Department for Education

Special educational needs and disability

A guide for parents and carers

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Foreword

Like any parent, I want the best for my child. Every parent should expect people who provide support for their children to make sure that support is the best it can possibly be. And every child and young person has the right to expect a good education, and the support they need to become independent adults and succeed in life.

The system for supporting children and young people with special educational needs and disabilities is changing. For far too long, many families have had to fight for the support they need. That has to stop. I want to see a system where families are at the heart of things. A system where decisions taken by those who provide support for children and young people with special educational needs and disabilities really do put those children and young people first.

The most important people in any child or young person's life are their parents. You know your children best of all. What you as parents think, feel and say is important. You should be listened to and you need to be fully involved in decisions that affect your children. That's what the new system is all about.

I hope you find this guide useful as an introduction to the new system. It won't answer all your questions, but where it can't, it points you to where you can go for more help.

Working together – national government, voluntary organisations, local services, parents, children and young people – we really can make a difference. It's the least our children and young people deserve.

EDWARD TIMPSON

Parliamentary Under-Secretary of State
for Children and Families

Introduction

Who is this guide for?

This guide is for parents and carers of children and young people aged 0-25 years who have special educational needs (SEN) or a disability.

What is it about?

This guide describes how the new system that supports children and young people with SEN or disabilities, and parents, is intended to work.

The new system starts from 1 September 2014. But local authorities (see Glossary) will need some time to move children and young people who were in the old system on to the new system. At the back of this guide, there is an Annex that explains what the rules are that local authorities will have to apply when changing to the new system.

This guide is written for parents. It covers:

- What do SEN and disability mean?
- The principles of the system that supports children and young people with SEN or disabilities
- What the law is and what your rights are
- How the system should work
- What early years settings, schools, colleges and other educational providers must do, or should do, to support you and your child
- What your local authority and other services (such as health and social services) must do, or should do, to support you and your child
- What you can do if you disagree with, or want to challenge, decisions that are made by organisations providing support for your child

When should I use it?

You may find it helpful to use this guide if you think your child has SEN, or you've been told by someone – such as your child's teacher – that they think he or she has SEN. If you know that your child has SEN and you want to know more about how the system works and what to expect, you can use this guide to help you. You might want to use it in meetings with professionals, or to prepare for them. At the end of each chapter, the guide includes a page in case you want to write any notes.

The guide is intended to provide some information covering the whole system. It is also divided into different sections so you can easily find the information you need. It aims to give you the key points, but can't cover everything. At the end of each section there are signposts to where you can find out more information, and some questions you might want to consider asking professionals and others. Towards the back of the guide you can find a list of organisations and helplines who can offer you more help.

How has this guide been produced?

Although this is not a legal document, it is based on the Children and Families Act 2014 and the Special Educational Needs and Disability Regulations 2014 and the Special Educational Needs (Personal Budgets) Regulations 2014. It is also based on the 0-25 Special Educational Needs and Disability Code of Practice 2014 (0-25 SEND Code of Practice) which is statutory guidance (see Glossary). In writing this guide, the Department for Education worked with parents of children and young people with special educational needs and disabilities and organisations that represent and advise them. We also looked at other guidance that had been produced for parents of children and young people with SEN and disabilities.

This guide has been published by the Department for Education. The following organisations worked with the Department to produce it:

- Contact a Family
- The National Network of Parent Carer Forums
- The National Parent Partnership Network
- Special Needs Jungle

Definitions of special educational needs and disability

This section is about:

- Definitions of special educational needs and disability
- What to do if you think your child has special educational needs or a disability
- Where to go for help

The terms 'special educational needs' and 'disability' have legal definitions. These can be found in paragraphs xiii – xxiii of the Introduction to the 0-25 SEND Code of Practice.

Special educational Needs (SEN)

Children and young people with SEN all have learning difficulties or disabilities that make it harder for them to learn than most children and young people of the same age. These children and young people may need extra or different help from that given to others.

If your child's first language is not English, does that mean they have a learning difficulty? The law says that children and young people do not have learning difficulties *just* because their first language is not English, although, of course, some of these children and young people may have learning difficulties as well.

Many children and young people will have SEN of some kind at some time during their education. Early years providers (for example, nurseries or childminders), mainstream schools, colleges and other organisations can help most children and young people succeed with some changes to their practice or additional support. But some children and young people will need extra help for some or all of their time in education and training.

Children and young people with SEN may need extra help because of a range of needs. Paragraphs 6.27 – 6.35 of the 0-25 SEND Code of Practice set out four areas of SEN:

Communicating and interacting – for example, where children and young people have speech, language and communication difficulties which make it difficult for them to make sense of language or to understand how to communicate effectively and appropriately with others

Cognition and learning – for example, where children and young people learn at a slower pace than others their age, have difficulty in understanding parts of the curriculum, have difficulties with organisation and memory skills, or have a specific difficulty affecting one particular part of their learning performance such as in literacy or numeracy

Social, emotional and mental health difficulties – for example, where children and young people have difficulty in managing their relationships with other people, are

withdrawn, or if they behave in ways that may hinder their and other children's learning, or that have an impact on their health and wellbeing

Sensory and/or physical needs – for example, children and young people with visual and/or hearing impairments, or a physical need that means they must have additional ongoing support and equipment

Some children and young people may have SEN that covers more than one of these areas.

Disabilities

Many children and young people who have SEN may also have a disability. A disability is described in law (the Equality Act 2010) as 'a physical or mental impairment which has a long-term (a year or more) and substantial adverse effect on their ability to carry out normal day-to-day activities.' This includes, for example, sensory impairments such as those that affect sight and hearing, and long-term health conditions such as asthma, diabetes or epilepsy.

The Equality Act requires that early years providers, schools, colleges, other educational settings and local authorities:

- **must not** directly or indirectly discriminate against, harass or victimise disabled children and young people
- **must** make reasonable adjustments (see Glossary), including the provision of auxiliary aid services (for example, tactile signage or induction loops), so that disabled children and young people are not disadvantaged compared with other children and young people. This duty is what is known as 'anticipatory' – people also need to think in advance about what disabled children and young people might need

Where to go for help if you think your child has a special educational need or a disability

Children and young people with SEN or disabilities will usually be able to get help from their early education setting, school, or college, sometimes with the help of outside specialists. This is often where SEN are first identified. If they do identify that your child has SEN, your school or other setting must contact you (or, if your son or daughter is over 16, they might contact them directly) and should discuss with you what support to offer your child. The setting must tell you if they are making special educational provision for your child.

If you think your child has SEN, you should talk to your child's early education setting, school, college or other provider. They will discuss any concerns you have, tell you what

they think and explain to you what will happen next. There are other sources of information, advice and support you can access such as:

- your local authority's Information, advice and support service
- your doctor, or other local child health services
- charities and other organisations that offer information, advice and support. You should be able to find information about these from your local authority's Local Offer (see section in this guide, The Local Offer)

Questions you might want to ask:

- why do you think my child has SEN or a disability?
- how do you know that my child doesn't have SEN or a disability?
- what happens now?

Notes

The principles of the system

This section covers the principles on which the system is based.

The principles of the system are set out in Chapter 1 of the 0-25 SEND Code of Practice.

The basic principles you need to keep in mind when thinking about your child's needs are:

- All children have a right to an education that enables them to make progress so that they:
    - achieve their best
    - become confident individuals and live fulfilling lives
    - make a successful transition into becoming an adult – whether that's into further and higher education, training or work

All children with special educational needs (SEN) or disabilities should have their needs met, whether they are in early years settings (like a nursery or a childminder), in school or in college.

- When making decisions about SEN or disabilities, your local authority must:
    - have regard to the views, wishes and feelings of children, their parents and young people
    - make sure that children, their parents and young people participate as fully as possible in decisions that affect them
    - provide support to children, their parents and young people so that children and young people do well educationally and can prepare properly for adulthood

Parents should have a real say in decisions that affect their children, should have access to impartial information, advice and support and know how to challenge decisions they disagree with

Local authorities must also involve children, their parents and young people in developing local provision and services for children with special educational needs and disabilities. This includes developing their Local Offer (see section in this guide, The Local Offer)

Services that provide help for your child (such as your local authority and local health organisations) need to work with each other to benefit your child

Notes

Information, advice and support

This section is about what kind of information, advice and support should be available in your local area.

All local authorities, by law, have to provide children and young people with SEN or disabilities, and their parents, with information and advice. There is an information, advice and support service in every local authority area. This service will be able to provide information, advice and support for you, and your children, about SEN, disability, health and social care.

These services provide factual, impartial and confidential information, advice and support. They will be able to offer this face to face, by telephone and online. They will be able to offer support in preparing for and attending meetings, expressing your views and participating in decisions made about your child's education, health and social care. Information, advice and support services will also be able to help you with complaints and appeals. Local authorities sometimes have keyworkers (see Glossary) who can help with this. You may also be able to get help from an Independent Supporter (see Glossary). Ask your local information, advice and support service for more information about keyworkers and independent supporters. Information on this will also be in your Local Offer (see section in this guide, The Local Offer).

Information, advice and support services will often work with parents and children/young people together but must make sure they also provide a service directly and separately to children and to young people.

Further information

You can find out about your local information, advice and support service and how to contact them from your local authority's website, by telephoning or writing to your local authority and in your Local Offer.

You can also find the contact details for all information, advice and support services at www.parentpartnership.org.uk. This website also has information about what standards your information, advice and support service should be meeting.

You can find out more about Information, advice and support from Chapter 2 of the 0-25 SEND Code of Practice. The last section of this guide – Further information and useful contacts – includes names and contact details of helplines and organisations that provide support to children and young people with SEN and disabilities, and parent

Questions you might want to ask:

- what kind of support can I get from my local Service?
- how can I be sure it's right and not biased?
- will they be able to give me support straight away?

Notes

The Local Offer

This section explains what the Local Offer is.

It explains what your local authority has to do to publish the Local Offer, how children, young people and parents should be involved in producing and reviewing it, and what parents, children and young people can do if they want to be involved.

Every local authority must identify education, health and social care services in their local area provided for children, young people and families who have SEN or disabilities and include them in an information directory called the Local Offer. This will also help local authorities as they can use it to see where the gaps in provision are. The Local Offer also needs to include information about services provided outside your local area that local people are likely to use.

Local services should reflect what local people need. Your local authority must ask children, parents and young people what they think the Local Offer should include, and how they think people should be able to access it, and most authorities will have worked with their local Parent Carer Forum to develop this. They must publish what children, young people and parents tell them about their Local Offer and say clearly what they will do about the comments they receive.

Your local authority also needs local schools, colleges, health services and other service providers to contribute to the Local Offer.

This Local Offer needs to be kept up to date, and so your local authority will need to seek feedback from children, young people and parents as part of that process.

Further information

If you want to be involved in developing and reviewing your Local Offer, you should contact your local authority. You could also contact your local Parent Carer Forum (see Glossary).

You can find out more about the Local Offer from Chapter 4 of the 0-25 SEND Code of Practice.

Questions you might want to ask:

- what can I find in the Local Offer?
- how has it been put together?
- what can I do if my Local Offer doesn't include information about services my child needs?
- what do I do if I know of a service that isn't included in the Local Offer?

Notes

Support for children and young people with special educational needs

This section looks at:

- **SEN support:** It aims to describe what it means and what the law requires. It tells you what you can expect and where you can go for help.
- **Education, Health and Care (EHC) needs assessment and plans**: It aims to describe who EHC plans are for and the process of an EHC needs assessment. It also covers how and when children, young people and parents are involved, what you can expect, and where you can get help. It also explains what a Personal Budget is and how you can find out more about them.

SEN support

Any support your child gets from their school or other setting should meet their needs.

If your child has SEN, they will be able to access help – called SEN support – from their early years settings, such as nurseries or childminders (see section in this guide on Support for the under 5s), schools (see section in this guide on Support for children of school age) and further education institutions (see section in this guide on Young people aged 16 and over in further education) such as colleges and 16-19 academies.

SEN support replaces school action/school action plus (in schools) and early years action/early years action plus (in early years settings).

Children and young people with more complex needs might instead need an Education, Health and Care (EHC) plan (see section in this chapter on Education, Health and Care needs assessments and plans). EHC plans replace statements of SEN and Learning Disability Assessments (LDAs).

SEN support is part of what is known as the 'graduated approach' and in general should work as follows. (This approach varies in how it works depending on the age of your child – for example, it may work differently in a nursery than it will in a school.)

You may be contacted – for example in schools, this will be by your child's teacher or SENCO – if your early years setting, school or college think your child needs SEN support. Or you can approach your child's school or other setting if you think your child might have SEN. You will be involved and your views will be needed throughout the process, and you will be kept up to date with the progress made. Young people aged 16 to 25 will be fully involved in designing their own SEN support and provision.

The four stages of SEN support are

- Assess
- Plan
- Do
- Review.

Assess: Your child's difficulties must be assessed so that the right support can be provided. This should include, for example, asking you what you think, talking to professionals who work with your child (such as their teacher), and looking at records and other information. This needs to be reviewed regularly so that the support provided continues to meet your child's needs. That might mean getting advice and further assessment from someone like an educational psychologist, a specialist teacher or a health professional.

Plan: Your school or other setting needs to agree, with your involvement, the outcomes that the SEN support is intended to achieve – in other words, how your child will benefit from any support they get – and you need to be involved with that. All those involved will need to have a say in deciding what kind of support will be provided, and decide a date by which they will review this so that they can check to see how well the support is working and whether the outcomes have been or are being achieved.

Do: The setting will put the planned support into place. The teacher remains responsible for working with your child on a daily basis, but the SENCO and any support staff or specialist teaching staff involved in providing support should work closely to track your child's progress and check that the support is being effective.

Review: The support your child receives should be reviewed at the time agreed in the plan. You can then decide together if the support is having a positive impact, whether the outcomes have been, or are being, achieved and if or how any changes should be made.

Your school or other setting can use the Local Offer (see section in this guide, The Local Offer) to see what help is available that may help achieve your child's outcomes.

Further information

You can find out more about SEN support by contacting your child's education provider, or by contacting your local authority's Information, advice and support service. You can also find out more from Chapters 5, 6 and 7 of the 0-25 SEND Code of Practice**.**

Questions you might want to ask:

- what kind of support does my child need to enable them to reach the agreed outcomes?
- how can I make sure I am being involved and what do I do if I feel I'm not being listened to?

Education, Health and Care needs assessments and plans

Your child's school or other setting will often be able to meet the needs of children through SEN support. But sometimes a child or young person needs a more intensive level of specialist help that cannot be met from the resources available to schools and other settings to provide SEN support. In these circumstances, you or your child's school or other setting could consider asking your local authority for an Education, Health and Care (EHC) needs assessment for your child. This assessment could lead to your child getting an EHC plan. Some children and young people will have needs that clearly require an EHC needs assessment and plan and once the local authority is aware of them it should start this process without delay.

An EHC plan brings your child's education, health and social care needs into a single, legal document. Your child must have special educational needs to be eligible for a plan. There are other ways children who don't have SEN can get help, and you can ask your local Information, advice and support service for more information about this.

Requesting an EHC needs assessment

You can ask your local authority for an EHC needs assessment if you think your child needs one. Anyone at your child's school (such as your child's teacher) can also ask for an assessment to be carried out. Others who work with your child can also tell the local authority if they think an assessment is needed (such as your doctor, health visitor or nursery worker).

Deciding whether to conduct an EHC needs assessment

Once your local authority identifies that your child has SEN or receives a request for an assessment, they have up to six weeks to decide whether to carry one out. During that time, they will ask you and others – such as your child's school or other setting – for information to help them make that decision. You may wish to gather together all the reports and letters from your child's school or other setting, doctors' and any other assessments that have been produced about your child. You may also want to write about your child's needs and how long they have had them.

If your local authority decides not to carry out an assessment, they need to let you know their decision within six weeks of receiving a request for an assessment. Your local authority is expected to help you find other ways that your child can be supported in their school or other setting.

Conducting an EHC needs assessment

Local authorities need to make sure that you and your child are fully involved in the EHC needs assessment. They need to provide you with impartial information, advice and support to help you understand the process and make sure you are properly involved in

decisions that affect your child. This may include help from an Independent Supporter (see Glossary).

The assessment includes talking to you and your child and finding out from you what support you think your child needs, and what aspirations you and your child have for his or her future. The assessment also includes seeking information and views from people who work with your child, such as class teachers, doctors and educational psychologists.

Deciding whether an EHC plan is needed

After your local authority has made its assessment, having involved you and your child fully in the process, it will then decide whether or not an EHC plan is necessary. If they decide that an EHC plan is not needed, they must tell you within 16 weeks of the date they received a request for an assessment.

Preparing an EHC plan

If your local authority decides to proceed with an EHC plan, they should work closely with you and your child to make sure the plan takes full account of your views, wishes and feelings. Once the plan has been written, a draft will be sent to you which must not contain the name of the school or other setting your child will attend. You will be given 15 days to comment on the draft and you can ask for a meeting to discuss it if you want one. At that point you will also be able to request a specific school, or other setting, you want your child to attend. This could be a mainstream school or special school. Your local authority has 20 weeks from the request for the EHC needs assessment to issue the final plan to you.

Once an EHC plan has been finalised, your local authority has to ensure that the special educational support in section F of the plan is provided, and the health service has to ensure the health support in section G is provided. This should help to enable your child to meet the outcomes that you have jointly identified and agreed. Your local authority has to review your child's EHC plan at least every 12 months. That review has to include working with you and your child and asking you what you think and what you want to happen, and a meeting which you must be invited to.

What you can do if you disagree with your local authority's decisions

If you disagree with your local authority's decisions on:

- not proceeding with an EHC needs assessment
- not producing an EHC plan, or
- the special educational support that is included in the EHC plan

you have the right to challenge it.

Your local authority will tell you when and how you can challenge their decisions. There are a number of things you can do which are covered later in this guide in the section called Challenging or disagreeing with decisions. Your local Information, advice and support service will be able to help you.

Further Information

You can find out more about EHC needs assessments and plans by contacting your local authority's Information, advice and support service. You can find also find out more from Chapter 9 of the 0-25 SEND Code of Practice.

Questions you might want to ask:

- how will I know if my child needs an EHC needs assessment or plan?
- exactly how will I be involved in the process?
- what can I do if I'm not being involved in the process or don't feel I'm being listened to?
- what do I do if I am told my child doesn't need an EHC plan?
- what support is available in my local area?

Personal Budgets

You are entitled to request a Personal Budget if your child has an EHC plan or has been assessed as needing a plan. A Personal Budget is an amount of money your local authority has identified to meet some of the needs in your child's EHC plan, if you want to be involved in choosing and arranging a part of the provision to meet your child's needs. You (or your representative) will need to agree this with your local authority. A Personal Budget can only be used for agreed provision in the EHC plan.

There are four ways you can use a Personal Budget:

- Direct payments – where you receive money to buy and manage services yourself
- An arrangement where your local authority or education provider holds the money and commissions the services included in the EHC plan as directed by you (these are sometimes called notional arrangements)
- Third-party arrangements – where you can choose someone else to manage the money on your behalf:
- A combination of the three ways above
    - A local authority must secure a school's agreement where any provision, bought by a parent using a direct payment, will be provided on the school's premises.
    - Your local authority must include information about Personal Budgets in its Local Offer (see section in this guide, The Local Offer), including information on how to make a request.

Further Information

You can find out more about EHC needs assessments and plans, and Personal Budgets, by contacting your local authority's Information, advice and support service. You can also find out more from Chapter 9 of the 0-25 SEND Code of Practice.

Questions you might want to ask:

- if I want a Personal Budget, but my local authority says they can't release the money, what can I do?
- how will a Personal Budget help my child?

Notes

Support for the under 5s

This section looks at what support you can expect from early years settings.

All early years settings – such as nurseries, playgroups and childminders - that are registered with Ofsted have to follow the Early Years Foundation Stage (EYFS). You should check with your setting if they are registered. The EYFS is a legal framework that states all registered early years settings must have arrangements in place to support children with SEN or disabilities. This includes providing you with a written progress check when your child is 2 years old, ongoing observations of your child's progress, and a written assessment in the summer term of reception year in school. Your child's health visitor will also carry out a health check on your child when they are about 2 and a half.

All early years settings must not discriminate, harass, or victimise disabled children. They must also make reasonable adjustments for disabled children – such as providing auxiliary aids (for example, tactile signs) – so that these children are not disadvantaged when compared with other children.

Children who have SEN will be able to receive SEN support (see section in this guide on Support for children and young people with special educational needs). If your child's SEN are very complex or severe, they might need an Education, Health and Care (EHC) needs assessment. This might lead to an EHC plan. (See section in this guide on Education, Health and Care needs assessments and plans)

If you think your child has SEN or a disability, or you're just worried about the progress they are making, you should talk to your early years setting. You can also talk to your doctor or health visitor. They must tell you if they think your child has SEN or a disability and should discuss with you what kind of support your child might need.

Children under 2

Most very young children do not attend early years settings. If your child does not attend a setting, and you think he or she may have SEN or a disability, talk to your doctor or health visitor. If they think your child has SEN, they must tell you and give you an opportunity to say what you think. In that way, they can consider what kind of support might best help your child. They also need to let your local authority know.

Further information

If you want to know more about what kind of support your child's early years setting provides for children with SEN or disabilities, you should ask them. Different laws apply to different types of early years settings, and the type of support available to your child is likely to vary depending on the type of setting.

For more information about support for children under 5 who have SEN or disabilities, please look at Chapter 5 of the 0-25 SEND Code of Practice. You can also check your authority's Local Offer (see section in this guide, The Local Offer). You can also speak to your authority's Information, advice and support service.

Questions you might want to ask:

- what can you (nursery/childminder) do to help support my child and meet his or her needs?
- how will you keep me updated on progress with my child's development? What can I do to help them at home?
- where can I find information about early years providers locally that can provide the right support for my child?

Notes

Support for children of school age

This section looks at the support you can expect from your child's school.

Most children of school age who have SEN or disabilities will attend a mainstream school (see Glossary). Mainstream schools include all state-funded schools, including academies and free schools.

If your child has a disability, whether or not they have SEN, their school must make reasonable adjustments, including the provision of auxiliary aids (such as tactile signage or induction loops) and services to prevent them being put at a substantial disadvantage. Schools also have wider duties to prevent discrimination, to promote equality of opportunity and to foster good relations.

If you think your child has SEN or a disability, you should talk to your school – start with the class teacher. Every school has to have a teacher who co-ordinates the SEN provision in the school called a SENCO (see Glossary) and you might also need to talk to them.

If your child's school thinks your child has SEN, they should talk to you to see what you think and gather evidence such as reports about your child's progress. If they decide to provide your child with support for their SEN, they must tell you.

If your child has SEN, your school needs to use its best endeavours – that means to do its very best – to give your child the support they need. That could include getting advice and support from specialists outside the school (such as an educational psychologist, a speech and language therapist or a specialist teaching and advisory service). Children with SEN will be provided with SEN support (see section in this guide on Support for children and young people with special educational needs).

The support provided is to help children achieve the outcomes or learning objectives that have been set for them.

SEN support can take many forms. This could include:

- a special learning programme for your child
- extra help from a teacher or a learning support assistant
- making or changing materials and equipment
- working with your child in a small group
- observing your child in class or at break and keeping records
- helping your child to take part in the class activities
    - making sure that your child has understood things by encouraging them to ask questions and to try something they find difficult

- helping other children to work with your child, or play with them at break time
- supporting your child with physical or personal care difficulties, such as eating, getting around school safely, toileting or dressing

Your child's school must provide you with an annual report on your child's progress. They should talk to you regularly about your child's progress, (at least three times a year), set clear outcomes and produce a report of these as well as the action taken and support agreed, and you may want to ask for this to be outside of the regular parents' evening. It's important that the views of your child are included in these discussions.

If the school, despite its best endeavours, can't meet your child's needs then you should consider whether your child might need an Education, Health and Care (EHC) needs assessment which might lead to an EHC plan (see section in this guide on Education, Health and Care needs assessments and plans). You should discuss this with your child's school (your child's class teacher or the school's SENCO).

Your child's school must publish an SEN Information Report on their website, and keep the report up to date. The report needs to include things like:

- the kinds of SEN support the school provides
- their approach to teaching children and young people with SEN
- what arrangements they have for consulting parents and involving them in their child's education (and also for engaging young people directly)

Your child's school also needs to set out what arrangements they have for admitting children with disabilities, what steps they are taking to make sure children with disabilities are treated fairly and not discriminated against, what facilities are provided for disabled children and what plans they have for improving access in the future.

Many children with an EHC plan will be taught in mainstream schools, but some may be taught in special schools. Special schools only provide education for children and young people with special educational needs. In the same way that mainstream schools do, special schools should regularly discuss with you your child's education and the support they offer, and keep you up to date with their progress.

If your child has an EHC plan, you can make a request for a non-maintained special school, or for an independent school or independent specialist college (where approved for this purpose by the Secretary of State and published in a list available to all parents and young people). The local authority must comply with your preference and name the school or college in the EHC plan unless provision there is considered to not meet their needs, not represent good value for money or would impact negatively on the education of others.

You may also request a place at an independent school or independent specialist college that is not on the published list and the local authority must consider your request. The local authority is not under the same duty to name the provider and should be satisfied that the institution would admit the child or young person before naming it in a plan since these providers are not subject to the duty to admit a child or young person even if named in their plan.

Where an independent school is named on the EHC plan the local authority is obliged to provide the funding to meet the provision set out in the plan.

Further Information

For more information about SEN or disabilities for school aged children, please look at Chapter 6 of the 0-25 SEND Code of Practice.

Your local authority's Local Offer (see section in this guide, The Local Offer) sets out what support is available to all children and young people with SEN or disabilities. You can also speak to your local authority's Information, advice and support service.

Questions you might want to ask:

- how will my child's school monitor and review my child's progress and how will it keep me informed?
- how will I know what the best school for my child is?

Notes

Young people aged 16 and over in further education

This section looks at what you can expect if your child is in further education.

Many young people with SEN or disabilities, once they are over compulsory school age, move into further education (FE), such as FE and sixth form colleges and 16-19 academies. For simplicity, this section refers to all post-16 providers as colleges.

Colleges should be involved in plans for young people to leave school and enter college, so they can be prepared to meet their needs. They should give young people the chance, before they enter college, to say whether they have SEN or a disability which might affect their learning. Colleges should then discuss with young people and explain how they will provide support to meet their needs.

If your son or daughter has SEN, the college needs to use its best endeavours to give them the support they need. Support for most young people will be provided through SEN support (see section in this guide on Support for children and young people with special educational needs). This might include support from outside the college. The college should keep the support it provides under review and discuss it regularly with you and your son or daughter. They should keep records of your son or daughter's progress and the support they receive up to date and keep you all informed of progress.

At age 16, and beyond, young people will often become increasingly independent and may want to exercise more control over the support they receive for their SEN. Colleges, your local authority and others who provide services for young people when they are over compulsory school age are expected to communicate directly with the young person. You should talk to your son or daughter and agree how best you can be involved and how much support they will need as they get older. Once you have agreed arrangements which work for you, your son or daughter should let their college know so that you can receive the information and support you need as a parent to continue to give your child the support that they need from you.

If a college, despite its best endeavours, can't meet a young person's needs then a young person, with support from their parents, should consider whether they need an Education, Health and Care (EHC) needs assessment, which might lead to an EHC plan (see section in this guide on Education, Health and Care needs assessments and plans). If you think your son or daughter needs an assessment, you should both discuss this with the college. A request can be made for an EHC plan up until a young person reaches the age of 25.

For more information about support for young people aged 16+ in further education who have SEN or disabilities, please look at Chapter 7 of the 0-25 SEND Code of Practice. You can also check your local authority's Local Offer (see section in this guide, The Local Offer). Or you can speak to your local authority's Information, advice and support service.

Questions you might want to ask:

- if my child has a statement or EHC plan in school, does that carry forward to college?
- where can I find out information about colleges that are able to provide the right support for my son or daughter?

Notes

Preparing for adulthood

This section looks at how services should work together and support you to help your child prepare for adulthood, such as going into higher education, independent living, being involved in their community and being as healthy as possible in adult life.

From the age of 16, the law recognises young people have rights to take some decisions for themselves (provided they are capable of doing so). For example, they have a right to request an Education, Health and Care plan directly from their local authority, and a right to request a Personal Budget. That doesn't mean that you, as parents, are excluded. Your local authority or your child's college should still continue to involve you – particularly when your child is 16 or 17. Typically, young people this age will still want support from you as parents and will want your advice on decisions that affect them.

As children get older and become young people and adults, it is important that they are given opportunities to take more control over their lives. All young people need support at this important time – from you as parents, and from professionals such as teachers, college lecturers, youth workers and others. This is particularly important for young people with SEN or disabilities.

Preparing for adulthood is about preparing for things like higher education, independent living, being involved in the community and being as healthy as possible in adult life. It needs to start early – schools and other service providers should start having discussions with young people about long-term goals, ideally before they reach the age of 14. As parents, you of course need to be included in those discussions.

Recognising the increasing independence of young people once they reach 16 and beyond, your local authority has a number of legal responsibilities such as:

Making sure information, advice and support is available directly to young people, independent of their parents if they wish it. Information, advice and support services should work sensitively with families, and explain to you what this means for you as parents

Including information in the Local Offer (see section in this guide, The Local Offer) about preparing for adulthood, and support available to them in higher education

Making sure that all reviews of Education, Health and Care plans (see section in this guide on Support for children and young people with special educational needs) for young people from age13-14 onwards, include a focus on preparing for adulthood

Making sure services they provide – such as housing and adult social care – help children and young people prepare for adulthood

Carrying out an adult care transition assessment for young people aged 18 and over with SEN or disabilities, if they think it will benefit that young person

Further information

More information about preparing for adulthood can be found from your local authority's Information, advice and support service and from your local authority's Local Offer (see section in this guide, The Local Offer). More details about what this means and what the law requires can be found in Chapter 8 of the 0-25 SEND Code of Practice.

Questions you might want to ask:

- what happens if I am excluded from discussions about my child's future?
- what if my child and I disagree?
- what if my child is not capable of making decisions for him or herself?

Notes

Children and young people in specific circumstances

This section looks at children and young people with SEN whose particular circumstances mean they need something more than or different from other children with SEN.

There are some groups of children and young people with SEN whose specific circumstances mean they need something more than or different from other children with SEN. These groups include:

- children who are looked after by their local authority
- children who have SEN and social care needs, including children in need
- children and young people who receive education outside the local authority's area
- children and young people of compulsory school age who are educated in a setting that is not a school
- children and young people educated at home
- children and young people in hospital
- young people in youth custody
- children whose parents are in the armed forces

The arrangements and entitlements for these children will vary.

Further information

If any of the circumstances above apply to your child, you can find out more by looking at Chapter 10 of the 0-25 SEND Code of Practice.

You could also contact your authority's Information, advice and support service who will be able to help.

Notes

Challenging or disagreeing with decisions

This section looks at what to do if you disagree with decisions made by professionals. That includes your local authority, your child's school or other setting, local health and other services. It tells you what your rights are and when and how you can challenge decisions.

You may not always agree with a decision your child's early years setting, school or college has made about your child's support. You should first raise this with them and try to reach agreement. If you can't reach agreement, they can advise you on their procedures for making complaints. You could also approach your local authority's Information, advice and support service for help.

Your local authority must make arrangements for both disagreement resolution and mediation services to be available. These services are independent of your local authority and can provide you with a quick and informal way of resolving disagreements.

Disagreement resolution

Disagreement resolution services are for all parents of children and young people with SEN, and young people themselves with SEN. Using the service is voluntary and covers SEN provision as well as disagreements about health and social care. Details about the arrangements for disagreement resolution will be set out in your local authority's Local Offer (see section in this guide, The Local Offer).

There are three areas of disagreement that this service can help with:

- If you disagree with your local authority, your school, early years setting or college about how they are carrying out their education, health and care duties. This applies if your child has any kind of SEN – it's not just if they are going through EHC needs assessment or if they have an EHC plan
- If you disagree with your early years settings, school or college about the SEN provision they are making. This applies if your child has any kind of SEN – it's not just if they are going through an EHC needs assessment or if they have an EHC plan
- If you disagree with your local authority or Clinical Commissioning Group (CCG) (see Glossary) about the health or social care provision during your child's EHC needs assessment, or about their EHC plan, and any review or reassessment of the EHC plan

Mediation

Mediation is also a voluntary process for parents and young people, which you can use if you cannot reach an agreement with your local authority or CCG in matters relating to EHC plans. Your local authority has to make an independent mediation service available to you. It only covers disagreements you might have in the following circumstances, where your local authority decides:

- not to carry out an EHC needs assessment or re-assessment of your child
- not to draw up an EHC plan for your child, once they have done an assessment
- not to amend your child's EHC plan after the annual review or re-assessment
- to cease to maintain your child's EHC plan

Where your local authority has drawn up an EHC plan for your child, mediation must be available if you disagree with:

- the parts of the plan which describe a child's special educational needs
- the special educational provision set out in the plan

Your local authority must provide you with access to an independent mediation adviser who you will need to contact for information about mediation if you are thinking about appealing to the SEND Tribunal. Details about the arrangements for mediation information will be set out in your local authority's Local Offer (see section in this guide, The Local Offer).

If you decide to go to a mediation meeting, the mediation adviser will inform your local authority who must meet you within 30 days.

The mediation session will be run by an independent mediator who should have accredited training. It should be at a place and time that is convenient for you, and you will be told when and where the meeting will be at least 5 days before it happens. You can bring a friend, adviser or advocate to help you. When the mediation has finished the mediation adviser must issue a certificate within 3 working days. You will need this certificate to register an appeal to the SEND Tribunal.

If, once you have contacted a mediation adviser, you decide that you do not want to go to mediation, the adviser will issue you with a certificate within 3 working days. You can also go to mediation with your local authority or your local CCG about the social care and health parts of an EHC plan if you tell your local authority that you are unhappy with these parts of the plan.

Appealing to the Special Educational Needs and Disability (SEND) Tribunal

Before you can appeal to the SEND Tribunal, you must have contacted a mediation adviser (unless your appeal is only about the school your local authority has named in your child's plan or if they have not named a school in it). You will need a certificate from the mediation adviser to register an appeal with the SEND Tribunal. You have one month from receiving the certificate or two months from the original decision (whichever is the later date) to register an appeal with the Tribunal.

The SEND Tribunal is a legal body. It hears appeals against decisions made by local authorities about EHC needs assessments and EHC plans. You can appeal to the Tribunal if your local authority decides:

- not to carry out an EHC needs assessment or re-assessment for your child
- not to draw up an EHC plan for your child, once they have done an assessment
- not to amend your child's EHC plan after the annual review or re-assessment
- to cease to maintain your child's EHC plan

You can also appeal if you disagree with what your local authority includes in your child's EHC plan such as:

- how they describe your child's SEN
- what SEN provision is included for your child
- the school (or other educational establishment) your local authority says your child should attend, or if they don't include a school
- if they change any of these details without your agreement

The SEND Tribunal also hears disability discrimination claims against schools (and against local authorities if the local authority is responsible for the school).

Disagreeing about other things

Local authorities and others have arrangements in place if you disagree with decisions taken, or want to complain about other things such as:

- health provision
- social services provision
- your local authority

Further information

Chapter 11 of the 0-25 SEND Code of Practice provides details of how you can challenge decisions or raise complaints on all such matters. This chapter also includes details of disagreement resolution arrangements, mediation and appealing to the SEND Tribunal that have been described in this section.

You can also contact your authority's Information, advice and support service for help and look at your authority's Local Offer (see section in this guide, The Local Offer).

Notes

Further information and useful contacts

Advisory Centre for Education ACE Education Advice & ACE Education Training 72 Durnsford Road London, N11 2EJ Phone: 0208 888 3377 Email: enquiries@ace-ed.org.uk Website: www.ace-ed.org.uk	**Ataxia UK** Lincoln House Kennington Park 1-3 Brixton Road London SW9 6DE Phone: 020 7582 1444 Helpline: 0845 644 0606 Email: helpline@ataxia.org.uk Website: www.ataxia.org.uk
AFASIC – voice for life 1st Floor 20 Bowling Green Lane London EC1R 0BD Phone: 020 7490 9410 Helpline: 08453 555 577 (Monday to Friday, 10.30am to 2.30pm) Website: www.afasic.org.uk	**Barnardo's** Tanners Lane Barkingside Ilford Essex IG6 1QG Phone: 020 8550 8822 Helpline: 0808 8005000 Website: www.barnardos.org.uk
Association for Spina Bifida and Hydrocephalus Asbah House 42 Park Road Peterborough PE1 2UQ Phone: 01733 555 988 Helpline: 0845 450 7755 Email: helpline@asbah.org Website: www.asbah.org	**British Deaf Association** BDA Head Office 3rd Floor 356 Holloway Road London, N7 6PA Phone: 0207 697 4140 Facetime: 07795 410724 Email: bda@bda.org.uk Skype: bda.britdeadassoc Website: www.bda.org.uk
British Dyslexia Association Unit 8 Bracknell Beeches Old Bracknell Lane Bracknell RG12 7BW Phone: 03334 054555 Helpline: 0333 405 4567 (Monday to Friday, 10-12:30am, 1-4pm. Closed Wednesday afternoons) Email: helpline@bdadyslexia.org.uk Website: www.bdadyslexia.org.uk	**Children's Legal Centre** Coram Children's Legal Centre Riverside Office Centre Century House North North Station Road Colchester CO1 1RE Free advice line: 0808 8020008 Email: info@coramcic.org.uk Website: www.childrenslegalcentre.com

Brittle Bone Society Grant-Paterson House 30 Guthrie Street Dundee DD1 5BS Phone: 01382 204 446 Freephone helpline: 0800 028 2459 Email: contact@brittlebone.org Website: www.brittlebone.org	**Contact a Family** 209-211 City Road London EC1V 1JN Phone: 0207 608 8700 Helpline: 0808 808 3555 Textphone: 0808 808 3556 (Monday to Friday, 10am to 4pm and Monday 5.30pm to 7.30pm) Email: info@cafamily.org.uk Website: www.cafamily.org.uk
Centre for Studies on Inclusive Education (CSIE) The Park Centre Daventry Road Knowle Bristol BS4 1DQ Tel: 0117 353 3150 Email: admin@csie.org.uk Website: www.csie.org.uk	**Council for Disabled Children** c/o National Children's Bureau 8 Wakley Street London EC1V 7QE Phone: 0207 843 1900 Email: cdc@ncb.org.uk Website: www.councilfordisabledchildren.org.uk
Diabetes UK Macleod House 10 Parkway London NW1 7AA Phone: 0345 123 2399 Email: info@diabetes.org.uk Website: www.diabetes.org.uk	**Cystic Fibrosis Trust** 11 London Road Bromley Kent BR1 1BY Phone: 0208 464 7211 Helpline: 0300 373 1000 Email: enquiries@cysticfibrosis.org.uk Website: www.cysticfibrosis.org.uk
Disability Alliance UK Universal House 88-94 Wentworth Street London E1 7SA Phone: 020 7247 8776 Email: office@disabilityalliance.org Website: www.help4me.info	**English Federation of Disability Sport** SportPark Loughborough University 3 Oakwood Drive Loughborough LE11 3QF Phone: 01509 227750 Website: www.efds.co.uk

Disability Living Foundation Ground Floor Landmark House Hammersmith Bridge Road London W6 9EJ Phone: 020 7289 6111 Helpline: 0300 999 0004 Email: info@dlf.org.uk Website: www.dlf.org.uk	**Down's Syndrome Association** Langdon Down Centre 2a Langdon Park Teddington TW11 9PS Phone: 0333 121 2300 (Monday to Friday, 10am to 4pm) Email: info@downs-syndrome.org.uk Website: www.downs-syndrome.org.uk
Dyspraxia Foundation 8 West Alley Hitchin Hertfordshire SG5 1EG Phone: 01462 455 016 Helpline: 01462 454 986 Email: dyspraxia@dyspraxiafoundation.org.uk Website: www.dyspraxiafoundation.org.uk	**Dyslexia Action** Dyslexia Action House 10 High Street Egham, Surrey TW20 9EA Phone: 0300 303 8357 Email: info@dyslexiaaction.org.uk Website: www.dyslexiaaction.org.uk
Entrust Care Ltd Brook View Brookside Avenue Coventry West Midlands CV5 8AF Phone: 0247 671 1888 Website: www.entrustcare.co.uk (only available in Coventry)	**Family Fund** 4 Alpha Court Monks Cross Drive York YO32 9WN Phone: 01904 621115 Textphone: 01904 658085 Email: info@familyfund.org.uk Website: www.familyfund.org.uk
Epilepsy Action New Anstey House Gate Way Drive Yeadon Leeds LS19 7XY Phone: 0113 210 8800 Helpline: 0808 800 5050 Email: epilepsy@epilepsy.org.uk Website: www.epilepsy.org.uk	**Haemophilia Society** Petersham House 57a Hatton Garden London EC1N 8JG Phone: 0207 831 1020 Helpline: 0800 018 6068 Email: info@haemophilia.org.uk Website: www.haemophilia.org.uk

Huntington's Disease Association Suite 24, Liverpool Science Park IC1 131 Mount Pleasant Liverpool, L3 5TF Phone: 0151 331 5444 Fax: 0151 298 9440 Email: info@hda.org.uk Website: www.hda.org.uk	**Headway National Head Injuries Association** Bradbury House 190 Bangall Road Old Basford Nottingham NG6 8SF Phone: 0115 924 0800 Free helpline: 0808 800 2244 Email: helpline@headway.org.uk Website: www.headway.org.uk
I CAN (Invalid Children Aid Nationwide) 8 Wakley Street London EC1V 7QE Phone: 0845 225 4071 Email: info@ican.org.uk Website: www.ican.org.uk	**Leukaemia Care** One Birch Court Blackpole East Worcester WR3 8SG Phone: 01905 755 977 Care line: 0808 801 0444 Email: care@leukaemiacare.org.uk Website: www.leukaemiacare.org.uk
IPSEA (Independent Panel for Special Educational Advice) Hunters Court Debden Road Saffron Walden CB11 4AA Phone: 01799 582030 Advice Line: 0800 0184 016 Website: www.ipsea.org.uk	**LOOK (National Federation of Families with Visually Impaired Children)** Look National Office Queen Alexander College 49 Court Oak Road Harborne Birmingham B17 9TG Phone: 0121 428 5038 Email: information@look-uk.org Website: www.look-uk.org
KIDS (Working with disabled children, young people and their families) 7-9 Elliott's Place London N1 8HX Phone: 0207 359 3635 Website: www.kids.org.uk	**MENCAP** 123 Golden Lane London EC1Y 0RT Phone: 0207 454 0454 Helpline: 0808 808 1111 (Monday-Friday 9am-5pm) Email: information@mencap.org.uk Website: www.mencap.org.uk

Motability Warwick House Rowden Road Harlow Essex CM19 5PX Phone: 01279 635999 Website: www.motability.co.uk	**MIND (National Association for Mental Health)** 15-19 Broadway Stratford London E15 4BQ Phone: 0208 519 2122 Email: contact@mind.org.uk Website: www.mind.org.uk
Muscular Dystrophy Campaign 61A Great Suffolk Street London SE1 0BU Phone: 020 7803 4800 Information and support line: 0800 652 6352 Email: info@muscular-dystrophy.org Website: www.muscular-dystrophy.org	**National Asthma UK** 18 Mansell Street London E1 8AA Phone: 0207 786 4900 Helpline: 0800 121 6244 Website: www.asthma.org.uk
National Association of Citizens Advice Bureaux 3rd Floor North 200 Aldersgate Street London EC1A 4HD Phone: 0300 023 1231 Website: www.citizensadvice.org.uk	**National Autistic Society** 393 City Road London EC1V 1NG Phone: 0207 833 2299 Helpline: 0808 8004104 (Monday to Friday, 10am to 4pm) Website: www.autism.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 Blind Children's Society** Hillfields Reading Road Burghfield Common Reading RG7 3YG Phone: 01278 764 770 Helpline: 0800 781 1444 Email: services@blindchildrenuk.org Website: www.blindchildrenuk.org

National Eczema Society Hill House Highgate Hill London N19 5NA Phone: 0207 281 3553 Helpline: 0800 089 1122 (Monday to Friday, 8am to 8pm) Email: helpline@eczema.org Website: www.eczema.org	**National Deaf Children's Society** Ground Floor South Castle House 37-45 Paul Street London, EC2A 4LS Phone: 0207 490 8656 Helpline: 0808 800 8880 Email: ndcs@ndcs.org.uk Website: www.ndcs.org.uk
National Federation of the Blind 215 Kirkgate Wakefield West Yorkshire WF1 1JG Phone: 01924 291313 Website: www.nfbuk.org	**Network 81** 10 Boleyn Way West Clacton Essex CO15 2NJ Helpline: 0845 077 4055 Email: network81@hotmail.co.uk Website: www.network81.org
Information, Advice and Support Services Network 8 Wakley Street London EC1V 7QE Phone: 020 7843 6058 Email: nppn@ncb.org.uk Website: www.parentpartnership.org.uk	**Parents for Inclusion** Unit 2 336 Brixton Road London SW9 7AA Phone: 0207 738 3888 Helpline: 0800 652 3145 Email: info@parentsforinclusion.org Website: www.parentsforinclusion.org
National Society for Epilepsy Chesham Lane Chalfont St Peter Buckinghamshire SL9 0RJ Phone: 01494 601 300 Helpline: 01494 601 400 (Monday, Tuesday, Thursday, Friday: 9am to 4pm. Wednesday: 9am to 8pm) Website: www.epilepsysociety.org.uk	**Physically Disabled and Able Bodied (PHAB)** Summit House 50 Wandle Road Croydon CR0 1DF Phone: 020 8667 9443 Email: info@phab.org.uk Website: www.phab.org.uk

Rathbone (Positive life choices for young people) 4th Floor Wellington House 39-41 Piccadilly Manchester M1 1L Phone: 0800 731 5321 Email: external.communication@rathboneuk.org Website: www.rathboneuk.org	**Pre-school Learning Alliance** The Fitzpatrick Building 188 York Way London N7 9AD Phone: 020 7697 2500 Website: www.pre-school.org.uk
Royal National Institute of Blind People 105 Judd Street London WC1H 9NE Phone: 020 7388 1266 Helpline: 0303 123 9999 Typetalk: 0800 51 51 52 Email: helpline@rnib.org.uk Website: www.rnib.org.uk	**Sickle Cell Society** 54 Station Road London NW10 4UA Phone: 020 8961 7795 Email: info@sicklecellsociety.org Website: www.sicklecellsociety.org
SCOPE (Disability advice) 6 Market Road London N7 9PW Phone: 0207 619 7100 Helpline: 0808 800 3333 Email: helpline@scope.org.uk Website: www.scope.org.uk	**SKILL: National Bureau for students with disabilities** Unit 3, Floor 3 Radisson Court 219 Long Lane London SE1 4PR Phone: 0207 450 0620 Helpline: 0800 328 5050 Email: students@disabilityrightsuk.org Website: www.skill.org.uk
SENSE 101 Pentonville Road London N1 9LG Phone: 0300 330 9250 Information Helpline: 0300 330 9256 Textphone: 0300 330 9252 Email: info@sense.org.uk Website: www.sense.org.uk	**Spinal Injuries Association** SIA House 2 Trueman Place Oldbrook Milton Keynes MK6 2HH Phone: 0845 678 6633 Helpline: 0800 980 0501(Monday to Friday 9.30am-1pm and 2pm-4.30pm) Email: sia@spinal.co.uk Website: www.spinal.co.uk

The Stroke Association Stroke House 240 City Road London EC1V 2PR Phone: 020 7566 0300 Helpline: 0845 30 33 100 Textphone: 1800 1030 3303 3100 Email: info@stroke.org.uk Website: www.stroke.org.uk	**Young Minds** Suite 11, Baden Place Crosby Row London, SE1 1YW Phone: 020 70895050 Helpline: 0808 802 5544 Email: ymenquiries@youngminds.org.uk Website: www.youngminds.org.uk
The National Network of Parent Carer Forums Website: www.nnpcf.org.uk	**Special Needs Jungle** Website: www.specialneedsjungle.com

Glossary

Clinical Commissioning Group (CCG): CCGs are groups of professionals that work together to commission services, ensuring there is sufficient capacity contracted to deliver necessary services to people.

Independent supporter: A person recruited by a voluntary or community sector organisation to help families going through an EHC needs assessment and the process of developing an EHC plan. This person is independent of the local authority and will receive training, including legal training, to enable him or her to provide this support.

Keyworker: Someone who provides children, young people and parents with a single point of contact to help make sure the support they receive is co-ordinated. A keyworker could be provided directly by a local authority or local health organisation, a school or college, or from a voluntary or private sector body.

Local authority/authorities: Local authorities are administrative offices which provide services within their local areas. There are 152 across England which are education authorities. For more information about local Government, please visit the types of council section on GOV.UK.

Mainstream school: This is a school, primary or secondary, that provides education for all children, whether or not they have special educational needs or disabilities.

Parent Carer Forum: A Parent Carer Forum is a representative local group of parents and carers of disabled children who work with local authorities, education, health and other providers to make sure the services they plan and deliver meet the needs of disabled children and families. They have been established in most local authority areas. For more information please visit: http://www.cafamily.org.uk/pcp/resources or http://www.nnpcf.org.uk/

Reasonable adjustments: Reasonable adjustments are changes schools and other settings are required to make which could include: changes to physical features – for example, creating a ramp so that students can enter a classroom or providing extra support and aids (such as specialist teachers or equipment)

Special Educational Needs Co-ordinator (SENCO): A SENCO is a qualified teacher in a school or maintained nursery school who has responsibility for co-ordinating SEN provision. In a small school, the headteacher or deputy may take on this role. In larger schools there may be a team of SENCOs. Other early years settings in group provision arrangements are expected to identify an individual to perform the role of SENCO.

Statutory guidance: Statutory guidance is guidance which local authorities and other local bodies have a legal duty to follow.

Annex: Special educational needs and disabilities – moving from the old to the new system

The new SEND system is being introduced from 1 September 2014, putting children, young people and parents at the heart of things and being much more involved in decisions that affect them. Organisations that provide support for children and young people with SEN or disabilities need to work together, and with families, to make sure that the support being provided takes full account of what families say they need.

This Annex is relevant to you if your child has SEN or a disability and:

- was being assessed for a statement under the old system on 1 September 2014
- has a statement of SEN
- receives support in further education or training as a result of a Learning Difficulty Assessment (LDA)
- is in school and is receiving support through school action or school action plus (SA/SA Plus), or
- is in an early years setting (such as a nursery or a childminder) and is receiving support through early years action or early years action plus (EYA/EYA Plus)

From September 2014:

- Your local authority will not start any more assessments for statements of SEN or any new LDAs. These are being replaced by Education, Health and Care (EHC) plans (see section in this guide on Support for children and young people with special educational needs).
- Your school will start to review pupils currently on SA/SA Plus with a view to transferring them to the new SEN support category (see section in this guide on Support for children and young people with special educational needs). Schools are expected to transfer children from SA/SA Plus to SEN support by the end of the Spring term 2015 and for all to be phased out by September 2015. If your child is currently receiving support from SA/SA Plus, your child's school should be talking to you about what arrangements they are putting in place and how they will engage with you and regularly review your child's progress.
- Your early years setting will start to review and transfer children from EYA/EYA Plus to SEN support. Early years settings are expected to transfer EYA/EYA Plus into SEN support for most children by the end of the Spring term 2015 and for all to be phased out by September 2015. If your child is currently receiving support from EYA/EYA Plus, your child's early years setting should be talking to you about what arrangements they are putting in place and how they will continue to engage with you and regularly review your child's progress.

Transferring children and young people from statements and LDAs to EHC plans

The legal test of when a child or young person requires an EHC plan remains the same as that for a statement. So, if your child has a statement and would have continued to have one under the current system, you can expect them to be transferred to an EHC plan. No child or young person should lose their statement and not have it replaced with an EHC plan simply because the system is changing.

Similarly, local authorities have undertaken LDAs for young people either because they had a statement at school or because, in the council's opinion, they are likely to need additional support as part of their further education or training and would benefit from an LDA to identify their learning needs and the provision required to meet those needs. So, if your child is currently receiving support as a result of an LDA and remains in further education or training during the transition period, you can expect them to have an EHC plan if they need one.

Local authorities should transfer all children and young people who have a statement or receive support as a result of an LDA into the new system as quickly as they are able to, but this will take time to do properly. Your local authority should consult local parents, young people and professionals to develop a plan setting out the order in which children and young people with statements and LDAs will transfer to the new system. They must make sure that:

- all young people who receive support as a result of an LDA who need an EHC plan should have one by September 2016, and
- all children with statements who need an EHC plan will have one by April 2018

Your child's statement or LDA will remain in force until it is replaced with an EHC plan.

What if my local authority is part way through assessing my child for a statement on 1 September 2014?

If your local authority is part-way through assessing your child for a statement of SEN on 1 September 2014, you should discuss with them whether:

- they will continue to assess your child for a statement, or
- your child should be assessed for an EHC plan instead
- You will need to agree with your local authority which option to pursue.

What if I disagree with my local authority?

If your local authority decides to cease your child's statement and not replace it with an EHC plan, then you will be able to challenge that decision if you disagree with it. If you decide to appeal to the SEND Tribunal, your child's statement will stay in force until the appeal is decided. If your child receives support as a result of an LDA and your local authority decide not to issue an EHC plan, you can challenge this decision too.

You should ask your local authority for information about how to challenge their decision. The section in this guide entitled Challenging or disagreeing with decisions gives more information about this.

More details about arrangements for moving from the old SEND system to the new one can be found in the document accompanying the SEND code of practice: 0 to 25.

Department for Education

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