



Did you know?

**Quick guides on topics that
SEND parent carers often face**

www.walthamforestparentforum.com

Introduction

We hope you find the information contained in this booklet helpful. It covers various topics that parent carers often face and ask us about. We are grateful to, and acknowledge, the East Sussex Parent Carer Forum who originally posted Did You Know postcards on their social media. This gave us the idea to develop our own topics and to write this booklet.

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Diagnosis

The word '**diagnosis**' does not appear at all in Part 3 of the Children and Families Act 2014, which is the main legal framework regarding education support for children with special educational needs or disabilities in England.

The law is child-centred, and your child's support should be based on their individual needs.

Children and young people do not need a diagnosis to be entitled to help at school.

Best Endeavours

Every school is required to identify and address the special educational needs of their pupils.

An important legal duty for most types of education settings is the duty to use their “**best endeavours**” to secure special educational provision for their children and young people.

This means they must do everything they can do to meet the child or young person’s special educational needs.

This applies to mainstream schools and academies, maintained (state-funded) nurseries, Further Education institutions, 16-19 academies, alternative provision academies, and pupil referral units (PRUs). It does not apply to specialist schools or independent schools.

Regard to Views

Yours and your child's views, wishes and feelings are important - you probably know that bit already! But did you know that the law says that the local authority **MUST** also pay attention to them?

Section 19 of the Children and Families Act 2014 sets out the general principles that the local authority must have regard to when supporting children and young people with SEND.

Local authorities must pay particular attention to:

- The views, wishes and feelings of children and their parents, and young people.
- The importance of children and their parents, and young people, participating as fully as possible in decision-making, and providing the information and support they need to do so.
- The need to support children and young people's development and helping them to achieve the best possible educational and other outcomes.

Discrimination

If someone is treated unfairly because of their disability, or because of something arising from their disability, this may be **disability discrimination**.

The treatment could be a one off action, the use of a rule or policy or the existence of physical or communication barriers which make accessing something difficult.

The discrimination does not have to be intentional to be unlawful.

The Equality Act 2010 defines disability as a person having “a physical or mental Impairment” which “ has a substantial and long term adverse effect on their ability to carry out day-to-day activities”. This can include learning difficulties, mental health conditions, and hidden impairments such as autism.

Under the act, organisations have a responsibility to ensure that disabled people can access services as easily as non disabled people.

This is the '**duty to make reasonable adjustments**'.

Reasonable Adjustments

ALL schools, employers, local authorities and shops or services like leisure centres have a duty to make reasonable adjustments for disabled people under the Equality Act, 2010.

This may mean:

Changing the way things are done, changing a physical feature, or providing extra aids or services.

For pupils this may mean:

- * They should be able to go in at a different time to avoid crowds
- * Uniform regulations are relaxed on an individual basis for sensory reasons
 - * Sitting at the front/back/near doorway of the classroom
 - * Use of fidget toys - may be restricted to toys that don't make a noise
 - * Movement breaks as necessary.

Literally anything is possible!

More information can be found here: <https://bit.ly/AGNAdjustments>

SEND Law

For all children and young people with special educational needs and disabilities (SEND), including those with Education, Health and Care Plans, **SEND law** is contained in the following places:

The **Children and Families Act** (“CAFA”) 2014 is statute law. It is legally binding which means that the Local Authority and schools must comply with it or else they are acting unlawfully. Part 3 of the CAFA 2014 contains all the relevant sections about children and young people with SEN and disabilities.

The **Special Educational Needs and Disability Regulations** 2014 are the main set of Regulations underpinning the CAFA 2014. There have also been some amendments made to these regulations which you should read alongside them. They are also legally binding.

The **Special Educational Needs (Personal Budgets) Regulations** 2014. This is a special set of Regulations dealing with personal budgets and direct payments. The Regulations have been amended since 2014 and you should check to see what changes have been made.

Exclusions

Children with special educational needs and disabilities are much more likely to be excluded from school than their classmates.

There are only two types of exclusion from a school which are lawful: **fixed period exclusion** and **permanent exclusion**.

This means that legally a child is either in school full-time or they are excluded from school.

Exclusions can only be for disciplinary reasons. Pupils cannot be excluded because a school pupil referral unit (PRU) or academy cannot meet their needs.

All exclusions must be formally and accurately recorded.

'Informal' or 'unofficial' exclusions such as sending a pupil home to 'cool off' or putting a pupil on a part-time timetable are all unlawful, even if they happen with the agreement of the parents/carers.

Unlawful exclusion of a pupil with a disability may amount to disability discrimination.

SEN Information Reports

Under the Children and Families Act 2014 the governing body or proprietor of maintained schools, maintained nursery schools and academy schools must publish information on their websites about the implementation of the setting's policy for pupils with SEN.

- The SEN information report is different to the SEN Policy which schools will also have.
- The information should be updated annually, with any changes to the information that occurs through the year being updated as soon as possible to retain accuracy.
 - It should be written in clear straight forward, jargon free language.

- The SEN Information Report should be accessible to parents and pupils. This will mean that settings will have to consider how they publish the information to make it accessible to all. This may require the setting to be creative in the way information is published; it is possible that a setting may have more than one format of the same document to increase its accessibility.

- It is good practice for the report to be coproduced with parents, carers and pupils.

The information that is required is set out in the Special Education Needs and Disability Regulations 2015 and is covered in Chapter 6 (para ref 6.79) of the Special Education Needs Code of Practice 2015.

www.gov.uk/guidance/what-maintained-schools-must-publish-online

SEN Support Cycle

The SEND Code of Practice 0-25 promotes the use of the 'assess, plan, do, review cycle' for schools to plan special educational needs (SEN) support.

It is also called the '**graduated approach**'. Where a pupil is identified as having SEN, settings should take action to remove barriers to learning and put effective special educational provision in place, ensuring that individual children/young people at SEN support receive the best possible provision.

The cycle has 4 stages-**assess** (clear analysis is made of needs); **plan** (school, parent/carers and pupil agree on a plan of action which should be reviewed at least 3 times a year); **do** (teachers and support staff are made aware of the plan and put in place the adjustments, support and interventions); **review** (the quality, effectiveness and impact of provision is evaluated by the review date). This includes sharing information with pupils and parent/carers and seeking their views.

The cycle then starts again at **assess**.

The updated needs of the pupil should then be considered before planning a continuation of or change to provision.

Education, Health and Care Plan (EHCP) Needs Assessments

A parent or a young person (age 16+) can ask for an Education, Health Care Plan Needs (EHCP) Assessment. You do not have to wait for your school or college to do so.

In deciding whether to assess the Local Authority must consider:

- * whether the child or young person has or may have special educational needs (“SEN”); and
- * whether they may need special educational provision to be made through an EHCP.

If the answer to both of these questions is yes, the Local Authority must carry out an EHCP needs assessment.

To request an assessment you can:

- write a letter to the Local Authority (LA) to ask for this
 - use a letter template e.g IPSEA, SOS!SEN
- Use the Local Authority’s request form. You can find this form on the Local Offer website, or you can ask the SEND Team or Waltham Forest Parent Forum for a copy.

EHCP Needs Assessment Myths

We are told so many reasons why our children can't have an Education, Health and Care Plan Needs Assessment. All of them are myths

Myth 1: You need a diagnosis to get an assessment

Myth 2: You need an Educational Psychology report

Myth 3: They have been through 2 cycles of plan/do/review at SEN support or are more than 2 years behind

Myth 4: The school has spent the notional £6000

The only things to consider are set out in the law- (section 36(8) of the Children and Families Act 2014). They are:

- * Whether the child or young person has or may have special educational needs ("SEN"); and
- * Whether they may need special educational provision to be made through an EHC plan.

If the answer to both of these questions is yes, the Local Authority must carry out an EHC needs assessment.

Annual EHCP Reviews

If your child has an Education, Health and Care Plan (EHCP), the Local Authority must review the plan as a minimum every twelve months (3-6 months if your child is under 5).

This is called an **Annual Review**.

Whilst the Local Authority is responsible for making sure this happens, the annual review meeting is scheduled by the school or education setting the child attends. If they don't attend an education setting, the Local Authority must organise the meeting.

The meeting organiser must send updated reports and other supporting documents to all the meeting attendees before the meeting, and also submit a report recommending of any amendments to the plan shortly after the meeting.

The Local Authority must then tell the parent/carer whether they plan to leave as is, amend or cease the EHCP. Timescales for each stage can be found online as they may be subject to change.

Home to School Travel Assistance

The Local Authority (LA) may provide free home to school transport for a child with SEND aged 5-25.

If a child's special educational needs, disability or mobility problems mean that they could not be reasonably expected to walk to school then the council will assess each child to identify the most appropriate transport option.

The policy on school travel assistance outlines how the LA determines eligibility and what type of support it might give. Support could include:

- providing a bus pass
- support towards mileage costs
- reimbursement of rail/Tube fare
- providing an escort to accompany a child to school
 - an independent travel training programme
 - transport by bus or minibus.

More information can be found in the Home to School Travel Assistance Policy
www.walthamforest.gov.uk/schools-education-and-learning/local-offer-special-educational-needs-and-disability-send/transport

Social Care Assessments

If your child is under 18 and is a 'child in need', a social care assessment can be requested under section 17 of the Children Act 1989. If your child is over 18, or they're about to turn 18, the request can be made under section 9 of the Care Act 2014. If your child has an EHC Plan the local authority should carry out a social care assessment, if it's requested, and should assess during the EHC assessment process.

A child is classified as 'in need' if:

- they are unlikely to achieve or maintain, or to have opportunities of achieving or maintaining, a reasonable standard of health or development without the provision of services by a local authority under this part
- their health or development is likely to be significantly impaired, or further impaired, without provision of such services
- they are disabled.

Short Breaks

Short breaks provide opportunities for children and young people with disabilities to access activities such as after school clubs, a few hours at a leisure or sports activity group, holiday groups or an overnight stay.

A Short Break can take place in a parent or carer's home, the home of an approved carer, or a residential or community setting.

Short breaks give children and young people the chance to develop new friendships, take part in new experiences, learn new skills and have fun whilst achieving positive outcomes.

The purpose of short breaks is to give children and young people with disabilities the same opportunity as others to take part in various activities, and for parents and carers to have a short break from caring.

Statutory Guidance - Short Breaks for Disabled Children

www.gov.uk/government/publications/short-breaks-for-disabled-children

Information on Waltham Forest Short Breaks and how to apply can be found here:

www.walthamforest.gov.uk/schools-education-and-learning/special-educational-needs-and-disability-send/social-care-and-6

Carers' Assessments

If you care for someone, you can have an assessment to see what might help make your life easier. This is called a **carer's assessment**.

It might recommend things like:

- Someone to take over caring so you can take a break
- Gym membership and exercise classes to relieve stress
- Help with taxi fares if you don't drive
- Help with gardening and housework
- Training how to lift safely
- Putting you in touch with local support groups so you have people to talk to
- Advice about benefits for carers.

A carer's assessment is free and anyone over 18 can ask for one.
Call 020 8496 3000 to request a needs assessment.

Preparing for Adulthood

Preparing for Adulthood (PfA) means preparing young people with special educational needs and or disabilities for:

further education and/or employment - this includes exploring options for what your son/daughter will do during the day when they leave school.

This may include attending a day service, further education, different employment options, such as supported employment, volunteering, as well as other daytime opportunities.

being independent - this means young people having choice and control over their lives, the support they receive, their accommodation and living arrangements, whenever possible.

being part of society - including having friends and supportive relationships, and being part of their local community.

being as healthy as possible in adult life - including moving to adult health services, keeping active and having an annual health check.

These four key areas are the four themes explained in the Children and Families Act and will be focused on from 14 years of age (school year 9) as part of their annual review.

Learning Disability Health Checks

People with a learning disability often have poorer physical and mental health than other people.

This does not need to be the case.

Annual health checks are for adults and young people aged 14 or over with a learning disability (LD) who are on their GP's learning disability register. Those who are eligible can have a free annual health check once a year.

You do not have to wait until your child/young person is 14 to add them to the learning disability register. You can ask for your child to go on this register earlier if you think they have a learning disability.

In Waltham Forest, when you are accepted for an EHCP or from Year 9 (at annual reviews) discussions will be had about the LD register and whether your child can be added.

If everyone thinks they should, then your GP practice will be notified.

The Local Offer

Local Authorities MUST publish a 'Local Offer' website.

This is where they must set out in one place information about provision they expect to be available across education, health and social care for children and young people in their area who have special educational needs or who are disabled.

This includes those who do not have an Education, Health and Care Plan (EHCP) .

The Local Offer must also include provision outside of the local area that the Local Authority expects is likely to be used by local children and young people with SEND, and relevant regional and national provision.

There should be clear, comprehensive, accessible and up to date information about the available provision and how to access it.

The Local Offer should be more than just a directory of services.

Children, young people and their families should be directly involved in developing and reviewing the Local Offer.

The process should help the Local Authority and health partners improve local provision.

Useful Information

The Children Act 1989

[www.legislation.gov.uk/
ukpga/1989/41/contents](http://www.legislation.gov.uk/ukpga/1989/41/contents)

Children and Families Act 2014

[www.legislation.gov.uk/
ukpga/2014/6/contents/enacted](http://www.legislation.gov.uk/ukpga/2014/6/contents/enacted)

SEND Code of Practice 0-25

[www.gov.uk/government/
publications/send-code-of-practice-
0-to-25](http://www.gov.uk/government/publications/send-code-of-practice-0-to-25)

Annual Health Checks & Learning Disability Health Registers

[www.learningdisabilitymatters.co.uk/
annual-health-checks-gp-learning-
disability-registers/](http://www.learningdisabilitymatters.co.uk/annual-health-checks-gp-learning-disability-registers/)

Equality Act 2010

[www.gov.uk/guidance/equality-act-
2010-guidance](http://www.gov.uk/guidance/equality-act-2010-guidance)

Care Act 2014

[www.legislation.gov.uk/
ukpga/2014/23/contents/enacted](http://www.legislation.gov.uk/ukpga/2014/23/contents/enacted)

Education Health Care Plans

[www.ipsea.org.uk/Pages/Category/
education-health-and-care-plans](http://www.ipsea.org.uk/Pages/Category/education-health-and-care-plans)

Annual EHCP Reviews:

[www.ipsea.org.uk/the-annual-
review-process](http://www.ipsea.org.uk/the-annual-review-process)

Waltham Forest Local Offer:

[www.walthamforest.gov.uk/schools-
education-and-learning/local-offer-
special-educational-needs-and-
disability-send](http://www.walthamforest.gov.uk/schools-education-and-learning/local-offer-special-educational-needs-and-disability-send)

Useful Organisations

Waltham Forest Parent Forum

www.walthamforestparentforum.com

SENDIASS:

www.walthamforestsendiass.org.uk

IPSEA:

www.ipsea.org.uk

SOS!SEN:

www.sossen.org.uk

Sunshine Support:

www.sunshine-support.org

Contact:

www.contact.org.uk

Scope:

www.scope.org.uk

Mencap:

www.mencap.org.uk

Preparing for Adulthood:

www.ndti.org.uk/projects/preparing-for-adulthood

Council for Disabled Children:

www.councilfordisabledchildren.org.uk

Citizens Advice:

www.citizensadvice.org.uk

NHS England(SEND)

www.england.nhs.uk/learning-disabilities/care/children-young-people/send/



Waltham Forest Parent Forum

If you are a parent or carer of a child or young person with special educational needs and/or disabilities (SEND) aged 0-25, live in Waltham Forest, and want better services for them and support for you and your family...

THEN JOIN US NOW!

Find us: www.walthamforestparentforum.com

Email us: walthamforestparentforum@live.co.uk

Call us: 07794 298496 or 07528 433640