being provided – for example the provision of three hours of speech and language therapy is not an outcome, it is a provision. Using this example, the outcome is what difference the speech and language therapy will make to your child. What will they be able to do once they have achieved this outcome that they cannot do now.

Section E should include:

- A range of outcomes over varying timescales, covering education, health and care as appropriate
- There should be an outcome for each Special Educational Need specified in Section B.
- For young people aged over 17, the EHC plan should identify clearly which outcomes are education and training outcomes.
- A clear distinction between outcomes and provision. The provision should help the child or young person achieve an outcome, it is not an outcome in itself
- Steps towards meeting the outcomes
- The arrangements for monitoring progress, including review and transition review arrangements and the arrangements for setting and monitoring shorter term targets by the early years provider, school, college or other education or training provider
- Forward plans for key changes in a child or young person's life, such as changing schools, moving from children's to adult care and/or from paediatric services to adult health, or moving on from further education to adulthood
- For children and young people preparing for the transition to adulthood, the outcomes that will prepare them well for adulthood and are clearly linked to the achievement of the aspirations in section A.
- It is also worth requesting that in Section E, the LA add that the school will meet with the parents three times a year (*which they should be doing anyway*) to look at the progress made on these outcomes.

Guidance for writing outcomes can be found from Catcote Academy on the SEND Gateway site - [https://www.sendgateway.org.uk/resources.guidance-for-writing-outcomes.html](https://www.sendgateway.org.uk/resources/guidance-for-writing-outcomes.html)

EHC plans can include wider outcomes such as positive social relationships and emotional resilience and stability.

Outcomes should always enable children and young people to move towards the long-term aspirations of employment or higher education, independent living and community participation. ([Chapter 9.64 - Code of Practice](#))

The outcomes are especially important at the age of 18, as they need to be education and training based or the EHC Plan will cease.

Section F:

The special educational provision required by the child or the young person.

- 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, including where this support is secured through a Personal Budget
 - Words/Phrases such as "regular", "frequent", "small groups", "will have opportunities/opportunities for", "access to", "as required", "as needed", "as necessary" "on occasions" and "as appropriate", etc **are not detailed or specific.**
 - Other words to avoid at all costs include "should", "ideally", "likely" "sometimes", "would like", "where possible", "as/when convenient", "budget/funding permitting", "often", "most days", "reasonably"
 - How regular is regular? Remember, Christmas is a regular occurrence.
 - How frequent is frequent?
 - Will the small groups take place in the general class room or in a separate quieter area?
 - "Individual daily support across the curriculum" appears to be a commonly used phrase in draft plans. Who is providing the support? How is this support managed? How qualified are the people giving support? What does this support look like? Is Daily support all day or just for part of the day?

- Imagine that you have to take this plan to another school in another LA suddenly - would they interpret "regular" or "frequent" in the same manner as the current school?
- Make sure there is no room for doubt.
- Provision 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 (section E)
 - Provision for every single SEN listed in Section B
 - How each provision supports the outcomes in Section E
- Where health or social care provision educates or trains a child or young person must be treated as special educational provision and included in Section F ([Chapter 9.73 - Code of Practice](#))
- Section F should specify:
 - any appropriate facilities and equipment, staffing arrangements and curriculum
 - any appropriate modifications to the application of the National Curriculum, where relevant
 - any appropriate exclusions from the application of the National Curriculum or the course being studied in a post-16 setting, in detail, and the provision which it is proposed to substitute for any such exclusions in order to maintain a balanced and broadly based curriculum
 - where residential accommodation is appropriate, that fact
 - where there is a Personal Budget, the outcomes to which it is intended to contribute (detail of the arrangements for a Personal Budget, including any direct payment, must be included in the plan and these should be set out in section J)
 - If a child is in or beyond Year 9, this section should also set out the educational, social and health provision required to assist the child or young person in preparation for adulthood and independent living.

Things to consider:

- Is the curriculum going to be differentiated?
- Who will be responsible for this?
- Is adequate time allowed for planning and production of any additional resources?
- Who will be responsible for producing any additional resources?
- How are the additional resources funded?
- Does your child have access to extra curricular activities and opportunities?
- Does your child require additional equipment (eg a Braille). If so, who will provide it, how is it funded, where will this be kept when not in use and who will be responsible for taking it from that place to the classroom.
- If your child is in a special school or a resourced provision, ensure that the full details of the provision they provide as standard is specified. For example, if your child goes to a good special school, they will probably offer small groups, differentiated curriculum, additional resources, etc as standard to all their pupils. However, if tomorrow you had to move to a LA with no special school or a poor special school, they may only offer what is specified in your plan.
- Generally speaking, full time support is 27.5 hours (or 32.5 if you include breaks and lunchtime) but always check the hours of the school, as they can vary.
 - What provision is made over break time and lunch time?

Section G:

Any health provision reasonably required by the learning difficulties or disabilities which result in the child or young person having SEN. Where an Individual Health Care Plan is made for them, that plan should be included.

- 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, including where this support is secured through a Personal Budget

- It should be clear how the provision will support achievement of the outcomes, including the health needs to be met and the outcomes to be achieved through provision secured through a personal (health) budget
Clarity as to how advice and information gathered has informed the provision specified
- Health care provision reasonably required may include specialist support and therapies, such as medical treatments and delivery of medications, occupational therapy and physiotherapy, a range of nursing support, specialist equipment, wheelchairs and continence supplies. It could include highly specialist services needed by only a small number of children which are commissioned centrally by NHS England (for example therapeutic provision for young offenders in the secure estate)
- The local authority and CCG may also choose to specify other health care provision reasonably required by the child or young person, which is not linked to their learning difficulties or disabilities, but which should sensibly be co-ordinated with other services in the plan

Section H1:

Any social care provision which must be made for a child or young person under 18 resulting from section 2 of the Chronically Sick and Disabled Persons Act 1970 (CSDPA)

- Provision should be detailed and specific and should normally be quantified, for example, in terms of the type of support and who will provide it (including where this is to be secured through a social care direct payment)
- It should be clear how the provision will support achievement of the outcomes, including any provision secured through a Personal Budget. There should be clarity as to how advice and information gathered has informed the provision specified
- Section H1 of the EHC plan must specify all services assessed as being needed for a disabled child or young person under 18, under section 2 of the CSDPA. These services include:
 - practical assistance in the home
 - provision or assistance in obtaining recreational and educational facilities at home and outside the home

- assistance in travelling to facilities
- adaptations to the home
- facilitating the taking of holidays
- provision of meals at home or elsewhere
- provision or assistance in obtaining a telephone and any special equipment necessary
- non-residential short breaks (included in Section H1 on the basis that the child as well as his or her parent will benefit from the short break)
- This may include services to be provided for parent carers of disabled children, including following an assessment of their needs under sections 17ZD-17ZF of the Children Act 1989

Section H2:

Any other social care provision reasonably required by the learning difficulties or disabilities which result in the child or young person having SEN. This will include any adult social care provision being provided to meet a young person's eligible needs (through a statutory care and support plan) under the Care Act 2014.

- Social care provision reasonably required may include provision identified through early help and children in need assessments and safeguarding assessments for children. Section H2 must only include services which are not provided under Section 2 of the CSDPA. For children and young people under 18 this includes residential short breaks and services provided to children arising from their SEN but unrelated to a disability. This should include any provision secured through a social care direct payment. See chapter 10 for more information on children's social care assessments
- Social care provision reasonably required will include any adult social care provision to meet eligible needs for young people over 18 (set out in an adult care and support plan) under the Care Act 2014. See Chapter 8 for further detail on adult care and EHC plans
- The local authority may also choose to specify in section H2 other social care provision reasonably required by the child or young person, which is not linked to their learning difficulties or disabilities. This will enable the

local authority to include in the EHC plan social care provision such as child in need or child protection plans, or provision meeting eligible needs set out in an adult care plan where it is unrelated to the SEN but appropriate to include in the EHC plan

Section I:

The name and type of the school, maintained nursery school, post-16 institution or other institution to be attended by the child or young person and the type of that institution (or, where the name of a school or other institution is not specified in the EHC plan, the type of school or other institution to be attended by the child or young person).

- The name and type of the school, maintained nursery school, post-16 institution or other institution to be attended by the child or young person and the type of that institution (or, where the name of a school or other institution is not specified in the EHC plan, the type of school or other institution to be attended by the child or young person)
- These details must be included **only in the final EHC plan**, not the draft EHC plan sent to the child's parent or to the young person for approval.
- Parents and young people have the right to request a placement at a particular school and the LA must comply with the request unless
 - it would be unsuitable for the age, ability, aptitude or SEN of the child or young person, or
 - the attendance of the child or young person there would be incompatible with the efficient education of others or the efficient use of resources.

Efficient education means providing for each child or young person a suitable and appropriate education in terms of their age, ability, aptitude, and any special education needs they may have.

Efficient use of resources relates to the additional costs of the placement.

The LA has to demonstrate that there are no "reasonable steps: that could be taken to ensure that the child can be educated in a mainstream school in a way that is compatible with the efficient education of other children.

If a school or other educational establishment, is named in this section, it must admit the child or young person. The only schools this does not apply to are wholly independent schools

If a child is being home educated under Section 7 of the Education Act, this should be specified in this section.

Section J:

Where there is a Personal Budget, the details of how the Personal Budget will support particular outcomes, the provision it will be used for including any flexibility in its usage and the arrangements for any direct payments for education, health and social care. The special educational needs and outcomes that are to be met by any direct payment must be specified.

- This section should provide detailed information on any Personal Budget that will be used to secure provision in the EHC plan
- It should set out the arrangements in relation to direct payments as required by education, health and social care regulations
- The special educational needs and outcomes that are to be met by any direct payment must be specified

Section K:

The advice and information gathered during the EHC needs assessment must be attached (in appendices). There should be a list of this advice and information.

- The advice and information gathered during the EHC needs assessment must be set out in appendices to the EHC plan. There should be a list of this advice and information including who gave the advice/information, their role and when it was provided.

The Golden Thread

Sections B, E and F should all link together (*like a golden thread*).

- Is there an Outcome in Section E for every Special Educational Need listed in Section B
- Is there provision in Section F for every single Special Educational Need listed in Section B?
- Is the provision in Section F going to help your child to achieve the Outcomes listed in Section E?

Therapies

There are a lot of questions about whether therapies are a special educational provision.

Therapies, such as Speech and Language Therapy, Occupational Therapy, Physiotherapy and even CAMHS can (and should) be listed as a special educational provision (in section F) if the therapy is required in order for the child to access, engage with and benefit from education.

Parents are sometimes told that as the therapy provider is actually employed by Health/NHS etc, that it is a health provision. However, it is a special educational provision if the child requires it to access, engage with and benefit from education.

For example, speech and language therapists are employed by the health service, not the local authority. However, if a child requires speech and language therapy to ensure they can receive and benefit from education, it is a special educational provision (section F) and not a health provision (section C).

Section C or Section F?

Making sure that they go into Section F is very important. The special educational provision can be challenged by parents (or the young person) at Tribunal if they disagree with the provision specified.

In addition, if a therapy is a special educational provision (eg. goes into Section F of an EHC Plan), then the Local Authority (LA) has a legal duty to ensure that the provision is delivered. Although it may be the school or college named in the Plan who deliver it, ultimately it the school or college don't, then it is down to the LA to provide it.

Local Policy?

If the LA says their local policy is to put this into Section C, please refer them to the Code of Practice - paragraph 9.74

"Decisions about whether health care provision or social care provision should be treated as special educational provision must be made on an individual basis.

Speech and language therapy and other therapy provision can be regarded as either education or health care provision, or both. It could therefore be included in an EHC plan as either educational or health provision. However, since communication is so fundamental in education, addressing speech and language impairment should normally be recorded as special educational provision unless there are exceptional reasons for not doing so."

Local Policy should always comply with the law. Remember, the law will always take priority over any local policy.

Involving Parents

One of the key principles of the Children and Families Act 2014 was that children, young people and their parents/parent carers had a voice.

If you feel your school, LA or other statutory body is not involving you, your child or young person, this is where it says in the legislation that they must.

Section 19 (Children & Family Act)

A local authority in England must have regard to the following matters in particular—

- the views, wishes and feelings of the child and his or her parent, or the young person
- the importance of the child and his or her parent, or the young person, participating as fully as possible in decisions relating to the exercise of the function concerned;
- the importance of the child and his or her parent, or the young person, being provided with the information and support necessary to enable participation in those decisions;
- the need to support the child and his or her parent, or the young person, in order to facilitate the development of the child or young person and to help him or her achieve the best possible educational and other outcomes.

Code of Practice

Local authorities must

- ensure that children, young people and parents are provided with the information, advice and support necessary to enable them to participate in discussions and decisions about their support. ([chapter 1.9 - Code of Practice](#))
- ensure the child's parents or the young person are fully included in the EHC needs assessment process from the start, are fully aware of their

opportunities to offer views and information, and are consulted about the content of the plan (*Chapter 9.2 – Code of Practice*)

- consult children with SEN or disabilities, and their parents and young people with SEN or disabilities when reviewing local SEN and social care provision (*Chapter 4.2 – Code of Practice*)
- consult them in developing and reviewing their Local Offer (*Chapter 4.7 - Code of Practice*)
- involve children with SEN or disabilities and their parents and young people with SEN or disabilities in:
 - planning the content of the Local Offer
 - deciding how to publish the Local Offer
 - reviewing the Local Offer, including by enabling them to make comments about it

(*Chapter 4.8 - Code of Practice*)

- make arrangements for providing children with SEN or disabilities, and their parents, and young people with SEN or disabilities with advice and information about matters relating to SEN and disability (*Chapter 2 - Code of Practice*)

If you feel that your school is not involving you, please refer them to the above. If despite this, they still do not involve you, then contact your Local Authority SEND team. The Children and Families Act 2014 (Section 42) is clear that the LA must secure the specified special educational provision.

Reviews

If my child does not have an EHC Plan?

The Code of Practice is clear that when a child is receiving SEN Support, schools should talk to parents regularly to set clear outcomes and review progress. Chapter 6.65 says schools should meet parents at least three times each year. These meetings should be led by a teacher with good knowledge and understanding of the child and allow sufficient time to explore the parents views and to plan effectively. These meetings will be longer than most parent teacher meetings.

These meetings should also include the views of the child.

How often should EHC Plans be reviewed?

Local Authorities must review EHC Plans every 12 months (from the date the EHC Plan started) [Section 44 - Children and Families Act](#).

This can be sooner, if

- a child is moving from secondary to a post 16 provision, when any review/amends must take place before 31 March (*in the calendar year in which the child moves - ie by 31 March of year 11*)
- a child is transferring provision placement in any other case (eg primary to secondary), when any review/amends must take place before 15 February (*in the calendar year in which the child moves - ie by 31 March of year 6 for primary to secondary*)
- a child is moving from one post-16 institution to another post-16 institution at any other time (eg not at start of school year). the LA must review/amend the EHC Plan at least five months before the transfer takes place.

Children under the aged of five may have their Plan reviewed more regularly (at least every three to six months) - [Chapter 9.178 - SEND Code of Practice](#) - but these reviews are not annual reviews and as such, the rules regarding who is invited, etc do not apply. However, parents must be fully

consulted on any proposed changes and also made aware of their right to appeal

What is an Annual Review?

An annual review is an opportunity to focus on the child or young person's progress towards achieving the outcomes specified in the EHC Plan. The review must consider if these outcomes and supporting targets remain appropriate.

The outcomes are especially important at the age of 18, as they need to be education and training based or the EHC Plan may cease.

For those in year 9 or beyond, the review must consider what provision is required to support the child or young person in preparation for adulthood and independent living ([SEND Regulations, Reg 20\(6\)](#))

Do parents and their child or young person have any input in an Annual Review?

In the SEND Regulations 2014, reg 19, the law is clear in that when a Local Authority is undertaking a review of an EHC Plan, they "must consult the child and the child's parents or the young person and take account of their views, wishes and feelings".

Who is invited to an Annual Review?

- The child's parents or the young person
- the provider of the educational institution attended by the child or young person
- an officer from the LA (often referred to as SEN officer or case officer)
- a health care professional to provide advice about health care provision
- an officer from the LA's social services team (often a social worker from the disabled children's team)

Notice of an Annual Review?

The Local Authority has the legal duty to organise Annual Reviews, however, they can ask a head teacher or principal to arrange and hold the meeting.

At least two week's notice must be given to all those invited.

The person organising the Review must obtain advice and information (*a report*) about the child or young person from those invited to the review meeting.

These reports must also be circulated to all those invited at least two weeks in advance of the review meeting.

Obviously, there is a time issue here - if they invite and request with just two weeks notice, then it is difficult for everyone to return a report and for copies to be circulated within two weeks of the meeting.

It is best practice for Annual Reviews to be planned way ahead of schedule (*some schools notify you of the following year's review date within a few months of the last one taking place*). This allows people time to schedule writing up to date reports, with lots of notice, in order that the same can be collated and circulated when the reminder/invite goes out with two weeks notice.

Tip:

It is important to ask whoever is organising your Review to send you all the paperwork/reports in advance of the meeting so you have time to read and prepare any questions you may have as a result of the reports. Being handed them at the Review is not acceptable. SEND Regulations, Reg 20

After the Annual Review?

Within two weeks of the review meeting, a report must be written by the person organising the review, which specifies any recommendations or amendments. This report must also include the advice and information collated before the annual review.

This report must again be sent to everyone who was invited to the Annual Review.

The Local Authority, upon receipt of this report, must then decide whether it will continue the Plan in its current form, amend it or cease to maintain it.

They must advise the child's parents or young person (and the school) of their decision **within four weeks of the review meeting**. The Local Authority upon sending this decision, must also advise parents of their rights to appeal and the time limits for doing so. They must also provide information relating to mediation, the availability of disagreement resolution services and

information and advice about matters relating to the special educational needs of children and young people.

If amends are made to the plan?

If amends are to be made, the Local Authority must comply with

SEND Regulations

Reg 11 - the evidence received and how best to achieve the outcomes

Reg 12 - [A to K of the EHC Plan](#)

Children and Families Act

Section 33 - Children and young people with EHC Plans

Section 39/40 - Finalising EHC Plans request/no request for particular school

They must provide a copy of the EHC Plan together with a notice specifying the proposed amendments, together with copies of any evidence which supports those amendments.

The LA must allow parents (or the young person) 15 days from when the LA served the draft plan (ie sent it out) to make representations about the content of the draft plan (*ie to challenge any changes they are not happy with*), request a particular school (*or other institution*) be named in the plan or to request a meeting with an officer of the LA if they wish to discuss the contents rather than put their concerns in writing.

The finalised plan must be send to the parents (or young person) and the school (or educational institution) **within eight weeks of first sending the EHC plan and proposed amendments** to the parents.

What if my child's needs are not being met?

If your child's needs are not being met within a school and they seem indifferent (*or perhaps they are trying to persuade you to look elsewhere*), ask for a copy of the school's complaint procedure policy. This should be available on their website, but it often helps to ask for a copy as it makes the school aware that you are genuinely unhappy.

The Department for Education also produce a **guide for schools on their complaints procedures**. It covers much of what the DfE expect the school to do with regard to complaints.

Another useful resource is from NHS England - [A guide to make conversations with schools count for all families](#)

<https://www.england.nhs.uk/publication/ask-listen-do-making-conversations-count-in-health-social-care-and-education-tips-for-health-social-care-and-education-organisations-and-practitioners/>

Always put everything in writing.

Top Tip: If the school ring you to discuss an email you have sent, make notes and then send them an email or letter saying "I just wanted to confirm our conversation today. My understanding is that you will.....".

The complaint process:

Usually complaints procedures have three tiers.

Give feedback. This is the first step. Often the school's complaints procedure will ask you to speak to the teacher/relevant person in the first instance.

Sometimes just giving feedback is enough.

Often, our children allow their anxiety to build up in silence at school and then we have the joy of the explosion when they arrive home. The school may genuinely be unaware that your child is having some issues.

If your child has prior experience of being treated negatively when they have struggled, they may be less likely to admit to struggling again. Some teachers and teaching assistants are better at figuring out when a child is struggling than others.

Raise a concern: If you have given feedback but nothing has changed (*and we know this happens*), then the next step is to raise it as a concern. School complaints procedures will generally ask for you to write to the head teacher if you have already given feedback and nothing has changed. When you email, let them know what your concerns are, who you have spoken to about the concerns and if appropriate, remind them of their legal duties detailed in the **School Duties** section of this guide.

Make a complaint: If you have given feedback and raised a concern and still no change, then the next level is a formal complaint. This is usually step three in a school's complaints procedure. Write to the Governors or Management Committee, explaining what the concerns are, who you have spoken to and why their response is not satisfactory.

Going through all three steps is time consuming however, it is difficult, if not impossible, to move up the chain to the Local Authority, the Department for Education or the Local Government Ombudsman unless you have followed the school's complaints procedure first. It is often one of the first questions that will be asked of you.

Write to the Local Authority

It may be helpful for you, if your child has an EHC Plan, to write to your local authority. They have a legal duty to ensure that everything in the plan is being delivered. If your concerns are around the provision specified in the plan not being delivered, it is the LA's legal duty to ensure it is.

Write to Department for Education

If you are not happy with the response from the Governing Body or Management Committee of a school or college, (or the Local Authority have not assisted if you have contacted them), the next stage is to complain to the Department for Education (DfE).

This letter of complaint should contain the facts. Try to summarise, if possible, with the details being available in supporting evidence (letters, emails, etc). It should also contain details of why you believe the complaints procedure failed to address the issues you raised and why you believe this is unlawful.

The DfE have the power to insist schools or Local Authorities make changes and can also issue a reminder of the legislation if they believe the law is being ignored.

To complain to the DfE, you must use their **online contact form**

Write to Ofsted

If you are not happy with the response from the DfE and you believe it has not resolved the issue, you can complain to Ofsted.

Although Ofsted cannot investigate individual complaints about a child, it can call an immediate inspection if it is a serious complaint, or they can ask the school to provide information.

Again, to complain to Ofsted, you must use their online contact form.

Judicial Review

If you have done all of the above, and still no joy, then it may be necessary to consider a Judicial Review.

This is when you ask a Court to decide whether a decision made by the school or LA (or other public body) is lawful.

This is not to be used when you are complaining about the contents of an EHC Plan (i.e. you are not happy with the contents detailed in the Plan). In this case, you should **appeal** to the First Tier Tribunal (The SEND Tribunal).

Judicial Reviews are when there is no other way for a complaint to be resolved. If you have contacted the LA and they have still not ensured that the provision in a Plan is being provided, then a Judicial Review is the way forward.

Judicial Reviews must be applied for within three months of the complaint. Sometimes you may find you have to apply for Judicial Review in the middle of the complaints procedure due to the time limits.

You must be able to show that you have done everything you possibly can to resolve the issue and that the LA (or other public body) is failing in their legal duty. You cannot apply for Judicial Review just because you disagree with the response, if the LA or School are complying with the law.

IPSEA offer further advice on Judicial Review including the different stages and how to start an action, along with details of what a Judicial Review can achieve.

For more information on Judicial Reviews, Steve Broach has written a great article over on his blog - [Why Judicial Review is a real remedy in SEN and Disability cases](https://rightsinreality.wordpress.com/2014/08/30/why-judicial-review-is-a-real-remedy-in-sen-and-disability-cases/) - <https://rightsinreality.wordpress.com/2014/08/30/why-judicial-review-is-a-real-remedy-in-sen-and-disability-cases/>

Legal Advice

When you are considering Judicial Review, it is highly recommended that you seek legal advice.

You may be eligible for **legal aid**, or it may be possible to get legal aid in your child's name.

If you do not qualify for legal aid, you can get free advice from **Citizens Advice** or **The Law Centres Network**.

Local Government Ombudsman

If you have complained to the School, LA, DfE and remain unhappy; and you do not meet the criteria to appeal to the First Tier Tribunal, then you may be able to complain to the Local Government Ombudsman. However, please note that they cannot look at complaints about Academies, these must be addressed with the DfE unless the school has recently converted to an Academy.

The LGO can look at a variety of complaints about education. This can include

- education other than at school,
- exclusion from school (unless it can be appealed as disability discrimination),
- special educational needs (if LA is failing to ensure specified provision is arranged and maintained or there is a delay in assessing a child or issuing an EHC Plan)and

- school transport.

The LGO will ask that you go through the complaints procedures of the school/ LA first and that you complain to them within 12 months of the issue arising.

You must also be directly affected by the matter. If you have the right to appeal and choose not to, the LGO will not consider your complaint. For example, the LGO will not look at a complaint about school admission if you are unhappy with the school named in your EHC Plan as this can be appealed to the First Tier Tribunal.

To complain to the LGO, you can either complete their **online form**, or phone their helpline (Mon to Fri 8.30-5.00) on 0300 061 0614 or text them on 0762 481 1595

Appeals & Mediation

What is a Tribunal

The First Tier Tribunal (often referred to as the SEND Tribunal) is an independent panel. The SEND Tribunal is there to handle appeals against Local Authority decisions regarding special educational needs, including a refusal to:

- assess a child's educational, health and care needs
- reassess their special educational needs
- create an EHC Plan
- change what is in a child's EHC Plan (or Statement of Special Educational Needs)
- maintain the EHC Plan (or Statement)

They also handle appeals for discrimination by schools or local authorities due to a child's disability.

From April 2018, for a two year pilot, the SEND Tribunal is also able to include appeals against health and social care provision within an EHC Plan (if the provision relates to the child or young person's special educational needs). This does not apply to the LA's refusal to secure an EHC Assessment or reassessment, only for those appealing the contents of an EHC Plan.

The Tribunal cannot make decisions on the following issues:

- the way the LA carried out the assessment or the length of time it took (*the Local Government Ombudsman can investigate complaints about delays in assessing a child and issuing a EHC Plan*)
- how the LA or school/college is arranging to provide the help set out in the EHC Plan
- the way the school is meeting your child's or a young person's needs under SEN Support
- the outcomes in Section E of the EHC Plan
- any disputes about the wording of Sections A, J and K of the EHC Plan

The SEND Tribunal looks purely at the law and if it has been interpreted correctly.

There is no cost for families to bring an appeal.

Time Scales for Appeals

When the LA makes a decision, such as refusal to reassess or refusal to create an EHC Plan, they must notify you in writing. The date of this notification is very important if you are considering an appeal, so mark it down on a calendar or in your diary.

From the date of this notification you have two months to appeal.

When you receive the notification from the LA, it should advise you of your rights to appeal, the time limits, information about mediation and the availability of disagreement resolution services, and the availability of information and advice about matters relating to the special educational needs of children and young people.

Mediation

You must consider mediation before you appeal to the Tribunal.

Mediation is much less formal. You should receive details of how to contact a mediation service when you receive notification from the Local Authority about their decision to assess or not, their decision to secure a Plan or not, their decision to change or cease a plan.

Actually having mediation is not compulsory however, considering mediation is. Once you have talked to a mediation advisor, who will explain how it works, you get to choose if this is an option for you. If you want to go ahead, they will organise bringing you and the Local Authority to discuss the problem. If you decide not to go ahead with

mediation, the mediation advisor will issue a certificate so you can go forward with your appeal.

SEND Tribunal - SEND35 (not including refusal to assess)

When you apply for an appeal to the SEND Tribunal, they ask you to respond to the following questions (depending on what you are appealing):

- Why you are bringing the appeal (applicable to all appeals)
- Why you disagree with the description of SEN in Section B of the EHC Plan
- Why you disagree with the specification of special educational provision in Section F of the EHC Plan
- What the LA have not considered
- Why you disagree with the LA's choice of school - Section I of the EHC Plan
- Why you prefer your choice of school
 - If appealing Section I, if you have contacted the school of your choice and what their response was
 - If you cannot name a specific school, describe the type of school you would prefer
- Why you disagree with the health care needs and health provision - Section C and G of the Plan
- What recommendations you would like the Tribunal to make with regards to Section C and G of the Plan
- Why you disagree with the social care needs and social care provision - Section D and H of the Plan
- What recommendations you would like the Tribunal to make with regards to Section D and H of the plan

Refusal to Assess - SEND35a (refusal to assess):

If a LA refuses to make an EHC Assessment, you can appeal to the SEND Tribunal. These hearings are not a face to face hearing.

They look at two things.

- Whether the child or young person has or may have SEND
 - What special educational needs the child has
 - What special educational needs you consider the child may have which have not yet been fully identified.
- Whether the child or young person may require an EHC Plan
 - Why you think the child may require an EHC Plan

IPSEA provide **detailed advice** on appealing a refusal to assess.

At the Tribunal Hearing

Usually, at the Tribunal hearing there will be:

- 3 Tribunal members
- a clerk
- someone representing the Local Authority
- expert witnesses - if required

You may be asked questions by your representative (if you have someone representing you), the LA's representative and the members of the Tribunal.

You can take along someone to support you in addition to any representative.

You can generally claim back the cost of travel (standard class rail fares, bus/tram fares or mileage if you travel by car) for yourself, your child and anyone you bring to look after your child.

Tribunal's decision

Generally, you will receive the Tribunal's decision within 10 working days of the hearing.

There are time scales in place for Local Authorities to act on the Tribunal's decision. These can be found on the [Government's website](#)

If the LA fails to act on the Tribunal's decision, you can complain to the Local Government Ombudsman.

If you lose your appeal, there are processes in place to get the decision set aside (cancelled) if you think there has been a mistake in the process, ask the tribunal to review the decision (if your circumstances change since you got the decision), or you can ask for appeal to the Upper Tribunal if you think the Tribunal made a mistake.

Your decision letter will tell you what options are available to you.

Exclusions

Pupils with SEN account for around 70% of all permanent exclusions and around 60% of fixed period exclusions in England.

There are regulations and guidance for headteachers. They are:

- School Discipline (Pupil Exclusions and Reviews)(England) Regulations 2012
- Exclusion from maintained schools, academies and pupil referral units in England 2017

Myth

If your child is sent home to cool off or if you are asked to collect your child everyday after afternoon registration (as the school thinks your child is better at home), this is an informal, or unofficial exclusion. This is unlawful, even if you, as a parent, agree unless the Head has specifically contacted you in writing to say your child is being excluded every afternoon.

Exclusions can be for parts of the school day (eg lunch time) but they have to be counted as exclusions.

When can a School Exclude?

First and foremost, any decision to exclude must be made in line with the law (including the European Convention on Human Rights and the Equality Act 2010), it must be rational, reasonable, fair and proportionate.

The Head teacher must also take account of their legal duty of care when sending a child home following an exclusion.

The Head teacher must comply with their statutory duties in relation to SEN - ie they must comply with the SEND Code of Practice. Disruptive

behaviour can be an indication of unmet needs and schools should give particular consideration to the fair treatment of pupils with SEN and other groups who are more vulnerable to exclusion.

Early intervention to address underlying causes of disruptive behaviour should include an assessment of whether appropriate provision is in place to support any SEN or disability that a pupil may have.

It is also unlawful for a Head teacher to exclude a child for a non-disciplinary reason. This includes if the school feels unable to meet the child's special educational needs or the action of a child's parents.

A child can only be excluded for a maximum of 45 days or 90 half days in each academic year.

Once a child is excluded for a total of more than five school days (or ten half days) in a term), the Head teacher must notify the Governing Body and the Local Authority.

Once a term, the Head teacher must also notify the Governing Body and LA of any other exclusions of less than five school days.

Any exclusion of a pupil, even for a short time, must be formally recorded as an exclusion.

The Head teacher should, as far as possible, avoid permanently excluding any pupil with an EHC Plan and engage proactively, with parents in supporting the behaviour of children with additional needs.

If the Head has concerns about the behaviour of a child with additional needs or a pupil with an EHC Plan, they should, in partnership with others) consider what additional support or alternative placement may be required. This should include assessing the suitability of provision for a pupil's SEN.

A Head teacher can only exclude a child in response to a serious or persistent breaches of the school's behaviour policy and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupils or others in the school.

Tendency to Physical Abuse

In July 2018, there was a landmark ruling by the Upper Tribunal with regard to children with special educational needs being excluded from school due to their "tendency to physically abuse".

They found that "aggressive behaviour is not a choice for children with autism". Schools must now make reasonable adjustments to prevent or manage challenging behaviour and justify that any exclusion is proportionate. Prior to this ruling, schools were able to exclude pupils who have tendency to physical abuse, even if the school had made no adjustments to meet their needs.

See **C&C v The Governing Body of a School** for further details

https://assets.publishing.service.gov.uk/media/5b7bb90ae5274a44b493995e/HS_3177_2017-00.pdf

If your child is excluded:

When the Head teacher decides to exclude a pupil, they must notify you, without delay.

They must also, without delay, provide you with the following (in writing):

- the reasons for the exclusion
- the period of a fixed period exclusion or for a permanent exclusion, the fact that it is permanent
- your rights as a parent to make representations about the exclusion to the governing board and how your child may be involved in this,
- how any representations may be made and
- where there is a legal requirement for the governing body to consider the exclusion, that you have a right to attend a meeting, be represented at that meeting (at your own expense) and your right to bring a friend.

There is also a legal duty to provide alternative education for pupils on fixed or permanent exclusions from the sixth day of the exclusion unless your child is in the final year of compulsory education and does not have any further public examinations to sit.

The five days of exclusion do not have to be consecutive. If the child is on a fixed period exclusion, it is the legal duty of the school to organise. If the child is permanently excluded, it is the legal duty of the LA to organise.

If your child has an EHC Plan and is excluded, the LA may need to review the plan with a view to identifying a new placement.

Home Education

Home Education, sometimes referred to as home schooling, or elective home education, is when parents decide to educate their child and take full responsibility for doing so, out of a school environment.

Section 7 of the Education Act states that

The parent of every child of compulsory school age shall cause him/her to receive efficient full time education suitable:

- to his/her age, ability and aptitude, and
 - to any special educational needs he/she may have
- either by regular attendance at school or otherwise

There is no legal definition in the Education Act for “efficient” or “suitable” however, it is generally accepted in case law that “efficient” is an education “that achieves that which it sets out to achieve” and “suitable” is an education “that primarily equips a child for life within the community of which they are a member, rather than the way of life in the country as a whole, as long as it does not foreclose the child’s option in later years to adopt some other form of life if she or she wishes to do so”

This means a parent can choose to send their child to a school or make alternative arrangements for their education, such as private tuition, distance learning, e-learning or providing the education themselves.

Parents who choose to home educate do not have to have a teaching qualification, nor do they have to follow the national curriculum, or even enter their child for any examinations.

Deregister your child

To home educate a child, you do not need to seek permission if your child is in a mainstream school or if your child has not started school. The rules around children with EHC Plans) are slightly different.

To deregister a child who is in a mainstream school (without an EHC Plan), the parent just needs to write to the school requesting that they deregister the child (ie remove their name from the school roll). The school then has to inform the Local Authority.

If your child is not in school and has never been in school, you can choose to notify the Local Authority's Elective Home Education (EHE) Team. Their details should be on the LA's Local Offer. This enables the LA to keep an accurate record of the educational provision and also enables the parent's entitlement to support and advice from an allocated officer.

Children with EHC Plans

If your child has an EHC Plan, then the LA must be involved in the process of de-registering your child. The LA has a legal duty to ensure that the provision within the EHC Plan can be met outside the school environment. Usually a LA officer from the EHE Support team will visit the family to discuss how they intend to meet the objectives in the EHC Plan. Following this, a report is produced and sent to the SEN team within the LA.

Further Information

There are several websites offering advice and information on home education. Many offer template letters and support networks, as well as consultancy.

Please see our [Other Useful Links](#) for more information

Home to School Transport

Home to school transport can make all the difference to a child's education. If provision is good, the child is happy and ready to learn when they arrive at school. If the provision is bad, the child may be anxious, distressed and not in a position to be educated.

Eligibility

Local Authorities have a legal duty to arrange free, suitable home to school transport for children (aged up to 16) who are eligible to their nearest suitable qualifying school. (*Section 508b - Education Act*)

Children with SEN, a disability or a mobility difficulty are defined as one of the groups of children eligible in Schedule 35B of Education Act

"of compulsory school age and is any of the following—

- a child with special educational needs;*
- a disabled child;*
- a child with mobility problems"*

The nearest suitable qualifying school is taken to mean the nearest qualifying school with places available that provides education appropriate to the age, ability and aptitude of the child, and any SEN that the child may have.

Distance to School

Although there is a walking distance eligibility within the Home to school Travel and Transport guidance, this is not applicable to children with SEN - as clarified in Schedule 35B of the Education Act 1996

"having regard to whichever of the following are relevant -

his special educational needs,

his disability

his mobility problems

he cannot reasonably be expected to walk to the school"

In section 1.3 of the home to school transport and travel guidance, it also states within the SEN/Disability or mobility problems eligibility:

“Usual transport requirements (eg the statutory walking distances) **should not be considered** when assessing the transport needs of children due to SEN and/or disability”

Suitability of Travel arrangements

Best practice suggests that maximum each way length of journey is:

- for a child of primary school age - 45 minutes
- for a child of secondary school age - 75 minutes

However, for children with SEN and/or Disabilities, journeys may be more complex and although a shorter time is desirable, it may not always be possible. (*Paragraph 34 - Home to School Travel and Transport guidance*)

For arrangements to be suitable, they must also be safe and reasonably stress free, to enable the child to arrive at school ready for a day of study. (*Paragraph 35 - Home to School Travel and Transport guidance*)

There is case law that considers the stress-free element of a child's journey to school. [R v Hereford and Worcester County Council, ex parte P 2 \(1992\) 2 FCT 732](#) - this is not available online but IPSEA provide a very useful summary. <https://www.ipsea.org.uk/r-v-hereford-and-worcester-county-council-ex-parte-p-2-1992-2-fcr-732>

Paying for Transport

If your LA asks you to pay for transport to the school of your choice, they have to be able to show that they have a school that is closer, that has spaces and can meet the needs of your child.

If they can do this, they must then also be able to show that the school you are requesting will cost **significantly** more than their choice. This cost includes the home to school travel and transport costs.

If the LA can evidence both of these, then they are entitled to ask you to pay the cost of transport or to contribute to it.

Transport for young people (16-19)

Unfortunately, the Home to School Transport guidance is based on the Education Act's definition of eligibility and not the Children and Families Act. Despite young people being eligible for education and EHC Plans until the age of 25, the same cannot be said for Home to School Transport.

The difficult age is 16 and 17, when they are no longer an eligible child and not yet a relevant young adult (as defined in the Education Act).

In January 2019, the DfE published an updated [post-16 Transport and Travel support to education and training statutory guidance for local authorities](#) to clarify the sixth form age and adult duties.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/772913/Post16_transport_guidance.pdf

Despite this new guidance clarifying that children are now required to stay in education or training until their 18th birthday and that local authorities are responsible for promoting the effective participation in education and training of young people, there was no change to existing policy.

The DfE do state "it would be good practice not to charge a contribution for transport for a young person assessed under the sixth form age duty (*eg post 16 and under 19*) if it is likely that they will be eligible for free transport under the adult transport duty" however, once again, there is no change in policy to enforce this. Good practice is great but not enforceable.

For children ages 16-19 who are attending school or college, the Local Authority must have a Transport Policy Statement on their website (within

their Local Offer). This must contain a specific provision for disabled learners. The LA should consider the impact of a learning difficulty or disability on the young person's ability to walk and its duty to encourage, enable and assist the participation of young people with learning difficulties and disabilities up to the age of 25 in education and training.

This Transport Policy Statement should set out home to school/college transport arrangements for young people with SEN. However, there can be charges for this. Some Local Authorities offer a sliding scale based on income. Details of what each Local Authority provides for this age group should be clearly available on their Local Offer.

If the LA charge for transport, it must comply with the Equality Act 2010.

Safeguarding & Training

Local Authorities should ensure the suitability of any contractors (or employees) by undertaking the required safeguarding checks (DBS - Disclosure & Barring Service). This includes bus drivers, taxi drivers and escorts. (*Paragraph 43 - Home to School Travel and Transport guidance*)

Local Authorities should ensure that all drivers and escorts have undertaken appropriate training (and that this is kept up to date).

It is also considered good practice for those responsible for planning and managing school transport (the SEN Transport team) to have undertaken appropriate equality training. (*Paragraph 44 - Home to School Travel and Transport guidance*)

Home to School Transport Appeals

Local Authorities should have in place and publish their appeals procedure. This should be published alongside the LA's travel policy statement (which should be on the LA's Local Offer). The appeals procedure should be a clear two stage process for parents who wish to challenge a decision about the transport arrangements offered or their child's eligibility. (*Annex 2 - Home to School Travel and Transport guidance*)

Stage one - review by a senior officer

Within 20 working days of receiving the initial home to school transport decision, parents to make a written request for a review of the decision detailing why they believe the decision should be reviewed and any personal/family circumstances they believe should be considered when the decision is reviewed.

Within 20 working days (*) of receipt of the request, a senior officer reviews the decision and sends the parents a detailed written notification of the outcome of their review with details of how a parent can escalate their case to stage two if appropriate.

Stage two - review by an independent () appeal panel**

Within 20 working days of receiving notification of the outcome of the review, parents to make a written request to escalate the matter to stage two.

Within 40 working days of receipt of the parents request, an independent panel considers written and verbal representations from both the parents and the officers involved in the case and provide a detailed written notification of the outcome (within 5 working days of the panel hearing).

(*) the timings are recommended and not statutory

(**) independent means the panel members are independent of the original decision making process but are not required to be independent of the LA. They should be suitably experienced (at the discretion of the LA) to balance the needs of the parents and LA.

Dealing with meetings

When attending meetings, it is important to remember families know and love their child best. As a parent, you have known your loved one since birth, and hold much more information than any professional report could possibly capture. This means you have a deep understanding of your loved ones' needs, strengths and hopes, and that it is important to trust your instincts.

Being organised can help you manage everything routinely and to make sure you are ready with all the information you need when meeting with others involved (e.g. Education, Health or Care professionals). Meetings can be stressful, especially if you are taking your son or daughter with you. Just the thought of trying to get them there may fill you with anxiety, with likelihood of them cooperating ranging from very unlikely to impossible.

If there are likely to be any difficulties, let the organiser know well before the meeting. It is important that you can all work together to try and make the adjustments that your loved one might need – and that includes what you might need as their carer.

Further Information

Please note: remember that public sector organisations are obliged to make 'reasonable adjustments' for people with disabilities (including learning disability and autism) so it is important for them to know about your loved one's needs.

<https://www.hft.org.uk/resources-and-guidance/disability-rights-and-legal/equality-act/>

Getting ready

Whatever the meeting is for, it is a good idea to be prepared before you go.

- Read through any relevant papers and reports beforehand.
- Write down a list of the questions you would like to ask.
- What do you want to achieve from the meeting?
- Is anyone going with you?
 - Does everyone know where they need to be and when?
- Collect together the key documents for reference.
- Have you got a notebook and a few pens that work?
- Check out your transport and travel arrangements to minimise setbacks.
- Make sure you know exactly where you are going and how to get there.
- Have you organised any care for other children or people you care for?

Tip: If the meeting is located somewhere new, looking up the postcode on Google Earth. Looking at the destination on street view can help you to find your way.

At the meeting

In our busy lives, we all have to attend routine meetings for all sorts of things and hopefully the majority of these will not cause you to worry. However, if you are anxious about anything specific, or if it is a significant meeting, it is a good idea to take someone with you for support (e.g. a partner, spouse, relative or friend). Make sure you let the person organising the meeting know who is coming so they are aware.

Ask people if they would mind writing down their name and role for you, so you have an accurate record of who was there without worrying about remembering this or spelling their name correctly.

It is important to try to keep as calm as possible. This may be easier said than done, especially if you are feeling apprehensive. However, trying to stay calm will help you express all the things you want to.

It is also important to try to maintain good working relationships with the other people at the table as far as possible. Try to stay as positive as you can, as this will hopefully encourage others to focus positively and get things done. Having said that, you are the person who knows your loved one's needs better than anyone else and have every right to put them first in any discussion.

Before the meeting starts, check its expected finishing time so that you can pace yourself accordingly. Make notes during the meeting if you want to and ask the professionals to explain anything you do not understand. Professional meetings can often be littered with acronyms and professional jargon. It is important that these are explained to families.

At the end of the meeting, check if you have answers to the key questions you had before the meeting. Agree with those in the meeting on a list of key points and actions to make sure that things happen in the way that you expected.

Try to make a note of who said they would do what and by when. It is likely that you will be sent a summary afterwards, ask about this but make your own notes if possible too. Ask for details of any further tests or meetings to be held.

If things did not go to plan, for example if there was not enough time or you forgot something, remember you can ask for a follow-up call after the meeting.

After the meeting

Once the meeting is over, try to make notes while the event is still fresh in your mind.

Waiting For:

Have a section in a notebook called "waiting for" and have one page for each month. Add any actions from meetings to this (e.g. Dr G will refer

to "x" department and we should hear by July). Also write down if you have emailed someone and are waiting for a response from them. We often have "email Dr G" on our to do list and then we cross it off and sometimes forget about the response.

Get into the habit of checking your "waiting for" section each month so you can chase up referrals or responses if you haven't heard from people.

The Law

There is a huge array of legislation in place for our children and young people. However, many of us either don't know what is out there or how it can be applied. There is also confusion over whether something is absolutely set in stone and cannot be ignored, or whether it is just something that we only see in good practice.

Primary Legislation:

These provide the basic details of what the law requires. This is not guidance, it is not a suggested method, this is the law. **It has to be adhered to.** There is no "best endeavours" or "should have regard to" allowed.

Primary Legislation has to be approved by Parliament (i.e. approved by the House of Commons and the House of Lords).

Examples of Primary Legislation

- The Children and Families Act 2014 - Part 3.
- Childrens Act 1989
- Equality Act 2010
- Education Act 1996

Secondary Legislation

These, as it was once explained to me, put the meat on the bones. So they provide more detail about timescales, processes and what the Act or Primary Legislation requires.

Again, these **have to be adhered to.**

Secondary Legislation has to be approved by Parliament.

Examples of Secondary Legislation

- SEND Regulations 2014
- SEND (Personal Budgets) Regulations 2014
- SEND (Detained Persons) Regulations 2014

- The Children and Families Act 2014 (Transitional and Saving Provisions)(No 2) Order 2014

Supplementary/Guidance

This is produced by the Government as guidance to explain in more detail, and in terms that everyone understands, what the Primary & Secondary Legislation requires. It does not have to be approved by Parliament.

Supplementary legislation does not have to be followed to the letter, if good reason can be shown as to why it was not followed.

In the introduction, the Code of Practice states “where the text uses the word ‘must’ it refers to a statutory requirement under primary legislation, regulations or case law.

The bodies (*) “must have regard to the Code of Practice. This means that whenever they are taking decisions they must give consideration to what the Code says. **They cannot ignore it.** They must fulfil their statutory duties towards children and young people with SEN or disabilities in the light of the guidance set out in it. They must be able to demonstrate in their arrangements for children and young people with SEN or disabilities that they are fulfilling their statutory duty to have regard to the Code.

So, where the text uses the word ‘should’ it means that the guidance contained in this Code must be considered and that **those who must have regard to it will be expected to explain any departure from it.**

(*) *The bodies:*

- *local authorities (education, social care and relevant housing and employment and other services)*
- *the governing bodies of schools, including non-maintained special schools*
- *the governing bodies of further education colleges and sixth form colleges*
- *the proprietors of academies (including free schools, university technical colleges and studio schools)*
- *the management committees of pupil referral units*
- *independent schools and independent specialist providers approved under Section 41 of the Children and Families Act 2014*
- *all early years providers in the maintained, private, voluntary and independent sectors that are funded by the local authority*
- *the National Health Service Commissioning Board*
- *clinical commissioning groups (CCGs)*
- *NHS Trusts*
- *NHS Foundation Trusts*
- *Local Health Boards*
- *Youth Offending Teams and relevant youth custodial establishments*

- *The First-tier Tribunal (Special Educational Needs and Disability)*

It is always best, where possible, to use the primary and secondary legislation to ensure your child (or young person) receives the Special Educational Provision they are entitled to.

The Children and Families Act and the SEN Regulations are compulsory and not open to negotiation.

Lots of parent rely on the Code of Practice and although this is statutory guidance and everyone should have regard to it, there are a few get out clauses.

If someone tells you that they didn't do something because they didn't know the law said they should, ignorance of the law is not an acceptable excuse.

Ignorantia juris non excusat (*sometimes called wilful blindness*) is a legal principle holding that a person who is unaware of a law may not escape liability for violating that law merely because they were unaware of its content.

Examples of Supplementary/Guidance

- SEND Code of Practice
 - Supporting Pupils at School with Medical Conditions
 - Home to School Travel and Transport Guidance
 - Exclusion from maintained schools, academies and pupil referral units in England
-

Further Information

Primary

Children and Families Act:

<http://www.legislation.gov.uk/ukpga/2014/6/contents/enacted>

Childrens Act:

<https://www.legislation.gov.uk/ukpga/1989/41/contentsttp://www.legislation.gov.uk/ukpga/2014/6/contents/enacted>

Equality Act:

<https://www.legislation.gov.uk/ukpga/2010/15/contents>

Education Act:

<http://www.legislation.gov.uk/ukpga/2011/21/contents/enacted>

Education and Skills Act:

<https://www.legislation.gov.uk/ukpga/2008/25/contents>

Schools Standards and Framework Act:

<http://www.legislation.gov.uk/ukpga/1998/31/contents>

Chronically Sick and Disabled Persons Act 1970:

<https://www.legislation.gov.uk/ukpga/1970/44/contents>

Care Act 2014:

<http://www.legislation.gov.uk/ukpga/2014/23/contents/enacted>

National Health Service Act:

<https://www.legislation.gov.uk/ukpga/2006/41/contents>

Human Rights Act:

<https://www.legislation.gov.uk/ukpga/1998/42/contents>

Secondary

SEND Regulations:

http://www.legislation.gov.uk/uksi/2014/1530/pdfs/uksi_20141530_en.pdf

SEND (Personal Budgets) Regulations:

<https://www.legislation.gov.uk/ukdsi/2014/9780111114056>

SEND (Detained Persons) Regulations:

<http://www.legislation.gov.uk/uksi/2015/62/made>

The Children and Families Act 2014 (Transitional and Saving Provisions)(No 2) Order 2014:

<https://www.legislation.gov.uk/uksi/2014/2270/contents/made>

Equality Act 2010 (Disability) Regulations 2010:

<http://www.legislation.gov.uk/uksi/2010/2128/contents/made>

The School Discipline (Pupil Exclusions and Reviews)(England) Regulations 2012 :

<http://www.legislation.gov.uk/uksi/2012/1033/made>

Guidance

SEND Code of Practice:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf

Supporting Pupils at School with Medical Conditions:

<https://www.gov.uk/government/publications/supporting-pupils-at-school-with-medical-conditions--3>

Home to School Travel and Transport Guidance:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/575323/Home_to_school_travel_and_transport_guidance.pdf

Exclusion from maintained schools, academies and pupil referral units in England:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf

Alternative Provision:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/268940/alternative_provision_statutory_guidance_pdf_version.pdf

Other Useful Links

Social Care

Social Care for Deafblind Children

https://webarchive.nationalarchives.gov.uk/+/http://www.dh.gov.uk/en/Publicationsandstatistics/Lettersandcirculars/LocalAuthorityCirculars/DH_101114

Short Breaks Commissioners Guidance

<https://councilfordisabledchildren.org.uk/sites/default/files/field/attachemnt/short-breaks-commissioning-guide.pdf>

Education

Model Letters

IPSEA - Model Letters

<https://www.ipsea.org.uk/model-letters>

SOS SEN - Model Letters

https://www.sossen.org.uk/information_sheets.php

EHC Plans

IPSEA - EHC Plan check list

<https://www.ipsea.org.uk/Handlers/Download.ashx?IDMF=afd8d11f-5f75-44e0-8f90-e2e7385e55f0>

Guide to writing Outcomes

<https://www.sendgateway.org.uk/resources.guidance-for-writing-outcomes.html>

Schools

Governance Handbook - 2017

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/582868/Governance_Handbook_-_January_2017.pdf

EHRC Guidance for schools in England - Reasonable adjustments for Disabled Pupils

https://www.equalityhumanrights.com/sites/default/files/reasonable_adjustments_for_disabled_pupils_1.pdf

What are Reasonable Adjustments

<https://www.equalityhumanrights.com/en/advice-and-guidance/what-are-reasonable-adjustments>

Equality Act 2010 - Schedule 10 - Paragraph 3 (Accessibility)

<http://www.legislation.gov.uk/ukpga/2010/15/schedule/10>

Supporting Pupils at School with Medical Conditions:

<https://www.gov.uk/government/publications/supporting-pupils-at-school-with-medical-conditions--3>

Exclusion

Exclusion from maintained schools, academies and pupil referral units in England:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf

Alternative Provision:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/268940/alternative_provision_statutory_guidance_pdf_version.pdf

C&C v The Governing Body of a School - Tendency to Physical Abuse

https://assets.publishing.service.gov.uk/media/5b7bb90ae5274a44b493995e/HS_3177_2017-00.pdf

School Discipline (Pupil Exclusions and Reviews)(England) Regulations 2012

<http://www.legislation.gov.uk/uksi/2012/1033/made>

Exclusion from maintained Schools, academies and pupil referral units in England 2017

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf

Home Education

Education Otherwise - model letters

<https://www.educationotherwise.org/index.php/sample-la-letters>

Elective Home Education - Guideline for Local Authorities

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/288135/guidelines_for_las_on_elective_home_educationsecondrevisedv2_0.pdf

Ed Yourself

<http://edyourself.org/>

Home Education - FAQs

<https://www.home-education.org.uk/faq-carers.htm>

Working Together

Education - A guide to making conversations with schools count for all families

<http://www.sendgateway.org.uk/r/makingconversationswithschools.html>

SENDIASS: Making Meetings Matter - Some tips for parents and carers

<https://www.suffolk.gov.uk/assets/Children-families-and-learning/special-educational-needs-and-disabilities-SEND-and-the-Local-Offer/Making-Meetings-Matter.pdf>

Ask Listen Do - Making conversations count in health, social care and education

<https://www.england.nhs.uk/wp-content/uploads/2018/06/Ask-Listen-Do.pdf>

Complaints

Local Government Ombudsman - top tips for making a complaint

<https://www.lgo.org.uk/make-a-complaint/top-tips-for-making-a-complaint>

Best Practice Guidance for School complaints procedures 2019

<https://www.gov.uk/government/publications/school-complaints-procedures/best-practice-advice-for-school-complaints-procedures-2019>

Department for Education complaint form

https://form.education.gov.uk/en/AchieveForms/?form_uri=sandbox-publish://AF-Process-f1453496-7d8a-463f-9f33-1da2ac47ed76/AF-Stage-1e64d4cc-25fb-499a-a8d7-74e98203ac00/definition.json&redirectlink=%2Fen&cancelRedirectLink=%2Fen

Ofsted Complaints form

<https://contact.ofsted.gov.uk/online-complaints>

Complaints to Ofsted about schools: guidance for parents and carers

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/772871/Complaints_to_Ofsted_about_schools_guidance_for_parents_230119.pdf

Local Government Ombudsman - Complaints Form

<https://www.lgo.org.uk/complaint-form>

Why Judicial Review is a real remedy in SEN and Disability cases

<https://rightsinreality.wordpress.com/2014/08/30/why-judicial-review-is-a-real-remedy-in-sen-and-disability-cases/>

Appeals and Mediation

How to Appeal a SEN Decision

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/776348/send37-eng.pdf

SEND 35 - Apply to Appeal a SEN Decision

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/776041/send35-eng.pdf

SEND 35a - Apply to Appeal refusal to assess

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/776050/send35a-eng.pdf

IPSEA - Refusal to Assess Pack for parents and young people

<https://www.ipsea.org.uk/Handlers/Download.ashx?IDMF=b006465c-2b25-4e28-839b-6417bfbb2da0>

IPSEA - General Advice for all appeals

<https://www.ipsea.org.uk/general-advice-for-all-appeals>

Transport

Home to School Travel and Transport Guidance:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/575323/Home_to_school_travel_and_transport_guidance.pdf

Post-16 transport to Education and Training

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/772913/Post16_transport_guidance.pdf

Special Educational Needs Transport Advocacy Service

<http://sentas.co.uk>

Health

Supporting Pupils at School with Medical Conditions:

<https://www.gov.uk/government/publications/supporting-pupils-at-school-with-medical-conditions--3>

Support

IPSEA

<https://www.ipsea.org.uk>

SOS SEN

<https://www.sossen.org.uk>

Educational Equality

<http://www.educationalequality.co.uk/index.html>

Send Karma

<http://sendkarma.co.uk>

Information Advice & Support Services Network (IASS)

<https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network>

SEND Information Organisations Group (SENDIOG)

<https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/what-send-information-organisations-group>

Citizens Advice

<https://www.citizensadvice.org.uk>

Law Centres Network

<http://www.lawcentres.org.uk>

Legal Resources

Disabled Children - a Legal Handbook (Steve Broach, Luke Clements and Janet Read)

<https://councilfordisabledchildren.org.uk/help-resources/resources/disabled-children-legal-handbook-2nd-edition>

Legal Aid Eligibility

<https://www.gov.uk/check-legal-aid>

IPSEA - Judicial Reviews

<https://www.ipsea.org.uk/judicial-review>

Local Government Ombudsman - Education

<https://www.lgo.org.uk/make-a-complaint/fact-sheets/education>

Local Government Ombudsman - Complaints Form

<https://www.lgo.org.uk/complaint-form>

Case Law Directory - Council for Disabled Children

<https://councilfordisabledchildren.org.uk/our-work/social-care/policy/case-law-directory>

Guide to the Equality Act

<https://www.hft.org.uk/resources-and-guidance/disability-rights-and-legal/equality-act/>

When is guidance “statutory” and does it matter?

<https://www.localgovernmentlawyer.co.uk/governance/314-governance-a-risk-articles/16316-when-is-guidance-statutory-and-does-it-matter>

Special Educational Needs Transport Advocacy Service

<http://sentas.co.uk>

How to look after you too

Looking after your own needs is just as important as looking after the person you care for. You are important. Read on for a summary of the things you need to be thinking about.

Caring for a family member is often seen as nothing unusual and something you just do if a person that you love needs support. Some might say 'I am not a carer I am just their parent'. Some might say 'As a family member, it is my duty to care for them'. This is how families work of course, and caring for loved ones can be such a positive and rewarding experience. A family member might feel safe in the knowledge that they will always be there and do their best to meet their loved one's needs because they care about them, as well as care for them. It also might mean less worry because they can trust themselves to looking after their loved one properly.

Keep track of your own needs

While you, as a parent carer, are likely to focus on your caring role the most, it is vital that you do not neglect or forget your own needs. Caring can be difficult and tiring work. Carer's groups often warn of the potential negative impact of caring. This can include: loneliness, social isolation, anxiety, frustration, and depression, lack of sleep, money worries and sometimes low self-esteem. It is a long list!

It therefore can be helpful to carry out a separate audit of your needs as a carer. This is so important because a crisis can also result if your own needs are not being met properly. Have a look at the four questions below. If you answer no to any of them, read the following information, click on the links for more information and hopefully get it sorted:

<https://carers.org/article/taking-care-yourself>

Questions to consider

- Have you had a Carer's Assessment in the last 12 months?
- Have you told your GP that you are a carer?
- Have you asked your GP Practice about having a health check?
- Have you got a Carer's Emergency Plan?

Get a Carer's Assessment

Being a carer can be an isolating and demanding experience, which can have a significant impact on health and welfare over time if your own needs are not met along the way.

All carers are entitled to a Carer's Assessment. It is not compulsory, but is a good way to focus on your own needs, which often tends to be the last thing we worry about. The Carer's Assessment is just about you and it can be arranged separately or at the same time as your loved one's Care Review, whichever you wish.

To arrange for an assessment, contact your Local Authority Adult Services department if the person you care for is 18 or older. If you are a parent carer of a person under 18, contact your Children and Young People's Services.

Further Information

Carer's assessments Carer's Trust

<https://carers.org/article/carers-assessment>

Time to think about you

<https://carers.org/timetothinkaboutyou>

Factsheet: Carers' Assessments in England for parents/carers of children with a learning disability

<https://www.cerebra.org.uk/help-and-information/guides-for-parents/factsheet-carers-assessments-in-england-for-parents-carers-of-children-with-a-learning-disability/>

Eligibility criteria for carers with support needs under the Care Act 2014

<https://www.scie.org.uk/care-act-2014/assessment-and-eligibility/eligibility/criteria-carers-needs.asp>

Look after your physical health needs

Making the most of your GP Practice

General Practice is evolving to try and keep pace with increasing demand and dwindling resources. The arrangements your practice makes may therefore vary to meet the local need.

The roles and the number of staff involved can also vary according to the size of the practice. These could include: resident or locum GPs, practice manager, pharmacist, practice nurse, healthcare assistants, admin staff. There may also be a number of specialist clinics for things like: diabetes, respiratory illness, antenatal care, family planning and 'Well Women'. There may also be access to therapists, district nursing and paramedics.

Another development is the increasing use of Practice Champions. These are members of staff who have a skill and interest in a particular topic, such as learning disability, dementia and carers.

Tell your GP that you are a carer

Make sure your GP Practice makes a note of your loved one's current diagnoses and disability and also your carer status on their computer

system. This is called 'Flagging' and is important so that all the health staff with access to the system can see what your needs are straightaway. Find out more about how to help your GP help you here:

<https://www.carersuk.org/help-and-advice/health/looking-after-your-health/your-gp>

Make an appointment

Depending upon your GP Practice's local arrangements, there may be a number of ways that you can get help from the Practice Team to meet your needs. When you call to make an appointment, staff will explain the options available and make sure you are seen by the right person. If you need to see the GP, an appointment can be arranged. You may be able to arrange a same-day telephone call back from the GP if you have a pressing need. Find your local GP Practice here:

<https://www.nhs.uk/Service-Search/GP/LocationSearch/4>

NHS Health Check

Unlike the Annual Health Check, which is for people with disabilities, the NHS Health Check is available for anyone between 40 and 74 without a pre-existing condition (e.g. stroke, heart disease, diabetes or kidney disease.) If you would like one, ask your GP Practice. These are designed to check for things like early signs of stroke, heart disease or Type 2 diabetes and should happen once every 5 years.

You can find out more about NHS health checks here: <https://www.healthcheck.nhs.uk/>.

To find out what happens at an NHS Health Check click here:

<https://www.nhs.uk/conditions/nhs-health-check/what-happens-at-an-nhs-health-check-new/>.

Look after your mental health needs

Enduring tiredness, stress and anxiety can wreak havoc on your emotional health and mental wellbeing. If you are concerned about changes in the way you have been thinking or feeling over the past few weeks or months, it is important to see your GP.

Symptoms may include:

- Loss of appetite
- Trouble sleeping, or sleeping too much
- Not enjoying life as much as before
- Feeling low, irritability or moody
- Feeling constantly anxious or worrying
- Finding it harder than usual to concentrate
- Thinking negative thoughts about yourself, and
- Seeing or hearing things that other people do not

Seeing your GP if you have been experiencing some of the symptoms listed above is a good idea, don't worry that you are wasting their time. Supporting patients with their mental health concerns is something doctors do regularly in their Practices.

Time with your GP is short, so make some notes before the appointment about the things you want to discuss. The doctor will ask you about your caring role to see if you are getting the support you need for both your loved one and you. He or she may prescribe some medication to reduce your anxiety and stress, or refer you for counselling or a specialist service. Some Practices have access to a counsellor or you could be referred to something called Improving Access to Psychological Therapies (IAPT) which provides evidence-based psychological therapies to people with anxiety disorders and depression where you can have sessions with a trained counsellor.

Further Information

How to talk to your GP about your mental health

<https://www.mentalhealth.org.uk/sites/default/files/how-to-talk-to-your-gp-about-your-mental-health.pdf>

How to cope when supporting someone else

<https://www.mind.org.uk/information-support/helping-someone-else/carers-friends-family-coping-support/your-mental-health/#.W6fqpDGouUI>

Talking Therapy IAPT

[https://www.nhs.uk/Service-Search/Psychological-therapies-\(IAPT\)/LocationSearch/10008](https://www.nhs.uk/Service-Search/Psychological-therapies-(IAPT)/LocationSearch/10008)

SANE offers emotional support and information to anyone affected by mental health problems.

•*Helpline:* http://www.sane.org.uk/what_we_do/support/helpline/

•*Textcare:* http://www.sane.org.uk/what_we_do/support/textcare/

•*Online support forum:* http://www.sane.org.uk/what_we_do/support/supportforum/

Samaritans

<https://www.samaritans.org/how-we-can-help-you>

Emergency planning for carers

It is not pleasant thinking about what might happen if for whatever reason you were suddenly unable to care for your loved one.

Contingency planning is something we cannot ignore and as they say it is better to be safe than sorry. So, what can you do now to prepare, just in case?

Getting a backup carer

You may have a family member or friend who would be able to look after your loved one if you cannot for whatever reason. Discuss what is involved with them and if they and your loved one are both comfortable with this 'backup' arrangement, give your stand-in all the information they

will need relating to your loved one and their care needs. Make sure they know where the emergency plan and other care and support documents are kept.

Making a carer's emergency plan

A Carer's Emergency Plan is essential as a means to summarise and share all your key information in one document. The completed plan can be shared with your backup carer and others involved in providing replacement care and support. You can also place a copy prominently in your loved one's home (i.e. where someone else is likely to find it) if you are not around. The NHS has a Carer's Emergency Plan template that you can download and fill in. You can find out more at:

https://www.nhs.uk/CarersDirect/guide/emergencies/Documents/CD_Emergency_Plan.pdf

What to include in your emergency plan

If you prefer to develop your own version, here are topics to consider:

- name, address & contact details of yourself, the person you care for and next of kin;
- emergency contact details of people who can provide replacement care;
- your loved one's medical condition(s) and support needs;
- any medication your loved one is taking and any ongoing treatment;
- any communication and mobility issues your loved one may have;
- details of any health professionals involved;
- key information about your loved one's home including access;
- details of any Carer's Emergency Plan registered with the local authority;
- details of legal arrangements (e.g. deputyship or power of attorney); and
- details of any advance care planning.

What if backup family care is not available?

In an emergency, if you can't find anyone to provide backup care, the next option is to ring the Social Services Emergency Duty Team at your Local Authority.

Explain the situation and ask for help. If you have had a Carer's Assessment before, or your loved one has had a Care Assessment, the assessor should have asked about emergencies and what arrangements are in place if you are ill or have an accident. If you are eligible, replacement care could be provided while you are incapacitated.

Find your local Council here: <https://www.gov.uk/find-local-council>.

It is possible that your GP or district nurse might be able to arrange temporary nursing care at short notice. This is called a Rapid Response Service in some areas of the UK. Referrals for this service have to be made through your loved one's healthcare professionals.

Carer's Emergency Card scheme

Your Council may have a Carer's Emergency Card scheme, so have a look on your Council's website if this is something you might be interested in. Once you have registered with the scheme, someone will help you draw up an emergency plan. You will be given a card to carry around with you which has telephone number to call and a unique identification number.

The Emergency Card can be kept in your purse or wallet, and will help to let other people, such as a first responder or paramedic, know that you are a carer and there is someone at home that relies on you. If anything happens to you, someone else can call the contact number and quote the identification number when asked. The people running the scheme can then access your emergency plan and make arrangements for replacement care. You can add the scheme's details to your written emergency plan.

More information on emergency schemes for carers is available here: <https://carers.org/article/emergency-schemes-carers>.

'In Case of Emergency' cards

A range of commercially produced 'In Case of Emergency' (ICE) cards can be purchased from a company called Smart Technology Systems Limited. These cards can help emergency staff quickly find who to contact in an emergency. The credit card size ICE cards have clear 'EMERGENCY' text and a first aid logo on one side. On the card's reverse, you can write in who should be contacted in the event of an accident or incident. You can then carry the card with you in your wallet or purse wherever you go. Go to the website for further information by clicking here: <https://www.icecard.co.uk/>.

Tip: You can also store your emergency contact numbers in your phone using the word ICE1, ICE2, and so on. This will mean that, if the emergency services are called to help you, they can check your phone and call the important people straightaway.

Carer's Allowance and emergencies

If you are unable to care for your family member because you're ill or in hospital you can still claim Carer's Allowance for up to 12 weeks.

Build yourself a 'circle of support'

Building and maintaining your own 'safety net' can help make sure that you too are supported. This will enable you to sustain your caring role and make sure that you do not end up running on empty and becoming unwell. This section suggests some ways you can build and maintain your own 'circle of support'.

Develop and maintain a network of helpers

- Are there family members or friends that can help out with caring or running errands for you? If so, let them know how they can help.
- Ask your GP Practice about local carer support groups and services.

Tip: Jointly is an app that makes caring for someone a little easier, less stressful and a lot more organised, by making communication and coordination between those who share the care as easy as a text message. Find out more here: <https://www.jointlyapp.com/#welcome>.

- Have you had a carer's assessment in the past 12 months or a reassessment if your needs have changed? If not, contact your local authority about a new assessment.
- Check out your local authority website as they will have details of all local care and support services. Search for 'carers support' or similar.

Seek out Respite Care

Respite Care is a way for you to have a break from caring. This might involve a paid carer coming in for a few hours a week or your loved one spending some time during the day or overnight somewhere nearby. If you have already been assessed by your local authority, respite should have been considered already. If not, or if your loved one's needs have changed, contact your social services department again. You can find out more about carer breaks and respite care here: [https://](https://www.nhs.uk/conditions/social-care-and-support-guide/support-and-benefits-for-carers/carer-breaks-and-respite-care/)

www.nhs.uk/conditions/social-care-and-support-guide/support-and-benefits-for-carers/carer-breaks-and-respite-care/.

Speak with your employer

If you are working, continuing to work could be very important to maintain your wellbeing. If you are having difficulty managing your caring and work responsibilities, explore whether flexible working is an option for you. Even if it is not feasible, it is important to let your employer know about your situation, so they are aware of the additional strain you're under. You can find out more about flexible working here:

<https://www.citizensadvice.org.uk/work/rights-at-work/flexible-working/flexible-working-what-is-it/>.

Ask about ‘Shared Lives’

Shared Lives is a scheme that links people who need help and support with approved families and carers who are willing and able to provide that help and support in their own home. People who use the service may have a learning disability, a physical disability, a mental health problem, or be unable to live independently because of their age. Shared Lives can be set up to provide day support, respite care, kinship, short-term or long-term care. Find out more about Shared Lives here: <https://sharedlivesplus.org.uk/home/about-shared-lives>.

To find your local scheme have a look on the Local Authorities’ website. Find out more here: <https://www.gov.uk/find-local-council>.

Find community support

No matter where you live, there will be a range of opportunities in your local community. These can provide much-needed social and practical contact, and support (e.g. carers groups, community and day centres, lunch clubs, charity run groups, church-based groups and volunteers offering related help).

Further Information

You can find out more about your local organisations, carer support groups, social enterprises and sign up for their newsletters and information bulletins by searching the websites below for local information.

Community Support

Find your local Council

<https://www.gov.uk/find-local-council>

Find services near you

<https://carers.org/search/network-partners>

Support where you live

<https://www.carersuk.org/help-and-advice/get-support/local-support>

Find Carers services in your area

<https://www.nhs.uk/Service-Search/Carers/LocationSearch/1796>

Tackling loneliness

<https://carers.org/article/tackling-loneliness>

How to cope with loneliness

<https://www.mind.org.uk/information-support/tips-for-everyday-living/loneliness/#.W6oO5DGouUk>

Carer support

Carers: help and support

<https://www.citizensadvice.org.uk/family/looking-after-people/carers-help-and-support/>

Being in Control: Getting Personal Assistants (PAs)

<https://www.disabilityrightsuk.org/being-control-getting-personal-assistants-pas>

Respite care

Carer breaks and respite care

<https://www.nhs.uk/conditions/social-care-and-support-guide/support-and-benefits-for-carers/carers-breaks-and-respite-care/>

Getting a break

<https://carers.org/article/getting-break>

Telephone support

Hft: Family Carer Support Service

Free-phone helpline: **0808 801 0448** Tuesday to Thursday from 9am to 4pm.

(Leave a Voicemail if the help-line is busy out of hours. Call back within 7 working days).

You can email if this is easier for you

Or email familycarersupport@hft.org.uk (Response within seven working days)

Carers Trust

<https://carers.org/contact-us>

SANE Mental Health Charity

<http://www.sane.org.uk/home>

Samaritans: A listening ear 24 hours a day

<https://www.samaritans.org/>

Counselling

Counselling Directory

<https://www.counselling-directory.org.uk/>

Counselling for carers

<https://carers.org/article/counselling-carers>

Talking therapy and counselling

https://www.mind.org.uk/information-support/drugs-and-treatments/talking-therapy-and-counselling/#.W69-S_ZFx9A

Coping with loneliness

<https://www.mind.org.uk/information-support/tips-for-everyday-living/loneliness/#.W6oO5DGouUk>

Conclusion

We hope that you have found this guide informative. We have tried hard to use our combined lived experience to help families make sense of the complicated education system, which we all have to work with. We hope that it will empower families and help them cope in sometimes difficult circumstances.

Caring for a loved one with SEND brings with it fresh challenges each day. Knowing how and where to get help and information, or even what questions to ask, can sometimes be really hard. Getting the help you are entitled to can be a lifeline and why we wanted to write this guide.

Finally, we wanted to leave you with a few important things to remember and reflect on.

Personal Survival Tips

- You cannot do it all on your own.
- Asking for help is not a sign of failure.
- Your needs are important too.
- Look after yourself and don't give in to self-doubt.
- Whatever you do, do not neglect your health.
- Take time out even if it's for only a few minutes at a time.
- Get some help from those around you if you can.
- It is good to talk – stay in contact with family and friends.
- Be organised - keep your paperwork in one place.
- Do what you can to retain respectful relationships with the health and care professionals you meet. Try not to make enemies!

Remember - knowledge is power.

Acknowledgements

The deepest debt of gratitude goes to Debs Aspland who spent hours researching and compiling the information for the Guide. Every time she thought she had finished, she would go on Social Media and see yet another question that she hadn't answered.

Thanks also go to Marc Carter, Emma Murphy, Isabelle Garnett and Ian Penfold who all read through this tomb and provided feedback and content ideas. Their input was invaluable and we are eternally grateful.

Thanks go to Karen Askham of SEND Karma who provided information on exclusion case law.

A big thank you goes to the people and organisations - such as Steve Broach, Luke Clements, Janet Read, IPSEA, Council for Disabled Children and SOS SEN - who provide so many readily available resources for families, free of charge. Their work made our research a lot easier. Our guide does not replace their resources, it merely helps parents to find them easily.

Thanks go to Awards for All - who provided funding for this Guide.

Special thanks to Bringing Us Together's Katie Clarke for securing the funding for this guide and for holding down the fort while Debs plodded on with this.

Acronyms

| | |
|-------|---|
| A&E | Accident and Emergency Department |
| ACP | Advance Care Planning |
| ADD | Attention Deficit Disorder |
| ADHD | Attention Deficit Hyperactivity Disorder |
| AHC | Annual Health Check |
| ASC/D | Autism Spectrum Condition/Disorder |
| ATU | Assessment and Treatment Unit |
| BSP | Behaviour Support Plan |
| CBF | Challenging Behaviour Foundation |
| CCG | Clinical Commissioning Group |
| CETR | Care, Education and Treatment Review |
| CBT | Cognitive Behaviour Therapy |
| CHC | Continuing Health Care |
| CJS | Criminal Justice System |
| CLDT | Community Learning Disability Team |
| COP | Code of Practice |
| CTR | Care and Treatment Review |
| CETR | Care, Education and Treatment Review |
| DfE | Department for Education |
| DoLS | Deprivation of Liberty Safeguards |
| ECHP | Education Health and Care Plan |
| EHE | Elective Home Education |
| EP | Educational Psychologist |
| FE | Further Education |
| GDD | Global Development Delay |
| GP | General Practitioner |
| HAP | Health Action Plan |
| HE | Higher Education |
| Hft | Learning Disability Charity |
| HI | Hearing Impaired |
| IAPT | Improving Access to Psychological Therapies |

| | |
|----------|---|
| ICE | In case of emergency |
| IPSEA | Independent Parental Special Education Advice Charity |
| LA | Local Authority |
| LSA | Learning Support Assistant |
| MCA | Mental Capacity Act |
| MDT | Multi-Disciplinary Team |
| MHA | Mental Health Act |
| MLD | Moderate Learning Difficulties |
| MSI | Multi Sensory Impairment |
| NASEN | National Association of Special Educational Needs |
| NDTi | National Development Team for Inclusion |
| NICE | National Institute for Health and Care Excellence |
| OT | Occupational therapy/ist |
| PALS | Patient Advice and Liaison Service |
| PBS | Positive Behaviour Support |
| PCP | Person-centred planning |
| PDA | Pathological Demand Avoidance |
| PMLD | Profound & Multiple Learning Difficulties |
| SALT | Speech and language therapy |
| SCIE | Social Care Institute for Excellence |
| SEMH | Social Emotional and Mental Health |
| SEN | Special Educational Needs |
| SENCO | Special Educational Needs Co-ordinator |
| SEND | Special Educational Needs and Disability |
| SENDIASS | Special Educational Needs and Disabilities Information Advice and Support Service |
| SALT | Speech and Language Therapy/ist |
| SLCN | Speech Language and Communication Needs |
| SW | Social Worker |
| TA | Teaching Assistant |
| VI | Visually Impaired |

Disclaimer

This guide is based on SEND legislation and policy in England. It is not meant to provide legal expert advice, as we are not legally qualified to do so. It is merely a guide to what is said in the law and where you can find this information. Should you require legal advice, you should contact a solicitor or one of the legal organisations mentioned within the Guide.

Bringing Us Together has made every attempt to ensure the accuracy and reliability of the information provided in this Survival Guide. However, the information is provided 'as is', without warranty of any kind. Bringing Us Together does not accept any responsibility or liability for the accuracy, content, completeness, legality, or reliability of the information contained on this website. No warranties, promises and/or representations of any kind, expressed or implied, are given as to the nature, standard, accuracy or otherwise of the information provided in this Survival Guide nor to the suitability or otherwise of the information to your particular circumstances. Bringing Us Together shall not be liable for any loss or damage of whatever nature (direct, indirect, consequential, or other) whether arising in contract, tort or otherwise, which may arise as a result of your use of (or inability to use) this Survival Guide, or from your use of (or failure to use) the information in this Survival Guide.

Additional information has been provided indirectly from a wide range of sources in good faith and is believed to be accurate at the time of writing. Referencing this information has been necessary in order to help families understand and make the best use of what is a very complicated process.

This Survival Guide provides links to other websites owned by third parties. The content of such third party sites is not within our control, and we cannot and will not take responsibility for the information or content thereon. Links to such third party sites are not to be taken as an endorsement by Bringing Us Together of the third party site, or any products promoted, offered or sold on the third party site, nor that such

sites are free from computer viruses or anything else that has destructive properties. We cannot and do not take responsibility for the collection or use of personal data from any third party site. In addition, we will not accept responsibility for the accuracy of third party advertisement