

The Special Educational Needs and Disability Code of Practice (September 2014) improved and tightened legislation in order to strengthen and underpin the rights of children and parents. This means that **every** child, whatever their start in life, gets the support needed to be the best they can be. And that means giving them an outstanding education.

Clauses within the Children and Families Bill give families an unequivocal right to request special educational needs assessments. There is a specific duty on health providers to provide the health care set out in new education, health and care (EHC) plans; even if that means commissioning it specially for that child or young adult. No longer will families have to fit around the system; these reforms mean the system will have to shape itself around the family.

From joint commissioning of health and social care services, to the faster, coordinated single assessment process and an EHC Plan which sets out in one place all the assistance to which a child is entitled, focusing on outcomes from birth to adulthood, this is a child and family focused system.

Listening to parents

Parents no longer face a wall of silence from councils when investigating what support is available locally for a child with SEND. Every council must publish a local offer – clear information explaining the support they give to children with an SEN or disability in their area. It should include information from schools about the teaching and services they offer, and out of area support for the most complex or rare needs where they cannot be met locally. This information – clear, public and to be regularly updated in consultation with parents – is designed to help not just children and young people with statements or learning disability assessments (LDAs), but the millions who have lower level SEN which attract additional SEN support within mainstream schools.

Further information

The new SEN Code of Practice (now ratified by Parliament) can be downloaded at:

<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

Parent guide to SEND reforms – in brief

What difference will the changes make to my child in school?

Schools continue to be responsible for identifying children with SEND and making suitable provision to help them to make good progress. They must have a SEND Co-ordinator and publish information on the arrangements they make for supporting children with SEND. Information about provision in schools is made available through the Local Offer.

Will my child have an Individual Education Plan (IEP)?

The government have made clear that all educational settings will be expected to monitor the impact of their interventions and whether a child or young person has made adequate progress. Some schools and settings may choose to retain IEP's whilst others use alternative planning tools to record a child's progress.

If it is felt that your child has not made sufficient progress the setting should consider increasing the intensity and the frequency of the support and review the need to contact others for expert help. Where sufficient progress has been made they should consider tailoring support to reflect the progress made and review whether additional SEND Support for your child should be continued.

Can parents request an education, health and care needs assessment?

Yes. Parents and or young people (aged 16 plus) can request that the Local Authority (LA) carry out an education, health and social care assessment – an 'integrated assessment'. The proposal is that the assessment will take no longer than 20 weeks.

What health and care provision will be included in my child's EHC Plan?

Your child's EHC Plan must specify any health needs that are identified following assessment which relate to their special educational needs. These needs may include physical difficulties, communication difficulties or medical needs. Any identified health needs must then be 'matched' with provision, for example, speech and language therapy, physiotherapy or mental health services.

The plan must also specify any social care needs identified to meet their SEND or following assessment under the Chronically Sick and Disabled Persons Act 1970. This means that if your child has been assessed by the Children's Disability Team and a care plan agreed the provision and services must be specified in their EHC Plan. This could include adaptations to the home, support to take part in social and leisure opportunities or support for independent living.

Will health and social care provision be specified in my child's EHCP?

Yes. Your child's EHCP will include any health care and social care reasonably required by the learning difficulties and disabilities which results in him or her having SEN. Health commissioning bodies have a duty to arrange the health care provision in your child's Education, Health and Care Plan. This could include speech and language and other therapies. Other health and social care provision not required by your child's learning difficulties or disabilities, for example an unrelated illness, can also be included in their EHCP.

Will my child have an Annual Review?

Yes. The LA must arrange for a review of your child's EHC Plan at least once per year beginning with 12 months from the plan's start date. Professionals across education, health and social care services must cooperate with the Local Authority to engage in the review meeting and contribute their views. Following the review meeting the Local Authority will need to determine whether any changes are needed to your child's EHC Plan.

Can I say which school or college I want my child to attend?

Yes. The reforms retain the general principle that children with SEND should be taught in mainstream settings and extends that principle to young people in further education. If your child has an EHC Plan you have the right to ask for a place at any mainstream school, further education or sixth form college, academy or free school, non-maintained special school, or independent specialist school or college approved by the Secretary of State. In brief, the Local Authority must name your preferred school or college unless it would not be a suitable educational setting for your child's age, ability, aptitude or special educational needs, and / or not compatible with the efficient education of others or the cost of her placement in the setting would be an inefficient use of resources.

What if I move to another area?

EHC Plans are transferrable when children move between local authorities in England. Schools will also continue to have duties to transfer information about children's SEND when they move to new locations within the UK. The Local Offer for the area you are moving to will provide you with information about the education, health and care provision in that area.

I have heard that my child will make their own decisions when they are 16. Can I still be involved?

After compulsory school age (the end of the school year when your child turns 16) they will have specific decision-making rights about EHC Plans including the right to request that a particular school or college is named and the right to appeal if they disagree about the provision set out in their EHC Plan.

You can still be involved in supporting them to make decisions, or act on their behalf if they are happy for you to do so. The draft SEND Code makes clear that when a young person is under 18 the involvement of parents is particularly important and schools and colleges should normally involve you.

For further guidance and support:

<https://www.leicestershire.gov.uk/education-and-children/special-educational-needs-and-disability/sharing-your-views/independent-advice-for-special-educational-needs-and-disability-send>

<https://councilfordisabledchildren.org.uk/help-resources/resources/guide-send-code-practice-parents>

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