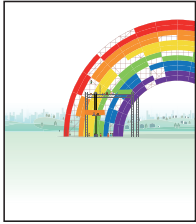


A commitment from
The Children's Plan



department for
children, schools and families



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When early education settings, schools, local authorities and health and social services decide how they will help children with special educational needs, they should always consider what the SEN Code says.

The most important law dealing with special education is the 1996 Education Act. A Special Educational Needs Code of Practice gives practical guidance on how to identify and assess children with special educational needs. All early education settings, state schools and local authorities must take account of this Code when they are dealing with children who have special educational needs. Health and social services must also take account of the Code when helping local authorities. This means that, when early education settings, schools, local authorities and health and social services decide how they will help children with special educational needs, they should always consider what the Code says.

Introduction

This guide aims to help you understand:

- what special educational needs are;
- what you can do if you are worried that your child may be having difficulties at, or before, they go to school;
- how you can help your child;
- what early education settings and schools can do to help your child;
- what local authorities and other services can do to help your child; and
- your rights and your child's rights.

Basic principles

The basic points you need to keep in mind as you read this guide are:

- all children with special educational needs should have their needs met;
- the special educational needs of children are normally met in mainstream (ordinary) early education settings (see the definitions) or schools;
- your views should be taken into account and the wishes of your child should be listened to;
- you have a vital role in supporting your child's education; and
- children with special educational needs should get a broad, well-balanced and relevant education, including the foundation stage curriculum (for children aged 3 to 5) or the National Curriculum (for children aged 5 to 16).

You should be consulted about all the decisions that affect your child.

If you have concerns or worries at any time, you should share them with your child's teacher or head teacher or any other professional working with your child.

You should always ask for advice without delay.

If you want to talk to someone who is independent and knows about special educational needs, you can get help from the local parent partnership service or from national or local voluntary organisations, which are mainly charities. You can find more information on these organisations on page 50.

The section of your local council that is responsible for education – the local authority (LA) – will be able to tell you how to get in touch with them.

Special educational needs – what does it mean?

The term ‘special educational needs’ has a legal definition. Children with **special educational needs** all have **learning difficulties** or **disabilities** that make it harder for them to learn than most children of the same age. These children may need extra or different help from that given to other children of the same age.

The law says that children do not have learning difficulties just because their first language is not English. Of course some of these children may have learning difficulties as well.

Children with special educational needs may need extra help because of a range of needs, such as in thinking and understanding, physical or sensory difficulties, emotional and behavioural difficulties, or difficulties with speech and language or how they relate to and behave with other people.

Many children will have special educational needs of some kind at some time during their education. Schools and other organisations can help most children overcome the barriers their difficulties present quickly and easily. But a few children will need extra help for some or all of their time in school.

So special educational needs could mean that a child has difficulties with:

- all of the work in school;
- reading, writing, number work or understanding information;
- expressing themselves or understanding what others are saying;
- making friends or relating to adults;
- behaving properly in school;
- organising themselves; or
- some kind of sensory or physical needs which may affect them in school.

These are just examples.

Help for children with special educational needs will usually be in the child's ordinary, mainstream early education setting or school, sometimes with the help of outside specialists.

The Government has set out in the Early Learning Goals of the foundation stage of education for children from 3 to 5 years what most children should be able to do by the end of school reception year. The National Curriculum for children from 5 to 16 years also sets out what most children will learn at each stage of their education.

Of course children make progress at different rates and have different ways in which they learn best. Teachers are expected to take account of this by looking carefully at how they organise their lessons, the classroom, the books and materials they give to each child and the way they teach. So all teachers will consider a number of

options and choose the most appropriate ways to help each child learn from a range of activities. This is often described as ‘differentiating the curriculum’.

Children making slower progress or having particular difficulties in one area may be given extra help or different lessons to help them succeed. The National Literacy and Numeracy Strategies also provide for children to learn to read and write and understand numbers and mathematics in different ways and speeds, including special ‘catch-up’ work and other kinds of support.

So you should not assume, just because your child is making slower progress than you expected or the teachers are providing different support, help or activities in class, that your child has special educational needs.

What can you do if you are worried that your child may be having difficulties?

Your child’s early years are a very important time for their physical, emotional, intellectual and social development. When your health visitor or doctor makes a routine check, they might suggest that there could be a problem. But if you have any worries of your own, you should get advice straightaway.

If your child is not yet at school or not yet going to an early education setting, you can talk to your doctor or health visitor who will be able to give you advice about the next steps to take.

If you think your child may have a special educational need that has not been identified by the school or early education setting, you should talk to your child's class teacher, to the SENCO (this is the person in the school or preschool who has a particular responsibility for co-ordinating help for children with special educational needs) or to the head teacher straightaway.

If your child is in a secondary school, you should talk to the child's form teacher, SENCO, head of year or head teacher.

It is best to start with your child's teacher or the SENCO. You will be able to talk over your concerns and find out what the school thinks. The SENCO will be able to explain what happens next.

Working together with your child's teachers will often help to sort out worries and problems. The closer you work with your child's teachers, the more successful any help for your child can be.

Remember – you know your child better than anyone.

You might like to ask if:

- the school thinks your child has difficulties;
- the school thinks your child has special educational needs;
- your child is able to work at the same level as other children of a similar age;
- your child is already getting some extra help; and
- you can help your child.

Other organisation you can get help from are:

- the parent partnership service in your local authority (see page 42);
- child health services;
- social services; and
- local voluntary organisations, mainly charities.

Meeting special educational needs

The **Special Educational Needs Code of Practice** gives guidance to early education settings (see page 46), state schools, local authorities and anybody else that helps to identify, assess and provide help for children with special educational needs. It sets out the processes and procedures that all these organisations must or should follow to meet the needs of children. They must not ignore the guidance in the Code.

They must also take account of the Code when they write their SEN policies.

You can get free copies of the SEN Code of Practice from the Department of for Children, Schools and Families on the DCSF website at **www.teachernet.gov.uk/wholeschool/sen** or from DCSF Publications Centre on 0845 6022260.

The Code describes how help for children with special educational needs in schools and early education settings should be made by a step-by-step or '**graduated approach**'.

What is the graduated approach?

Early education settings and schools place great importance on identifying special educational needs early so that they can help children as quickly as possible. Once it has been decided that your child has SEN, your child's teachers should take account of the guidance in the SEN Code of Practice. This includes giving you information about the local parent partnership service.

The graduated approach recognises that children learn in different ways and can have different kinds of levels of SEN. So increasingly, step by step, specialist expertise can be brought in to help the school with the difficulties that a child may have.

The school **must** tell you when they first start giving extra or different help for your child because your child has special educational needs. The extra or different help could be a different way of teaching certain things, some help from an extra adult, perhaps in a small group, or use of particular equipment like a computer or a desk with a sloping top.

In early education settings this help is called **Early Years Action** and in schools this is called **School Action**.

Your child might need help through the graduated approach for only a short time or for many years, perhaps even for the whole of their education.

You should be consulted at each step.

Different schools will take account of the Code of Practice in different ways. However, no matter how the school chooses to take account of the Code, if your child has SEN, you should be consulted at each step. The school will also consider your child's own views. Schools should tell parents about their children's progress. You have a right to see the school's SEN policy and to receive a copy of the school's annual report, which will include a report on that policy.

Your child's teacher is responsible for working with your child on a day-to-day basis but may decide to write down the actions or help for your child in an Individual Education Plan (IEP).

The IEP should say:

- what special help is being given;
- how often your child will receive the help;
- who will provide the help;
- what the targets for your child are;
- how and when your child's progress will be checked; and
- what help you can give your child at home.

Your child's teacher should discuss the IEP with you and your child if possible.

IEPs will usually be linked to the main areas of language, literacy, mathematics and behaviour and social skills. Sometimes the school or early education setting will not write an IEP but will record how they are meeting your child's needs in a different way, perhaps as part of the lesson plans, and will record your child's progress in the same way as they do for all the other children. But the school should always be able to tell you how they are helping your child and what progress they are making, and explain why they have not written an IEP.

Remember – it is how your child is helped that is important and not the way in which the school writes it down.

If your child does not make enough progress, the teacher or the SENCO should then talk to you about asking for advice from other people outside the school. They might want to ask for help from, for example, a specialist teacher, an educational psychologist, a speech and language therapist or other health professionals. This kind of help is called **Early Years Action Plus** or **School Action Plus**.

The SENCO should try to include you in any discussions, and should consider your views in making any decisions about how best to help your child. They should keep you informed about your child's progress.

The SEN Code of Practice is very clear about the importance of early education settings, schools, LAs and parents working together. Parents should have plenty of opportunities to find out what is happening.

Your views are very important at all times.

Talking through any worries or concerns you might have with the people at the early education setting, the class teacher, the SENCO or the head teacher should sort out any concerns or misunderstandings.

What if you disagree with the early education setting or the school?

If you and a state school still disagree after you have talked, you are free to:

- get help and support through the local parent partnership service; and
- access an informal disagreement resolution service provided through your LA (see page 42-45).

Parent partnership services can help you to express your views and offer you support whenever you need it.

If you are not happy with anything the school does for your child, you should first talk to the SENCO or your child's class teacher or subject teachers. You could also talk to the head teacher. Sometimes there can be misunderstandings. It is important that you co-operate as much as you can with your child's school in any discussion about your child's SEN. You may find it helpful to write down your worries before a meeting and, if you want to, you can take a friend or relative with you. You may also find it helpful to talk to other parents. Your child's school will be able to put you in touch with the local parent partnership service who can also give you the names of local voluntary organisations and parents' groups that might be able to help.

Assessments and statements

All children with special educational needs should have a broad and well-balanced education.

Many children, at some time, will have special educational needs of some kind. The law says that all state schools must do their best to see that special help is provided for all children with SEN. Most children's needs can be met by their ordinary (mainstream) school, sometimes with the help of outside specialists. In a few cases, the LA will have to make an **assessment** of a child's educational needs, based on specialist advice. If the LA then decide that the child needs special help, they must write a **statement of special educational needs** – usually called 'a statement'. This describes all the child's needs and all the special help that he or she needs. The child's ordinary school and the LA can usually provide this help with support from the LA.

If your child still does not seem to be making enough progress or needs a lot more extra help, the local authority may decide to carry out a more detailed assessment of your child's needs.

- Your child's school or early education setting can ask the LA to carry out a statutory assessment (see the next section). They should always talk to you before asking the LA.

Or

- If you feel that your child's school or early education setting cannot provide all the extra help that your child needs, or your child is not making enough progress and so is falling further behind other children of the same age, you can ask the LA to carry out a statutory assessment.

You should always talk to your child's teachers or the SENCO before asking the LA. You can always ask them to help you write to the LA, or you can ask the local parent partnership service or a voluntary agency for help.

What is a statutory assessment?

This is a detailed investigation to find out exactly what your child's special educational needs are and what special help your child needs. A statutory assessment is only necessary if the school or early education setting cannot provide all the help that your child needs.

When you, the early education setting or the school ask the LA to carry out a statutory assessment, the LA normally have six weeks to decide whether to do so. They will consider very carefully your child's progress at school and the guidance in the SEN Code of Practice. They will also listen to your views and to the views of your child's school about your child's special educational needs. The school or early education setting will tell the LA about any special help they have already given to your child.

Remember – your local parent partnership service is there to help you at any point.

How long will you have to wait for the LA to decide whether your child should have an assessment?

The LA will look at the request for a statutory assessment and will tell you (normally within six weeks) whether they will carry out an assessment.

As soon as the LA start looking at the request for a statutory assessment they will write to you and:

- tell you that they are considering whether to carry out a statutory assessment;
- tell you how they will carry out the statutory assessment if one is done;
- explain the timescales (which will be no longer than six months in all);
- give you the name of the person at the local authority who will be your point of contact (the Named Officer);

- ask you to give written or spoken reasons, called ‘evidence’, about why you think your child should or should not be assessed (you have at least 29 days to send this in to the LA);
- tell you about the LA’s parent partnership service who will be able to help you with independent advice and support;
- ask you if there is anyone else you would particularly like the LA to talk to about your child;
- ask you for any evidence or opinions you have collected or intend to get; and
- encourage you to provide written or spoken evidence for the LA to consider (the LA or the parent partnership service can help you make a written version).

Local authorities have six weeks to tell you whether they will carry out a statutory assessment of your child. If LAs take longer than six weeks, you should ask the Named Officer (see page 47) to explain the delay.

If you are not happy with the answer or the reason for the delay, you can talk to the local parent partnership service or ask the LA to arrange to sort out the disagreement informally through an independent person.

As a last resort you can complain to the Secretary of State for Children, Schools and Families about an unreasonable delay. The Secretary of State can tell the local authority to tell you whether they will be carrying out a statutory assessment. The LA or the parent partnership service will be able to give you details of how to make a complaint about such a delay.

What can you do if the LA decide not to assess your child?

If the LA decide not to carry out a statutory assessment of your child, they must write and tell you and the school their reasons. You or the school may still feel that more needs to be done to meet your child's educational needs. You should talk to the school to find out what can be done. They may consider different arrangements or outside help will be appropriate. You can also talk to the local parent partnership service.

Even if the LA decide that your child does not need a statutory assessment, your child can still get extra help.

If the LA decide not to carry out a statutory assessment, you have a right to appeal to the Special Educational Needs and Disability Tribunal if you disagree with the LA's decision.

The LA should tell you about local arrangements for sorting out any disagreement informally, your right to appeal to the Special Educational Needs and Disability Tribunal and the time limits for appealing. It is important that you begin any appeal to the Tribunal within the time limit as the Tribunal are likely to refuse to hear your appeal if you are late.

The assessment

Very few children need a statutory assessment.

If the local authority carry out an assessment, they will ask a number of professionals to give their views on your child. The LA will ask for advice from:

- your child's school or early education setting;
- an educational psychologist;
- a doctor;
- social services (who will only give advice if they know your child); and
- anyone else whose advice the LA consider appropriate.

You have the right to be present at any interview, medical or other test during the statutory assessment, but sometimes the professionals may ask to see your child without you. Children sometimes behave differently when a parent is present.

You will also be asked for your views again – this is separate from asking you whether you think your child should be assessed.

You should feel free to suggest any other people or organisations you know whose views may be helpful in the assessment of your child. The LA should then ask for their views. You may also send the LA any private advice or opinions you have collected about your child and the LA should take these into account as part of the assessment.

You have an essential part to play because you know your child better than anyone else.

Your views will be very welcome and you should feel free to ask questions at any time. The parent partnership service or an LA officer can help you. Your concerns, views and knowledge of your child are very important – you know your child best.

The LA will help you think about how to give your views. They may have guidelines to help you take part in your child's assessment. It is important to get as much advice and support as you feel you need. You may want to consider asking:

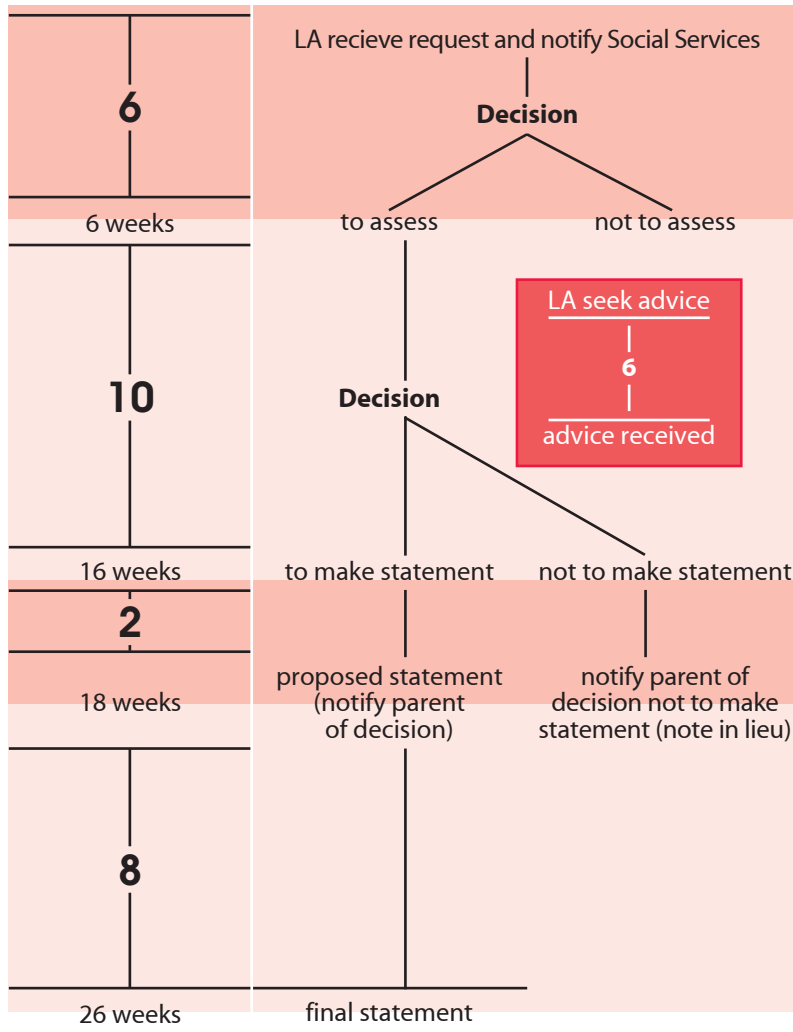
- the local parent partnership service;
- voluntary organisations working with children and young people; and
- other parent support groups.

The Named Officer of the LA should help explain the assessment process. You should feel free to contact them at any time. There is also a list of useful addresses at the end of this booklet.

To help the LA carry out the assessment quickly, when they ask what you think, you should try to reply within six weeks. The LA may give a deadline for you to give your views. The LA will tell you if this is the case, and the deadline will be 29 days or more.

The LA may also ask what your child thinks about their SEN. What your child thinks can play an important part in the LA's assessment. If your child needs help to give their views to the LA, you, a teacher or another professional can help.

Timetable for assessment



Plain English Campaign's Crystal Mark does not apply to this flowchart.

There are some exceptions to this timetable when the overall time may be longer than 26 weeks. If this is likely, the LA will tell you the reason for the delay.

What happens after the assessment?

A statement of special educational needs sets out your child's needs and all the special help they should have.

Once your LA's SEN officers have collected all the advice and comments about your child's educational needs, they will decide whether to make a statement of SEN for your child. They will normally tell you their decision no more than 12 weeks after they decided to carry out an assessment.

After the assessment the LA may decide it is necessary to write down all the information they have collected in a document called a **statement of special educational needs** (usually called a statement).

The LA should normally write and tell you whether they are going to write a statement within 12 weeks of beginning the assessment.

If the LA decide not to make a statement, they will explain their reasons and tell you how they think your child's needs should be met in school, in an early education setting or in any other way.

What if you disagree with the LA's decision?

The LA should tell you about the local arrangements for sorting out disagreements and your right of appeal to the Special Educational Needs and Disability Tribunal. You have the right to appeal to the Tribunal even if you are using the disagreement resolution service as well (see page 42).

What is a statement?

A statement will describe all your child's SEN and the special help your child should receive. The LA will usually make a statement if they decide that all the special help your child needs cannot be provided from within the school's resources. These resources could include money, staff time and special equipment.

A statement of SEN is set out in six parts.

Part 1 gives your own and your child's name and address, and your child's date of birth, home language and religion. It also lists all the advice the LA received as part of the assessment.

Part 2 gives details of all of your child's SEN as identified in the statutory assessment.

Part 3 describes:

- all the special help that the LA think your child should get to meet the needs listed in Part 2;
- what the long-term aims are; and

- the arrangement for setting short-term goals, regularly reviewing your child's progress towards those goals, and how your child's progress is to be monitored.

Part 4 tells you about the school your child will go to get the special help set out in Part 3, or how any arrangements will be made out of school hours or off school premises.

Part 5 describes any non-educational needs your child has, as agreed between the LA and the health services, social services or other agencies.

Part 6 describes how your child will get help to meet the non-educational needs described in Part 5.

The LA must send, with the statement, copies of all the advice they got from you and from other people and organisations during the statutory assessment.

What happens once a statement has been prepared for your child?

Before the LA's SEN officers write a final statement, they will send you a 'proposed statement' – that is, a draft of the statement. All the parts listed above will be filled in, except Part 4 (describing the type and name of the school) which will be left blank.

With your copy of the draft statement the LA will send you a letter telling you how you can give your views on the proposed statement before it is finalised. Your views will be welcome. You may want to consider getting more help and support at this stage.

Can you choose your child's school?

The LA will send you details of schools that are suitable for children with special educational needs.

The LA will send you details of state mainstream and special schools in the area. They will also send you a list of all schools known as 'non-maintained' special schools and all independent schools that are approved by the Secretary of State for Children, Schools and Families as suitable for children with SEN.

You have a right to say which state school you want your child to go to, either mainstream or special. This can be the school they already go to. The LA must agree with your preference as long as:

- the school you choose is suitable for your child's age, ability, skills and SEN;
- your child's presence will not damage the education of other children already at the school; and
- placing your child in the school will be an efficient use of the LA's resources.

Special schools usually take children with particular types of special needs. Many ordinary schools also have special provision for children with particular needs.

For example, they may have good access for physically-disabled pupils or special teaching for pupils with hearing or sight difficulties or dyslexia. You can ask to see schools' policies on SEN to make sure you know what they can offer. You can also visit a number of schools if you want to. The LA will send you details of how you can tell them what school you want.

You may want your child to go to a school that is not run by the LA – a non-maintained special school or an independent school that can meet your child's needs. The LA will consider your wishes carefully before they make a final decision but, if there is a suitable state school, the LA have no legal duty to spend public money on a place for your child at a non-maintained or independent school.

Deciding which school you would like your child to go to is an important matter. Again, it is important that you ask for and get all the information, help and advice you need, and that you talk over any concerns you may have. Your LA and the local parent partnership service will be pleased to help.

Before they make the final statement, the LA can arrange a meeting with you to discuss your wishes.

Remember that you can take a friend, a relative or an independent parental supporter with you when you visit schools or meet the LA. You may also want to talk to other parents through local voluntary organisations and parents' groups.

The LA have to consult the school before naming it on the statement, but the LA make the final decision. They will keep you fully informed and will always explain their decision to you.

If you do not want to suggest the name of a school but want your child to go to an ordinary mainstream state school, you should also tell the local authority. They must then give your child a mainstream place as long as:

- your child going there will not damage the education of other children already at the school; and
- there are no practical steps that the school or the LA could take to prevent your child affecting the other children's education.

How long have you got to comment?

When the local authority send you a draft statement, you have 15 days to comment on all parts of the statement – and to say which state school, or non-maintained special school or independent school, you want your child to go to.

You can ask for a meeting with the LA to discuss the draft statement. After this meeting you have another 15 days to ask for more meetings with the LA. Within 15 days of your last meeting with the LA, you can send in any more comments you have and the LA will consider them. If you would like more time to comment, you should talk to the Named Officer.

When will the local authority make the final statement?

Usually, the LA must make the final statement within eight weeks of the draft statement. They will send you a copy of the statement and it will have Part 4 filled in with the name of a school.

The statement comes into force as soon as the LA make it. From that time the LA must provide your child's school with any extra resources that it needs. The school's governors must do their best to make sure that your child gets the special educational help set out in the statement.

What if you disagree with the statement?

If you disagree with what is in the statement, you should first ask your Named Officer at the LA for an explanation. Speaking to your local parent partnership service should also be helpful. If you are still not happy, you have a right to appeal to the Special Educational Needs and Disability Tribunal against the contents of:

- Part 2, the description of your child's SEN;
- Part 3, the help to be given for your child's SEN; and
- Part 4, the type and name of the school your child should go to.

The LA should tell you about the local arrangements for resolving disagreements and your right of appeal to the Tribunal. You have the right to appeal to the Tribunal even if you are trying to sort out the disagreement informally with the LA (see page 42).

Remember that if you choose to appeal to the Tribunal, there are time limits in which you must do this.

What if the LA decide that your child does not need a statement?

Even if the LA do not make a statement, they can send you and the school copies of all the advice they got from you and other people and organisations during the statutory assessment.

After the assessment, the LA may decide that your child's school can provide special help for your child's SEN without the need for a statement. The LA will usually tell you of this decision within 12 weeks of starting the statutory assessment.

The LA will have learned child's needs as a result of the statutory assessment. Even if they decide not to make a statement, they should share what they have learned with you and your child's school. The LA may then draw up what is called a '**note in lieu of a statement**'.

What if you disagree with the LA's decision?

If you think that the LA's decision is wrong and that they should make a statement for your child, you should first talk to the LA and the school. You also have the right to ask the LA for informal resolution of the disagreement and a right to appeal to the Special Educational Needs and Disability Tribunal. You can talk to your local parent partnership service about these options.

Annual review of the statement

The LA must check your child's progress and make sure that the statement continues to meet their SEN. They must review your child's statement **at least** once a year, but they can review it more often if they think it is necessary.

The annual review is in four parts:

- Collecting information.
- Holding an annual review meeting.
- The head teacher's report of the annual review meeting to the LA.
- The LA's review of the statement.

Your child's school will write to you, telling you the date of the review meeting and inviting you to attend. Before the meeting, the school will ask you to send in your views on your child's progress over the past year. The school, the local parent partnership service, a voluntary organisation or a parents' group can help you give your views.

Remember – your views are very important.

The school may also ask for the written views of other professionals who know and work with your child. Before the review meeting, the school will send you copies of all the views they have received.

Your child's teachers will have set goals for your child soon after the statement was first made. These may be set out in an IEP. At the annual review meeting you, your child and your child's teachers, and sometimes other people who have been helping your child over the year, will look at your child's progress towards those goals and will agree new goals for the next year.

The meeting will also look at any written reports that have been provided and at your child's statement, and will see if it needs changing in any way.

The review meeting will normally be held in your child's school. You can take a friend, an adviser or an independent parental supporter to that meeting. It is important that you go to the review meeting. Your child should be able to go along for at least part of the meeting. Their views on progress in the past year, and hopes for the future, are important.

After listening to everyone's views at the review meeting, the school will set new targets. The head teacher will send a report to the LA recommending any changes that the people at the meeting (including you and your child) felt should be made to the statement. The school will send you a copy of their report. The head teacher must write to the LA within 10 working days of the annual review meeting or by the end of term, whichever is sooner.

Can changes be made to the statement?

The LA will decide whether they should make any changes to your child's statement. They will then write to you, your child's school and the professionals involved in the annual review. The LA will tell you about any changes they want to make and the reasons for them, and will ask you for your views.

Within 15 days of hearing from the LA, you can ask for a meeting to discuss the changes they want to make. The LA must always consider your views before making any changes. The LA must tell you their final decision and any changes they have made within eight weeks of suggesting a change.

An annual review may lead to changes to your child's statement. For example, changes may be made if:

- your child's needs have changed a lot;
- the LA decide that different kinds of extra help are necessary; or
- your child has to move to a different school.

You will always be asked what you think before any changes are made. Annual reviews will not always lead to changes in your child's statement. But while the LA may suggest changes at any time in the year, changes are most likely to be made after an annual review.

If you want help in discussing the suggestions or just need advice, you can ask your local parent partnership service.

If the changes are to Part 4 of the statement (that is, the LA want to change the name of the school), you have the same rights to choose a school as you had when your child's statement was first made (see page 27). So before your child is due to move from infant to junior school, or from primary to secondary school, it is very important that you, your child's present school and the LA think very carefully about the next school your child should go to.

The recommendations of the last annual review before the transfer will be important in helping you and the LA decide what kind of school your child should go to. The LA must change Part 4 of the statement by 15 February in the year your child is due to change schools.

You also have the right to ask the LA to change the name of the school in your child's statement. You can ask for another LA school if it is at least 12 months since you asked for a change of name or since the statement was made or changed.

What if you disagree with the LA's changes?

If the LA change the statement – called an **amended final statement of special educational needs** – you have the same rights as when the statement was first made. The LA should tell you about the local arrangements for resolving disagreements and your right of appeal to the Special Educational Needs and Disability Tribunal. You have a right to appeal to the

Tribunal against any change to the description in the statement of your child's SEN (Part 2), the types of special educational help to be provided (Part 3) and the name of the school your child will go to (Part 4). You have the right to appeal to the Tribunal at the same time as using the disagreement resolution service (see page 42).

Transition planning

If your child has a statement of special educational needs, the annual review in year 9 is particularly important in preparing for their move to further education and adult life. This review can involve all those people and organisations who will play a major role when your child leaves school. This will include the Connexions Service (see page 46) and could also include your local social services department.

This review will not only consider your child's targets and statement but also discuss a Transition Plan for your child's move to adult life. It is likely that your child will work with a Connexions Personal Adviser to write a personal action plan for discussion at the review meeting. The head teacher must make sure that the Transition Plan is completed after the meeting.

The Transition Plan can be discussed and changed, if necessary, at later review meetings. You and your child will be asked to help with this Plan.

Choices after 16 – will your child be able to stay on at school?

Education for young people with SEN does not stop at 16. Depending on your child's interests and abilities, they can stay on at an ordinary or a special school, or can move to a college of further education or into work-based training. Many schools have developed 'link' courses with colleges so the pupils in their last years at school can go to a college on a part-time basis. These courses help to prepare young people for further education by letting them experience a college and try out a range of new subjects.

Further education is available for all young people over the age of 16. If your child has a statement of SEN, everyone involved in transition planning will consider the possibilities for further education.

If your child has a statement and wants to leave school at the end of year 11 to go to a further education college or to work-based training, the Connexions Service will carry out another assessment. The Connexions Service will assess what will have to be provided so that your child can carry on with their education or training. The Connexions Service will use the information from your child's statement. Connexions can do these assessments for other young people with SEN who plan to go on to further education or training, not just those with statements in year 11. Connexions will work with further-education and training providers to make sure your child gets the help they need.

Universities and colleges offer education at a level beyond GCE A-level standard for students from the age of 18. It is open to all young people who have the ability to benefit from it.

If you have any questions about the choices open to your child after 16, the Connexions Service and your child's school can give you and your child help and advice.

How long does a statement last?

Your child could have a statement for their whole school career, or for just a part of it. Through the annual reviews of your child's statement, the LA may decide that your child can continue to make good progress with the extra help that an ordinary school can provide, if they do, they can stop your child's statement.

If the LA want to stop your child's statement, they will write and tell you, giving their reasons. If you disagree, you should tell them. If the LA then stop the statement and you still disagree, you can ask for the disagreement to be sorted out informally and, at the same time, you have a right to appeal to the Special Educational Needs and Disability Tribunal.

The LA will stop the statement if your child leaves school after year 11. If your child stays at school, the LA can keep the statement until they are 19 or till the end of the school year, to make sure they finish a course.

Can you ask for your child to be assessed again?

Even if your child has a statement, you and your child's school can ask for a new statutory assessment. The LA must do a new assessment as long as:

- Your child has not been assessed in the last six months.
- The LA agrees that another statutory assessment is needed.

The LA will decide whether a new assessment is needed in just the same way as when they first decided to assess your child. But they will also consider whether there have been any significant changes in your child's life or SEN. The LA will tell you whether they have decided to re-assess and, if not, the reasons. If you disagree with that decision, you can appeal to the Special Educational Needs and Disability Tribunal (see page 43).

What happens if you move to another LA area?

If you are going to move, you should let your child's school and the LA know. You should talk to your present LA and your new LA about your child's needs and the best way of making sure they continue to be met.

When you move, your old LA will send your child's statement to your new LA and your child's school will send all your child's school records to the new school.

The new LA must then make sure that your child gets all the special educational help set out in the statement. Within six weeks of receiving your child's statement, your new LA must tell you when they will review the statement or whether they are going to carry out a new statutory assessment of your child.

If you only move a short distance, your child may be able to stay at the same school. If you move further away, your child may have to start at a new school before the new LA review the statement or carry out a statutory assessment. But if you still live nearby, your child can stay at the same school, at least until the LA review and perhaps change the statement.

If your child goes to a non-maintained special school or independent school, the new LA must pay any fees that your previous LA paid, at least until they change the statement. If your child goes to a residential school, the new LA must pay any fees your previous LA paid, at least until they change the statement.

Remember – you have a right to tell the LA what you think before they make any change.

Remember, too, that if you disagree with any change that the LA make, you can ask for the disagreement to be sorted out informally and, at the same time, appeal to the Special Educational Needs and Disability Tribunal.

What happens if you disagree with the LA?

You, your child's school and the LA are partners in your child's education. They will keep you fully informed at all times about your child's education. Your knowledge of your child, together with the school's and LA's knowledge of a wide range of children with SEN, should result in proper help being given to your child quickly.

If, at any stage, you are not happy with a decision, talk to your child's school or to the Named Officer who has dealt with your child's case. They will be happy to discuss your worries. In most cases, the problem can be put right quickly.

The local parent partnership service, voluntary organisations and parents' groups can help you put your views to the LA and can give you advice about what the LA say.

It is very important that you discuss your views openly with the LA and try to reach agreement with them wherever possible. You may feel disappointed by the LA's decision, but continuing to disagree is not always in your child's best interests.

If you cannot agree with the LA, you can ask them to arrange to sort out the disagreement informally. Each LA will have arrangements for an independent disagreement resolution service. They will be able to listen to your views and those of the LA and help you both reach an agreement. You can choose whether

to use this service and it does not affect your right to appeal to the Tribunal at the same time. Someone totally independent of the school or the LA will arrange a meeting where everyone involved can air their concerns and consider how to sort out the disagreement.

What is a parent partnership service?

Parent partnership services provide support and advice to parents whose children have SEN. They provide accurate and neutral information on the full range of options available to parents. They do not 'take sides'. They help parents to make informed decisions about their children's education. Where parents want an independent parental supporter, the service should provide one. You can find the latest contact details at www.parentpartnership.org.uk

What is a disagreement resolution service?

Disagreement resolution services provide an informal way of preventing and sorting out disagreements between parents (whose children have SEN) and the LA or school (this will only include independent schools where they are named in the statement). This is an additional service parents can use if they want to. The service is designed to be a way of resolving problems quickly and informally. Using the service does not affect your right of appeal to the SEN and Disability Tribunal.

What is the Special Educational Needs and Disability Tribunal?

The Special Educational Needs and Disability Tribunal is an independent body that hears parents' appeals against LA decisions on statutory assessments and statements.

You can appeal to the Special Educational Needs and Disability Tribunal if:

- The LA refuse to carry out a statutory assessment of your child after you have asked them to.
- The LA refuse to make a statement for your child after an assessment.
- You disagree with Part 2, Part 3 or Part 4 of your child's statement, when that statement is first made or if it is changed later.
- Your child already has a statement, and the LA refuse to assess your child again or to change the name of the school in the statement.
- The LA decide to stop your child's statement.

The Tribunal is based in London but, outside the South East appeals are heard locally. The Tribunal is made up of three people. One of these will be the Chairman, who will be a lawyer. The other two will have experience of SEN.

You can go to the Tribunal on your own, or voluntary organisations or parents' groups can help you prepare your case and go with you. You can also ask up to two people who know your child to speak for you at the Tribunal.

The Tribunal will look at the evidence and will make a final decision. In reaching this decision, the Tribunal may consider how the LA's actions compare to the guidance set out in the SEN Code of Practice. Just because an LA has not followed the Code will not always mean that their decision was wrong. But the Tribunal will expect the LA to explain why they have not followed the Code's guidance when that is relevant to the decision they have made.

How long do you have to appeal?

It is important that the appeal procedure does not delay any special educational help your child needs. For this reason, you have to apply to the Tribunal no later than two months after the LA tell you their decision. It is only possible to get the time limit extended in a very few cases.

You can find out more about the Tribunal in a special booklet. You can get the booklet from your LA or from the Tribunal at:

Procession House
Upper Ground West
55 Ludgate Hill
London EC4M 7JW
Phone: 0870 241 2555

What if the Tribunal cannot deal with your complaint?

You may be able to make a complaint to the Local Government Ombudsman if your complaint is about something that the Tribunal does not deal with. For example, if your complaint is about the LA's failure to:

- keep within time limits; or
- make sure that the help your child needs is provided, as set out in the statement.

You can find out more about the Local Government Ombudsman in a special booklet. You can get the booklet from your LA, or from the Ombudsman at:

Commission for Local Administration in England
10th Floor Millbank Tower
Millbank
London SW1P 4QP
Phone: 020 7217 4620

Definitions

Annual review

A yearly review of a statement of SEN.

Connexions Service

A service to help all young people aged 13 to 19 prepare for the transition to adult life.

Early education settings

All preschool education provision such as nursery classes and schools, day nurseries and playgroups.

Independent parental supporter

Someone who can support parents, for example, by going to meetings, encouraging parents to get involved and helping parents understand the SEN framework.

Local authority (LA)

A local government body that is responsible for providing education and for carrying out statutory assessments and maintaining statements.

Mainstream school

An ordinary school which is for all children, not just those with SEN. This will normally be a state school, although it could also be an independent school, that is, a City Technology College, a City College for Technology of the Arts, or an Academy.

- Maintained school** A state school.
- Named Officer** The person at the LA who deals with your child's case.
- SEN Code of Practice** A guide for early education settings, state schools and local authorities (LAs) on the help they can give to children with special educational needs. Schools and LAs must take account of the Code when they deal with a child with special educational needs.
- Special educational needs (SEN)** Children have special educational needs if they have learning difficulties that need special educational provision.
- They have learning difficulties if they find it much harder to learn than most children of the same age or they have disabilities that make it much more difficult for them in school.
- Special Educational Needs and Disability Tribunal** An independent body that hears appeals against decisions made by LAs on statutory assessments and statements.
- Special educational provision** The extra or different help given to children with special educational needs.

Special school

A school that is just for children with statements of SEN.

Statement of special educational needs

A document that sets out a child's needs and all the extra help they should get.

Statutory assessment

A very detailed examination of a child's special educational needs. It may lead to a statement.

Transition Plan

A plan drawn up after the year 9 annual review of a statement. It sets out the steps needed to move from school to adult life.

Voluntary organisations

Organisations, usually charities, which provide help and advice that is often linked to particular needs (see page 50).

Other publications you may find useful

Special Educational Needs Code of Practice

You can get copies of the Code and a list of other useful DCSF publications, by writing to:

DCSF Publications Centre
PO Box 5050
Sudbury
Suffolk CO10 6ZQ
Phone: 0845 602 2260

You can get this booklet in English, Bengali, Cantonese, Greek, Gujarati, Hindi, Punjabi, Turkish, Urdu or Vietnamese.

To order free copies in any of these languages or the English version of this booklet on cassette or in Braille, please phone the number shown above.

If you need more help

There are many voluntary organisations that help children with disabilities or learning difficulties, and their parents. Others offer more general advice. Some of the main organisations are listed at the back of this booklet. You can get more details from your LA, your local library, the Citizens' Advice Bureau or the local Council of Voluntary Service.

Addresses of voluntary agencies

Advisory Centre for Education

Unit 1C
Aberdeen Studios
22-24 Highbury Grove
London N5 2DQ
Phone: 0808 800 5793
(2pm to 5pm)
Website: www.ace-ed.org.uk

AFASIC – Overcoming Speech Impairments

1st Floor
20 Bowling Green Lane
London EC1R 0BD
Phone: 020 7490 9410
Helpline: 08453 555 577
Website: www.afasic.org.uk

Alliance for Inclusive Education

Room 1
Winchester House
Kennington Park
Business Estate
London SW9 6EJ
Phone: 020 7735 5277
E-mail: info.allfie@org.uk

Association for Spina Bifida and Hydrocephalus

Asbah House
42 Park Road
Peterborough PE1 2UQ
Phone: 01733 555 988
Website: www.asbah.org

Ataxia UK

Lincoln House
Cannington Park
1-3 Brixton Road
London SW9 6DA
Phone: 020 7820 3900
Helpline: 0845 644 0606
Website: www.ataxia.org.uk

Barnardo's

Tanners Lane
Barkingside
Ilford
Essex IG6 1QG
Phone: 020 8550 8822
Website: www.barnardos.co.uk

British Deaf Association

10th Floor
Coventry Point
Market Way
Coventry CV1 1EA
Phone: 02476 550 976
Website: www.britishdeafassociation.org.uk

British Dyslexia Association

Unit 8
Bracknell Beaches
Old Bracknell Lane
Bracknell GR12 7BW
Phone: 0845 251 9003
(Monday to Friday, 10am to 12.45pm and 2pm to 5pm)
Website: www.bdadyslexia.org.uk

Brittle Bone Society

Grant-Paterson House
30 Guthrie Street
Dundee DD1 5BS
Phone: 01382 204 446
Freephone helpline:
0800 028 2459
Website: www.brittlebone.org

Centre for Studies on Inclusive Education (CSIE)

New Redland
Frenchay Campus
Frenchay
Coldharbour Lane
Bristol BS16 1QU
Tel: 0117 328 4007
Fax: 0117 328 4005
Website: www.csie.org.uk

Children's Legal Centre

University of Essex
Wivenhoe Park
Colchester CO4 3SQ
Phone: 01206 872 466
Website: www.childrenslegalcentre.com

Contact a Family

209-211 City Road
London EC1V 1JN
Phone: 020 7608 8700
Website: www.cafamily.org.uk

Council for Disabled Children

c/o National Children's Bureau
8 Wakley Street
London EC1V 7QE
Phone: 020 7843 6000
Website: www.ncb.org.uk

Cystic Fibrosis Trust

11 London Road
Bromley
Kent BR1 1BY
Phone: 020 8464 7211
Website: www.cftrust.org.uk

Diabetes UK

10 Parkway
London NW1 7AA
Phone: 020 7424 1000
Website: www.diabetes.org.uk

DIAL UK (Disability Information Line)

St Catherine's
Tickhill Road
Doncaster
South Yorkshire DN4 8QN
Phone: 01302 310 123
Website: www.dialuk.org.uk

Disability Alliance

Universal House
88-94 Wentworth Street
London E1 7SA
Phone: 020 7247 8776
Website: www.disabilityalliance.org

Disability Equality in Education

Unit 1M
Leroy House
436 Essex Road
London N1 3QP
Phone: 020 7359 2855
Website: www.diseed.org.uk

Disability Living Foundation

380-384 Harrow Road
London W9 2HU
Phone: 020 7289 6111
Website: www.dlf.org.uk

Disability Sport Event

Belle Vue Centre
Pink Bank Lane
Longsight
Manchester M12 5GL
Phone: 0161 953 2499
Fax: 0161 953 2420
Website: www.disabilitysport.org.uk

Down's Syndrome Association

Langdon Down Centre
2a Langdon Park
Teddington TW11 9PS
Phone: 0845 230 0372
Website: www.downs-syndrome.org.uk

Dyslexia Action

Park House
Wick Road
Egham
Surrey TW20 0HH
Phone: 01784 222 300
Email: info@dyslexia.org.uk
Website: www.dyslexiaaction.org.uk

Dyspraxia Foundation

8 West Alley
Hitchin
Hertfordshire SG5 1EG
Helpline: 01462 454 986
Website: www.dyspraxiafoundation.org.uk

Entrust Care

Clifton House
3 St Paul's Road
Foleshill
Coventry CV6 5DE
Phone: 02476 665 450
Website: www.entrustcare.co.uk (only available in Coventry)

Epilepsy Action

New Anstey House
Gate Way Drive
Yeadon
Leeds LS19 7XY
Phone: 0113 210 8800
Helpline: 0808 800 5050
Website: www.epilepsy.org.uk

Family Fund

Unit 4
Alpha Court
Monks Cross Drive
York YO32 9WN
Phone: 0845 130 4542
Email: info@familyfund.org.uk
Website: www.familyfundtrust.org.uk

Haemophilia Society

57a Hatton Garden
London EC1N 8JG
Freephone Helpline:
0800 018 6068
Website: www.haemophilia.org.uk

Headway National Head Injuries Association

4 King Edward Court
King Edward Street
Nottingham NG1 1EW
Phone: 0115 924 0800
Website: www.headway.org.uk

Huntington's Disease Association

Neurosupport Centre
Norton Street
Liverpool L3 8LR
Phone: 0151 298 3298
Fax: 0151 298 9440
Email: info@hda.org.uk
Website: www.hda.org.uk

I CAN (Invalid Children Aid Nationwide)

8 Wakley Street
London EC1V 7QE
Phone: 0845 225 4071
Website: www.ican.org.uk

IPSEA Tribunal Support

Service (for parents appealing to the SEN and Disability Tribunal)

6 Carlow Mews
Woodbridge
Suffolk IP12 EEA
Advice Line: 0800 184 016
Tribunal appeals only:
01394 384 711
Website: **www.ipsea.org.uk**

KIDS

6 Aztec Row
Berners Road
London N1 0PW
Phone: 020 7359 3635
Website: **www.kids.org.uk**

Leukaemia Care

One Birch Court
Blackpole East
Worcester WR3 8SG
Phone: 01905 755 977
Care line: 0800 169 6680
Email: enquiries@
leukaemiacare.org.uk
Website: **www.
leukaemiacare.org.uk**

LOOK

Look National Office
Queen Alexander College
49 Court Oak Road
Harborne
Birmingham B17 9TG
Phone: 01214 285 038
Email: office@look-uk.org
Website: **www.look-uk.org**

MENCAP

123 Golden Lane
London EC1Y 0RT
Phone: 020 7454 0454
Email: information@mencap.
org.uk
Website: **www.mencap.
org.uk**

MIND (National Association for Mental Health)

15-19 Broadway
London E15 4BQ
Phone: 020 8519 2122
Infoline: 0845 766 0163
Website: **www.mind.org.uk**

Motability

Warwick House
Rowden Road
Harlow
Essex CM19 5PX
Phone: 01279 635 999
Website: **www.motability.
co.uk**

Muscular Dystrophy Group of GB

61 Southwark Street
London SW1 0HL
Phone: 020 7803 4800
Information and support line:
0800 652 6352
Email: info@muscular-dystrophy.org
Website: www.muscular-dystrophy.org

National Association of Citizens Advice Bureaux

115-123 Pentonville Road
London NI 9LZ
Website: www.citizensadvice.org.uk

National Association of Special Educational Needs

4/5 Amber Business Village
Amker Close
Tamworth B77 4RP
Phone: 01827 311 500
Email: welcome@nasen.org.uk
Website: www.nasen.org.uk

National Asthma Campaign

Summit House
70 Wilson Street
London EC2A 2DB
Phone: 020 7786 4900
Helpline: 08457 010 203
Website: www.asthma.org.uk

National Autistic Society

393 City Road
London EC1V 1NG
Helpline: 0845 070 4004
Website: www.nas.org.uk

National Blind Childrens Society

2nd Floor
Shawton House
792 Hagley Road
Quinton
Birmingham B68 0PJ
Phone: 01278 764 770
Email: familysupport@nbcs.org.uk
Website: www.nbcs.org.uk

National Deaf Children's Society

15 Dufferin Street
London EC1Y 8UR
Phone: 0808 800 8880
Website: www.ndcs.org.uk

National Eczema Society

Hill House
Highgate Hill
London N19 5NA
Phone: 08702 413 604
Email: helpline@eczema.org
Website: www.eczema.org

**National Federation
of the Blind**

215 Kirkgate
Wakefield
West Yorkshire WF1 1JG
Phone: 01924 291 313
Email: nfbuk@nfbuk.org
Website: www.nfbuk.org

**National Parent Partnership
Network**

8 Wakley Street
London EC1V 7QE
Phone: 020 7843 6058
Website: www.parentpartnership.org.uk

National Society for Epilepsy

Chesham Lane
Chalfont St Peter
Gerrards Cross
Buckinghamshire SL9 0RJ
Phone: 01494 601 300
Helpline: 01494 601 400
(Monday to Friday,
10am to 4pm)
Website: www.epilepsyse.org.uk

Network 81

1-7 Woodfield Terrace
Stansted
Essex CM24 8AJ
Helpline: 0870 770 3306
Email: info@network81.org
Website: www.network81.org

Parents for Inclusion

Unit 2
70 South Lambeth Road
London SW8 1RL
Phone: 0800 652 3145
Helpline: 020 7582 5008
Email: info@parentsforinclusion.org
Website: www.parentsforinclusion.org

**Physically Disabled and
Able Bodied (PHAB LTD)**

Summit House
Wandle Road
Croydon CR10 1DF
Phone: 020 8667 9443
Website: www.phabengland.org.uk

Pre-school Learning Alliance

The Fitzpatrick Building
188 York Way
London N7 9AD
Phone: 020 7697 2500
Website: www.pre-school.org.uk

Rathbone

4th Floor
Churchgate House
56 Oxford Street
Manchester M1 6EU
Phone: 0800 731 5321
Email: info@rathbone.com
Website: www.rathbone.com

RNIB National Library Service

Far Cromwell Road
Bredbury
Stockport SK6 2SG
Phone: 0845 762 6843
E-mail: cservices@rnib.org.uk
Website: www.rnib.org.uk/library

Royal National Institute of the Blind

105 Judd Street
London WC1H 9NE
Phone: 020 7388 1266
Helpline: 0845 766 9999
Typetalk: 0800 51 51 52
Email: helpline@rnib.org.uk
Website: www.rnib.org.uk

SCOPE

6 Market Road
London N7 9PW
Phone: 020 7619 7100
Helpline: 0808 800 3333
(9am to 7pm weekdays) (10am to 2pm Saturdays)
Email: response@scope.org.uk
Website: www.scope.org.uk

SENSE

101 Pentonville Road
London N1 9LG
Phone: 0845 127 0060
Textphone: 0845 127 0062
Email: info@sense.org.uk
Website: www.sense.org.uk

Sickle Cell Society

54 Station Road
London NW10 4UA
Phone: 020 8961 7795
Email: info@sicklecellsociety.org
Website: www.sicklecell society.org

SKILL

4th Floor
Chapter House
18-20 Crucifix Lane
London SE1 3JW
Phone: 020 7450 0620
Helpline: 0800 328 5050
Website: www.skill.org.uk

Special Education Consortium

c/o Council for Disabled Children
8 Wakley Street
London EC1V 7QE
Phone: 020 7843 1900

Spinal Injuries Association

Sia House
2 Trueman Place
Oldbrook
Milton Keynes MK6 2HH
Freephone Helpline:
0800 980 0501
(Monday to Friday 9:30am to 1pm and 2pm to 4:30pm)
Email: sia@spinal.co.uk
Website: www.spinal.co.uk

The Stroke Association

240 City Road

London EC1V 2PR

Phone: 020 7566 0300

National Stroke Helpline: 0845

30 33 100

Email: info@stroke.org.uk

Website: www.stroke.org.uk

Young Minds

48-50 St John Street

London EC1M 4DG

Phone: 020 7336 8445

Website: www.youngminds.org.uk

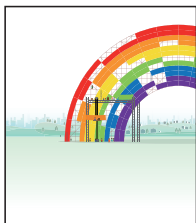


Notes





A commitment from
The Children's Plan



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online at: www.teachernet.gov.uk/publications
Search using the ref: DCSF-00639-2008BKT-EN

Copies of this publication can also be obtained from:

**Department for Children, Schools
and Families Publications**

PO Box 5050

Sherwood Park, Annesley

Nottingham NG15 ODJ

Tel 0845 60 222 60 **Fax** 0845 60 333 60

Textphone 0845 60 555 60

Please quote ref 00639-2008BKT-EN

ISBN: 978-1-84775-226-0

PPAPG/D35(3913)/0808/54

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