



1. SEN SUPPORT IN SCHOOLS

Before you meet:

Write down your concerns and points to raise. Consider taking a friend or partner to make notes so you can concentrate on the conversation.

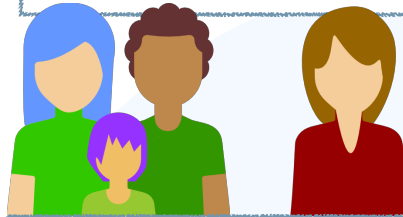
If you disagree at any point, you can ask to involve the Disagreement Resolution service or speak to the Information, Advice & Support Services Network

IF YOUR CHILD'S NEEDS ARE CLEARLY SEVERE, AN EHCP ASSESSMENT MAY BE REQUESTED WITHOUT THE SEN SUPPORT STAGE (OR CONDUCTED BEFORE SCHOOL AGE)

START HERE:

YOU, OR YOUR CHILD'S SCHOOL ARE CONCERNED THAT YOUR CHILD MAY HAVE A SPECIAL EDUCATIONAL NEED

Meet with your child's class teacher and/or SENCo to discuss concerns



Agree on a plan of action using the Assess, Plan, Do, Review cycles & decide together which external assessments will be needed

Work with the school to see what services from the Local Offer your child can access to help them overcome any barriers to learning

If your child has a medical condition, ask to see your school's policy that complies with the Government's Statutory Guidance Supporting pupils at school with medical conditions. Ask how these guidelines can be used to support your child, if necessary

If progress is made, continue the cycle of Assess, Plan, Do, Review. However, at any point, if you feel the interventions are not working, you can choose to apply for a statutory assessment for an Education, Health and Care Plan

Make sure you meet the expert after they have carried out any external assessment on your child, so you can give them any extra information. You know your child better than anyone and your input is vital

There may come a point at which you agree your child has made sufficient progress and no further support is required. However, you can ask for SEN help again at any point if you think it is needed.

When the report(s) have been received ask to meet with the class teacher and SENCo again to revise any interventions in the light of the report recommendations. Agree a date for initial review

An EHCP can be requested by parent, young person, teacher or anyone else concerned about the child's SEN

On the review date, discuss with the teacher/SENCo how the interventions are working, any changes that need to be made and a further review date

Move to Flow Chart 2 "Requesting an EHCP"

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.

When your application has been received, you should be given the details of your local SENDIASS who will be able to advise and support you through the process. These are free and impartial services who provide information, advice and support to children, young people and parents on a range of SEND issues, including your EHCP application. You can also search for resources on the Special Needs Jungle site and on the IPSEA website, among others.



2. REQUESTING AN EHCP NEEDS ASSESSMENT

An EHCP can be requested by parent, young person, teacher or anyone else concerned about the child's SEN

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.

A full diagram of the process can be found in the SEND Code of Practice

Contact your local authority's SEND department and ask to start the Statutory Assessment process. They must reply within six weeks of your initial enquiry (make a note of the date)

When your initial request has been received, think about what help you might need with your application. The government funds impartial advice from trained advisors called SENDIASS who can help you through the process. They are available in every area and offer free information, advice and support to children, young people and parents on a range of SEND issues. This includes EHCP applications.

There is then a six-week period during which the LA should gather evidence of your child's SEND e.g. school reports, Assess/Plan/Do/Review documents, speech & language/Ed Psych/ Occupational Therapy or other reports.

If possible, parents themselves may want to gather together relevant reports and information as well, to ensure everything is considered by the LA. This will also assist as a timeline reminder when you are writing your child's story as part of the application.

You will need to explain why your child needs an EHCP assessment. It can be useful to write your child's story from birth, including any relevant information from any previous reports, assessments or diagnoses. Include how your child's difficulties impact upon your whole family and what support your child already has that really helps.

Remember to think about their strengths as well! Make sure you number the reports and include them in your application (only ever send copies). Any medical and social care needs should be included.

THE LOCAL AUTHORITY DECIDES WHETHER OR NOT TO CONDUCT AN ASSESSMENT OF SEND.

If your assessment request is refused, the LA should advise you of other options short of statutory assessment that can support your child. You can find services listed on your area's Local Offer website that your school may be able to access to support the Assess, Plan, Do, Review process. Your LA should never just say 'No' without looking at what else can be done to better help your child.

If you are not satisfied with this decision or any other help sourced from the Local Offer help you can seek mediation and/or appeal to the First Tier SEND Tribunal

Move to part 4, Disagreements"

If an assessment is agreed, move to part 3 "Conducting an assessment"



3. CONDUCTING AN EHCP NEEDS ASSESSMENT

THE LOCAL AUTHORITY HAS DECIDED
THAT A STATUTORY ASSESSMENT
OF YOUR CHILD'S SEND IS REQUIRED.

Meet the LA representative to decide if any
further external assessments are needed, e.g. OT,
SLT and Ed. psych. You may want to take a friend,
partner or advocate to meetings.

Any organisation asked to
carry out an assessment
or offer advice must
comply within 6 weeks.

Draw up a profile, that can be
used to show practitioners so
they can understand who
your child is as an individual.
Your school may help you
with this. This helps to tailor
the support specifically for
your child. Include what they
like about themselves, what
is important to them and how
they would like to be
supported as an individual.

Ensure that your final submission includes all the evidence and reports (copies
only). Number them and list them all on a separate sheet. Update your parental
statement to reflect any other assessments or changes. Don't forget to include all
the interventions that have been tried by both school staff and from the local offer.

The local authority makes a decision whether to
issue an EHCP or whether it thinks your child can
be helped sufficiently from the Local Offer.

If the LA decides not to draw
up an EHC plan, it must
inform the parent within 16
weeks of the original
request for an EHC plan.
There is a right of appeal.

If an EHCP is to be drawn up, meet with the plan
coordinator from the local authority and any
representatives from education, health and social
care to discuss the provision that will be required
for your child from each sector.

Remember that at any point,
if you can't agree on any
aspect of the plan, you can
ask for disagreement
resolution.

The local authority will
prepare a draft EHCP and
send it to you to be reviewed.
The Plan writer/coordinator
should be expected to work
with you during the drafting
to co-produce the plan. Make
sure all the sections are filled
out to your satisfaction and
are accurate. Think about if &
how a personal budget might
be used to support your
child's needs. The legal duty
to ensure your EHCP
complies with the law lies
with the LA

The LA send the draft plan & should also invite
you to apply for a personal budget for your child.

Once you receive the draft plan, you have 15 days
to check through to ensure all needs are included
and are met with specified and quantified provision.
You can request alterations if not. During this
time you should name your preferred school and
agree how any personal budget will be allocated.

For the provision sections
F to H2, ensure all the
provision you agreed on
earlier with the education,
health and social care
representatives and during
your meetings with the
plan writer, as well as
realistic outcomes.

The LA has to discuss the
placement with the proposed
school to ensure that it is
suitable before naming it in
the EHCP. The institution
should respond within 15
calendar days.

AFTER FURTHER CONSULTATIONS BETWEEN THE LA &
THE FAMILY, THE FINAL PLAN IS ISSUED. IT MUST BE
REVIEWED AT REGULAR INTERVALS TO ASSESS PROGRESS

The whole process must be
completed within 20 weeks.

The plan is implemented. If you're unhappy with the final plan,
you can appeal after contacting the mediator. (See sheet 4)

If you want to
appeal, go to
sheet 4



4. WHAT YOU CAN DO IF YOU DISAGREE

YOU DISAGREE WITH THE LOCAL
AUTHORITY DECISION NOT TO
ASSESS YOUR CHILD FOR AN EHCP
OR TO ISSUE A PLAN, OR WITH THE
FINAL EDUCATION, HEALTH AND
CARE PLAN

Remember that at any point, if you
can't agree on any aspect of the plan,
you can ask to take part in
disagreement resolution. This is in
ADDITION to any mediation or appeal.
*If your appeal is only about
placement you do not have to seek
mediation first

For decisions where there
is no right of appeal
to the First Tier Tribunal, decisions
can be challenged via Judicial Review.
Families will need legal advice in
relation to Judicial Review and legal
aid may be available to pay for this
in some circumstances.

If you are not satisfied with either a local authority's decision not to assess
your child for an EHCP, OR not to provide an EHCP after a statutory
assessment, you can appeal to the SEND Tribunal.

Appealing to the First Tier Tribunal can be done in the name of the parent
or the child/ young person.

Additionally, if you are unhappy with any of the needs or provision or
placement offered in your child's final EHCP, you can also appeal.

There is a trial underway currently (2018/19) to include health and social
care as a single route of appeal. Please check the status of this at the time
of your appeal. A large percentage of appeals are settled at 'case
management' stage, via telephone hearings.

If you lose your FTT appeal, you can take legal advice in consideration of a
further appeal to the Upper Tribunal, usually on a point of law.



Before appealing about

1. Refusal to assess,
2. Refusal to issue an EHCP, OR
3. The SEN part of an EHC plan

you must first contact a mediation advisor.
The LA must inform you about how to do
this*. The mediator will give you evidence
that you have done so. You will be
encouraged to participate in mediation,
however, this is not compulsory if you feel
that mediation will not work. If at all
possible, keep the lines of communication
open - you can still reach an agreement
that works for your family at any time up
to the date of Tribunal.

To appeal, you have two
months after the local
authority's decision.
You can register an
appeal when you have a
certificate from the
mediator. If you choose to
go to mediation & it fails,
you will have a minimum of a
month after that to register
an appeal.

Full details can
be found in
Chapter 11 of the
SEND Code of
Practice

If you do decide to head for the SEND Tribunal, there are free sources of legal advice to
help such as:

IPSEA www.IPSEA.ORG.UK

SOSSEN: www.SOSSEN.ORG.UK

Contact A Family SEN line www.Contact.org.uk

IASS for young people: cyp.iassnetwork.org.uk

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

(SNJ advice: It is not advisable to go to appeal without seeking specialist legal advice and/
or advocacy support such as above)

SIGN UP TO SPECIAL NEEDS
JUNGLE BLOG UPDATES
WWW.SPECIALNEEDSJUNGLE.COM
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THANKS TO IASS NETWORK
FOR ADDITIONAL INFORMATION