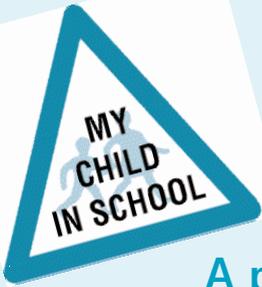


Getting extra help

A practical guide to parents' legal rights



What does it mean?

It can be difficult to understand all the legal words and jargon used in education. This page fills you in on some of the most common terms.

What is differentiation?

Differentiation means teaching a child in ways and at levels which match their ways of learning.

What are learning difficulties?

Most children with learning difficulties find it significantly harder to learn than most other children of the same age. They could have a problem with general understanding, behaviour, reading, numbers, communicating etc. A disability which makes it difficult for a child to use educational facilities can also lead to them having learning difficulties.

What are special educational needs?

A child with learning difficulties generally needs extra help at school. For this reason they are said to have special educational needs (SEN). Children with the most serious difficulties have a Statement of special educational needs - a document that spells out what help they will get. Children who have less severe special educational needs are generally given help through School Action or School Action Plus. Parents must be told if the school decides their child has special educational needs.

What is the Code of Practice?

A Government guide to make sure children with special educational needs get the right help at school. The law says that schools and local education authorities must “have regard” to the Code and must not ignore it.

What are the SEN Guide for parents and carers and the SEN Toolkit?

These are also from the Government. The Guide outlines SEN procedures. The Toolkit is more practical and sometimes more detailed than the Code.

Parents and children as partners

The Code says parents should tell the school about any worries that they have and schools should value parents’ contribution. Parents of children with special educational needs should be treated as partners. Schools should help children with special educational needs to see themselves as equal partners.

In this booklet we use:

- **must** when the law says something has to happen.
- **should** when the Government says they expect something to be done.

My child has learning problems

All parents want the best for their children and they hope they will be happy and get on well in school. If you are worried that your child may be having difficulties at school, how do you get something done about it?

Step 1: Talking to the school

Your first step is to talk to the school. Ask them for their view and tell them what you think. Remember that difficulties with behaviour and how your child relates to others can be as important as difficulties with lessons.

What sort of questions could you ask?

Five questions to find out the school's view

- Does the school think my child is having any difficulty?
- Has my child been set any targets?
- Is my child at the same level as most other children in the class?
- What do the results of my child's SATS or other tests or assessments mean?
- Is my child already getting extra help?

It is best to start with your child's teacher or year tutor. Sometimes that will be enough to put your mind at rest.

Try to write down your queries and questions point by point. Ask a friend to help. Going through everything with someone else first makes it easier to talk to the teacher.

What points could you make?

- ✓ Say what particular problems are worrying you – no matter how big or small.
- ✓ Say when you first noticed any problems. Did you mention it to anyone?
- ✓ Are the problems getting worse? How long have they been getting worse?
- ✓ Say if anyone else in the family has similar problems.
- ✓ Is this putting your child off school or making them unhappy? Say how your child feels.
- ✓ Has your child's behaviour changed at home or at school? Is their behaviour at home different from school? Give examples.
- ✓ Any health or other problems?
- ✓ What do you think would help? Perhaps your child could change seats in class or have more one-to-one help.
- ✓ Has your child ever had any help that seemed to work?
- ✓ Are you doing anything to help at home? Can the school suggest any better ways for you to try?
- ✓ Don't forget, if a family has problems at home this can bother children. It may help the school to know if a death, divorce or some other upset has affected your family.
- ✓ Do you think your child's progress is good enough ("adequate")? If not say so and if possible say why. Perhaps your child has difficulty with organising themselves, managing their homework or reaching targets?

Schools should find out what children think and take notice of their views. It is now very important that you find out exactly what your child feels. Go through as many of your points as possible with your child. Some children may want to write their own report.

Step 2: Writing to the school

It is best to put all your questions and points in a letter to the school. It will help the teacher to be clear about your worries and will make sure that everything you want to talk about is recorded. You can use this model letter.

Dear

I am concerned that my son/daughter seems to be having difficulty with learning and may have a special educational need. I do not think she/he is making adequate progress.

I would like to meet you to discuss my child and what the school can do to help.

The points I would like you to know about are: (Add everything from Step 1 in note form eg: Rosa cannot read or spell very well. I noticed this last year and told Ms Brown).

I am enclosing a short report from my child.

The questions I would like to discuss are: (List the questions).

I would like to have a copy of my child's school record, including any records of my child's progress. I would also like a copy of the school's special educational needs policy.

I am available for a meeting on (give dates).

I would like to bring a friend/adviser (give their name).

I would like my child to be present at the meeting.

I do hope that we can work in partnership so that my child can do as well as possible.

I look forward to hearing from you.

Yours sincerely,

(Parent)

Remember to make at least one copy of this letter and any notes you make for your own record.

Step 3: Keeping a diary

Start keeping a diary about your child and their difficulties.

Make a note of:

- Date
- Areas of concern
- Improvements noticed by your child and yourself
- Any difficulties experienced by your child
- Anyone told at school and any action taken
- Any knock-on effects - behaviour, health, anxiety, self-confidence etc.

Obviously you will not want to add to any pressures your child is facing – you may need to be careful about how and when you ask your child about school.

Step 4: Preparing for meetings

When you fix the meeting with your child's teacher, you may find it helpful to ask to have the teacher with responsibility for special educational needs – the special educational needs co-ordinator (the SENCO) – there as well.

Before the meeting

- Ask the Department for Education and Skills (DfES) for a copy of the SEN Code of Practice and SEN Toolkit (see page 12).
- Ask the head for a copy of your child's school record. Your and your child have a legal right to a copy, but it can take up to three weeks for the school to give it to you. Do not delay any meeting just because you have not got your child's record.
- Ask the local authority (LA) for the number of the local parent partnership service (PPS) if you feel you will need help at the meeting. The PPS will generally provide an independent parental supporter to help you. They may also have some useful leaflets and details of useful organisations.

Also

- Ask to see the school's special educational needs policy before the meeting and make a note of any useful points. The policy must explain what the school does for children with special educational needs and how they work with parents.
- Read through your child's record and mark everything you agree or disagree with or do not understand. Take the marked record to the meeting.
- Ask for an interpreter if necessary.

Step 5: Tips for the meeting

Take the letter and any other lists of worries, questions and points to the meeting. Do not be afraid to go back to a point if you feel it has not been fully sorted out.

Make a note of all the main points made at the meeting. Send a copy of your notes to the school to make sure everyone is clear about what has been agreed.

A lot of education talk and jargon can be confusing so if you do not understand anything - ask. It is your 'right' to understand everything that is said about your child. So if you still do not understand – ask again!

Step 6: At the meeting

You feel happy that the school feels that your child is getting on well.
or

The school tells you that your child will be given help through the school's usual or routine differentiation, or has special educational needs and will get help through School Action or School Action Plus. You must be told if your child has special educational needs. Ask how you can help.

or

The school disagrees with your feeling that there is a problem.

After the meeting

If you are still unhappy try to contact a more senior person in the school and/ or contact the parent partnership service and/ or one of the specialist organisations in ACE's leaflet Children with Special Needs (details on page 12). Your LA will run a service to help sort out disagreements about special educational needs between parents and schools. The parent partnership service should have details.

or

The school agrees with you but says it cannot give the help you think your child needs. Again try a more senior person in the school and/ or the parent partnership service and/ or one of the specialist organisations as above.

Step 7: Understanding differentiation

Children make progress at different rates. Not all children learn in the same way. For instance some children understand and remember well if they read something. Others need to be more actively involved to make good progress. Children can be taught in different ways. This is known as differentiation. If a child is making slow progress when they are taught in the same way as the rest of the class the school should try other ways through differentiation to help them succeed. This can mean:

- giving work at a more basic and simple level;
- giving different lessons or different activities;
- using ways of teaching that match the child's way of learning;
- using books that fit in better with the child's own experiences;
- moving the child into a different set or into a small group;
- giving different support through a classroom assistant;
- giving complicated information in small steps etc.

If your child has had help through differentiation but has still not made good enough progress – the school should do more. Generally they will then give your child special educational help through School Action or School Action Plus.

In steps 8 and 9 we explain the model recommended in the Code of Practice: this is called School Action and School Action Plus. In pre-schools you may find it is called Early Years Action and Early Years Action Plus.

Step 8: Understanding School Action

Through School Action, the child gets help that is either extra to and/or different from the help that the school usually gives children through differentiation.

The school will discuss your child and their needs with you. If they decide that your child may need more support, they will collect all available information about your child. They will then decide what help to give. You should always be consulted and kept fully informed about the help your child is given and of the results of that help.

Your child's help should be recorded in a document usually called an Individual Education Plan (IEP). The IEP should be checked ("reviewed") regularly. If your child does not make enough ("adequate") progress and the school thinks they need advice from specialists they will move your child to School Action Plus.

Inclusion guidance says:

Teachers should aim to give pupils the chance “to achieve as high a standard as possible”.

Step 9: Understanding School Action Plus

At School Action Plus the school will give your child more or different help than they gave at School Action.

External specialists may assess your child and with your child’s teachers should look at different ways of teaching and helping your child. The specialists will advise on a new IEP. Sometimes they will teach or help children personally. These specialists could be educational psychologists, behaviour specialists, dyslexia teachers, speech and language therapists, healthcare professionals etc. The help should usually take place in your child’s classroom.

Your local authority (LA) can give you information about what help schools in your area usually give through School Action or School Action Plus (also on the local council’s website).

The Code of Practice stresses that Action and Action Plus are not hurdles to be

The individual education plan (IEP)

IEPs should include:

- three or four short-term targets that match your child’s needs
- the ways of teaching (strategies) to be used
- the help to be put in place
- when the plan is to be reviewed
- how the school will decide if the help has been successful or
- how the school will decide if the help is no longer needed.

The IEP should be discussed with you and your child.

Targets

The targets in an IEP will be set by or for your child and should be in small steps. Targets can be written like this “by the end of the term John will be able to.....”.

crossed before a statutory assessment. If your child has more serious difficulties they may go straight to a statutory assessment.

Step 10: Reviewing the Individual Education Plan

At School Action and School Action Plus IEPs should be reviewed at least twice a year. Ideally they should be reviewed termly (or more frequently for some children). But if there is a problem the school should not wait until the review before making changes.

The school should consult you as part of the review process. Where possible, your child should also take part and be involved in setting new targets. If your child is not involved in the review, their views should be considered. A review can take place at a parents' evening but the school should bear in mind your feelings if you ask for a more private meeting.

The review should look at:

- progress made by your child
- your views
- your child's views
- the effectiveness of the IEP
- issues affecting your child's progress
- updated information and advice
- future action - changes to targets, strategies
- dealing with particular issues
- any need for more information on your child etc.

Your child's progress should be recorded on the IEP and new targets set.

Step 11: The statutory assessment and Statement

If your child receives Action Plus help for a reasonable time without success, and the school thinks they are showing significant cause for concern, the school should consider asking the local education authority for a statutory assessment. If the assessment, which will take several months, shows that your child needs more or different help than is available through School Action Plus, the local education authority will produce a Statement of special educational needs. The Statement will give details of the help your child must be given and where they will go to school. Many children with Statements are at mainstream, not special, schools.

If you are not happy with your child's progress you also have a right to ask the local education authority for a statutory assessment. You can do this even if the school does not agree with you and thinks that your child does not need a statutory assessment.

How parents can help

Parents as well as schools can do many things to help their child:

- Give lots of praise! A prize or smile works wonders.
- Read to your child or watch television together. Then talk about what you've read or seen.
- Help with homework. Get help from the library if you get stuck. Try to help your child plan ahead so there isn't a panic every Tuesday night.
- Take time to relax – all work and no play puts children off learning.
- Play can be a good way of helping children learn without them knowing! Snakes and ladders helps number skills, 'pretend' play is good for language.
- Help your child become an expert – knowing about football or animals or pop groups makes them feel good about themselves - especially with their friends.
- Back up the school by doing the same things at home. Ask the teachers for ideas.
- Give the school your good ideas. You know your child best and what works with them – football stickers for a soccer mad child could give them the boost they need.
- Get ideas from groups set up to help parents. If your child has dyslexia, epilepsy or attention deficit disorder, for instance, then there is an organisation which can give advice. You can pass on any good ideas to the school.

Further help

More information on Special Educational Needs

From the Department for Education and Skills (DfES):

SEN Code of Practice, SEN guide for parents and carers, and SEN Toolkit. Free from the DfES, 0845 60 222 60 or www.dfes.gov.uk/sen

From the National Assembly for Wales (NAW):

SEN Code of Practice, and (from Sept 2002) **Handbook of Good Practice for Children with SEN.** Free from NAW, 02920 826078

From the Advisory Centre for Education:

Special Education Handbook (£19.99 incl p&p) tells parents of their rights of appeal as well as detailed information about assessments and Statements.

Children with Special Needs: sources of help a leaflet giving addresses of national organisations offering support (£2.50).

Asking for a Statutory Assessment, Getting the Statement Right and Annual Reviews (£2.30 each)

ACE, 1c Aberdeen Studios, 22 Highbury Grove, London N5 2DQ.

Free advice on ACE's helplines 0808 8005793

For children who have been excluded from school, telephone 020 7704 9822 for a free information pack and details of our freephone exclusion helpline.

More advice on ACE's website: www.ace-ed.org.uk



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