

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, co-ordinated 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 the quarter of a million 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.

Children with existing statements and LDAs will be transferred to the new EHC plans over time so as not to overwhelm the new system – within two years for LDAs and no later than April 2018 for statements. No young person will miss out simply because the system is changing; switching over to the new system should never be an excuse for children losing the support they currently have.

Local authorities were provided support of £115.2 million and indicative funding of a further £31.7 million in 2015/16 to help them deliver these reforms successfully. There was also a new £30 million cadre of independent supporters to help families who most need help to navigate the SEN system available over two years. Over time, personal budgets will become the norm for parents who wish to have them – putting more power and control directly into the hands of families.

### **Working together**

Councils acknowledged that this new legislation revitalised professional practice and introduced real cultural change – forcing them to work in genuine partnership with other services and with families. Councils simply cannot deliver the reforms if they do not work with families. This is backed by the evaluation of the pathfinders. Parents who now have EHC plans up and running in pathfinder areas have described their experiences as hugely positive – designed around their family needs and focusing on their child's strengths, not their limits.

### **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

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### **Has the definition of SEN changed?**

No. The definition of special educational needs (SEN) has largely remained unchanged but will be extended to include young people aged 16 – 25. In brief, children and young people can be identified as having SEN if they have a greater difficulty in learning than the majority of other children their age or have a disability which prevents or hinders them from accessing education.

### **Is there be a new SEN Code of Practice?**

Yes. The new Code has been agreed by Parliament and has been in use from September 2014.

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

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

### **My child has been supported at School Action Plus. Has this changed?**

School Action and Action Plus has been replaced with a single category of SEN which is called 'Additional SEN Support'. Early years providers, schools and colleges will need to show that children and young people who receive Additional SEN Support have an identified special educational need and that their progress has not been affected by weak teaching or poor attendance at school.

### **Will my child still 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 SEN Support for your child should be continued.

### **What is the difference between a statement and an Education Health and Care Plan (EHCP)?**

The new Education Health and Care Plan's (EHCP) replaces statements of SEN. The aim is for the EHCP to enable the child/young person to meet agreed outcomes. An EHCP must include the views and aspirations of the child/young person and their parents. It will be a legal document and set out the child/young person's SEN, the support that they need to achieve specified outcomes and how health and social care services alongside early year's settings, schools and colleges working in partnership with the parents and/or young person should support the delivery of the Plan.

### **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 will an EHCP look like?**

Government funded pathfinder areas tested out models for integrated assessments and EHCP's. Updates are reported at: [www.sendpathfinder.co.uk](http://www.sendpathfinder.co.uk) It does not appear that the Department for Education intend to put forward a set template or format for the new plans however they should be specific about what needs to be put in place to enable the child/young person to achieve short term outcomes and longer term aspirations.

### **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 SEN 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 will 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.

### **My child has a statement. Will this be replaced by an EHCP?**

Yes. The government have confirmed that any child or young person who currently has a statement will have a Plan. The Department for Education are still considering how a child who currently has a statement will be 'migrated' over to the new system and have an EHCP however it is anticipated that statements will be gradually replaced by EHCP's. This could be at your child's Annual Review, a key transition stage (e.g. primary to secondary education) or when your child moves school.

### **Will my child still have an Annual Review?**

Yes. The LA must arrange for a review of your child's EHCP 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 LA to engage in the review meeting and contribute their views. Following the review meeting the LA will need to determine whether any changes are needed to your child's EHCP.

### **Can I say which school or college I want my daughter to attend?**

Yes. The reforms retain the general principle that children with SEN should be taught in mainstream settings and extends that principle to young people in further education. If your daughter has an EHCP 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 LA must name your preferred school or college unless it would not be a suitable educational setting for your daughter'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.

### **My son is 17 and attends a special school. He is due to go to college in September. Will he have an Education Health and Care Plan?**

Children or young people up to the age of 25 can have an EHCP, where necessary, providing they remain in education or training (including apprenticeships). It is clear that the LA will be required to work closely with you and your son to plan a clear pathway through education into adulthood, including finding paid employment, living independently and participating in the community. When your son turns 18 he may be eligible for adult social care and under the Care Bill will receive support via a statutory Care Plan. The government's intention is that this will form the care element of the EHCP.

### **What if I move to another area?**

EHCP's are transferrable when children move between local authorities in England. Schools will also continue to have duties to transfer information about children's SEN 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 his own decisions when he is 16. Can I still be involved?**

After compulsory school age (the end of the school year when your child turns 16) he 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 he disagrees about the provision set out in his EHC Plan.

You can still be involved in supporting him to make decisions, or act on his behalf if he is 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.