**SEN Support in Schools**

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

**If you disagree at any point,** you can ask to involve the Disagreement Resolution service or speak to the Information, Advice & Support Services Network www.iasnetwork.org.uk

**If your child's needs are clearly severe,** an EHCP assessment may be requested without the SEN Support stage (or conducted before school age)

**You, or your child's school are concerned that your child may have some kind of special need**

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

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

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

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

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

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

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

**Where, despite the school having taken relevant and purposeful action to identify, assess and meet the SEN of the child or young person, the child or young person has not made expected progress, the school or parents should consider requesting an Education, Health and Care needs assessment.**

When your application has been received, you will be asked if you think you might need assistance from an Independent Supporter to help you through the process. They are not connected to the local authority and can be supplied by a local non-profit organisation or by the local information, Advice & Support Service (formerly Parent Partnership), depending on the area you are in. The IS will help to coordinate the process and provide help and support to your family during this time.

**Next: Apply for an EHCP Assessment**

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**What you can do if you disagree with decisions**

If you are not satisfied with either a local authority's decision not to assess your child for an EHCP, OR not to provide an EHCP after a statutory assessment, you can appeal to the SEND Tribunal. Appealing to Tribunal can be done in the name of the parent or the child/young person.

Additionally, if you are not satisfied with any of the needs or provision or placement offered in a new EHCP, you can also appeal (but only to SEND Tribunal for the education part)

Despite the health provision being a legal duty, there is, at present, no single pathway to the appeal process. Changes to this have been trialled and may be introduced (2017 earliest). Please check at time of appeal if this has yet taken place. At present: For both health provision and social care complaints about provision in an EHCP, you must use the relevant complaints process for that provider. If you are still not satisfied, you can contact the health or social care ombudsman

Remember that at any point, if you can't agree on any aspect of the plan, you can ask to take part in a disagreement resolution. This is in ADDITION to any mediation or appeal

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

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

*If your appeal is only about placement aspects, you do not have to seek mediation first

All decisions where there is no appeal right to the Tribunal can be challenged via a Judicial Review. Families will need legal advice in relation to Judicial Review and legal aid may be available to pay for this.

If you do decide to head for the SEND Tribunal, there are free sources of legal advice to help such as:
- IPSEA www.ipsea.org.uk
- SOSSEN: www.sossen.org.uk
(SNJ advice: It is not advisable to go to appeal without seeking specialist legal advice and/or advocacy support such as above)

Full details can be found in Chapter 11 of the SEND Code of Practice
**Requesting an Education, Health and Care (EHC) Needs Assessment**

**An EHC can be requested by:**
- Parent, young person, teacher or anyone else concerned about the child's SEN.

Where, despite the school having taken relevant and purposeful action to identify, assess and meet the SEN of the child or young person, the child or young person has not made expected progress, the school or parents should consider requesting an Education, Health and Care needs assessment.

When your initial request has been received, think about what help you might need with this, for example from an independent supporter who can help you through the process. Your LA will ask you about this. Independent Supporters can be supplied by a local non-profit organisation or by the IASS Network depending on the area you are in. The IS can help to coordinate the process and provide help and support to your family while the process is underway. You can decide the kind of help, if any, that you think you will need.

**A full diagram of the process can be found in the Code of Practice p154.**

You then have six weeks during which time the Local Authority should seek to gather school reports, old IEPs, documentation from the Assess/Plan/Do/Review process, any other speech & language/educational psychologist/OT or other reports. Parents may wish, if they are able, to gather together all the reports and information that relate to their child's SEND themselves as well to ensure everything is considered by the LA. This will also assist as a timeline reminder when you are writing your child's story as part of the application.

You then need to write your child's story including any relevant information from the gathered reports. If you have an Independent Supporter, they will be able to assist you with all of these steps. Include how your child's difficulties impact upon your whole family and what support your child already has that really helps. Remember to think about their strengths as well. Make sure you number the reports and include them in your application (only ever send copies). Any medical and social care needs should be included.

**If the response is no, the LA should advise you of other options short of statutory assessment that can support your child from the Local Offer on the Assess, Plan, Do, Review process. Your LA should never just say 'No' without looking at what provision can better help your child from the Local Offer.**

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

**Move to part 4, Disagreements**

**If an assessment is agreed, move to part 3 “Conducting an assessment”**

The local authority decides whether or not to conduct an assessment of SEND.

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

**Move to part 4, Disagreements**

**The local authority has to discuss the placement with the proposed school to ensure that it is suitable before naming it in the EHC Plan. The institution should respond within 15 calendar days.**

The local authority will prepare a draft EHC Plan and send it to you to be reviewed. The Plan writer/coordinate should be expected to work with you and your IS during the drafting to co-produce the plan. Make sure that all the sections from A to E are filled out to your satisfaction. The legal duty to ensure your EHC complies with the law lies with the LA.

The local authority will send you the draft plan and an invitation to apply for a personal budget for your child.

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

**For the provision sections F to H2, ensure that all the provision you agreed on earlier with the education, health and social care representatives and during your meetings with the plan writer, are included in this section as well as realistic outcomes expected.**

**Following further consultations between the local authority and the parents/young person, the final plan is issued. It must be reviewed at regular intervals to assess progress.**

If you want to appeal, go to Disagreements sheet.