CHAPTER 5

Education

I think parents are only asking for their child's rights. They're not asking for the sun and the moon, they're asking for what it's the duty of the school or the local authority to provide.

All children have to work their way through education and a fair proportion of them will have some difficulty at times with learning or perhaps behaviour. Some will need more specialist support all through their school life. These days there are lots of systems in place to support children with SEN and disabilities in education. But there may still be times when parents need to know about their child's rights and what's available, to make sure they are getting what they should. And now that so much funding and responsibility has been passed on to schools, occasionally parents can feel like piggy in the middle trying to find out who is responsible for providing the support their child needs. Education goes on for years and years. Parents of all children go through times of wondering whether they've got it right for their child, and when that child has additional needs, those anxieties never really go away. It's not surprising that it arouses strong feelings.

This chapter is being written as major changes take place in the SEN and Disability (SEND) system. A new law (Children and Families Act part 3) and new guidance (SEND Code of Practice) take effect from September 2014. We have given as much information as we can about the new law in this chapter but some details of how it will be put into practice are not agreed yet. Contact Amaze to check the latest information.

If your child already had a Statement of SEN before 1st September 2014, this continues and they are still covered by the old law until their Statement ends, either because they transfer to an Education, Health and Care Plan (EHCP) under the new system or they finish education. If this applies to you, please read the sections at the end of this chapter about transferring from a Statement to an EHCP and your child's rights whilst they still have a Statement.

INTRODUCING THE SEN SYSTEM

What is SEN?

All children learn at different rates and many will need some extra help at some point. Children and young people can be said to have special educational needs (SEN) if they need education provision that is "additional to or different from" what is normally provided for people their age in mainstream education settings. This could be because they have a learning difficulty, a physical/sensory disability, difficulties with communication or with their social, emotional or mental health. Some children with medical conditions don’t have SEN but do need extra support to be able to attend school and be safe and well while they are there. See the section on page 113 about medical needs at school. A few disabled children don’t have SEN as they don’t need any special educational provision but they may need some reasonable adjustments such as access arrangements that the school has a duty to provide under the Equality Act (see the chapter ‘Making Systems Work for You’).

Some children’s additional needs are clear from an early age, for others their difficulties become obvious when things don’t go as expected at school. For a few their needs arise suddenly, perhaps after an accident, or emerge at secondary school or even at college. Whether your child is at pre-school, school or in Further Education (FE), the SEND (special educational needs and disability) Code of Practice sets out how their needs should be met.

In a nutshell, children and young people have a right to have their needs assessed and get support to meet those needs. This support does not have to be everything a parent might wish for, but the law says schools and colleges must use their “best endeavours” to meet the special educational needs of their pupils. And the SEND Code says that children should get enough help to make progress that means they can achieve their best, become confident individuals and ultimately make a successful transition into adult life. If they don’t make progress, they should get a higher level of help. Another thing the new law and SEND Code spell out really clearly is that parents, children and young people should be closely involved at every stage. Teachers and other professionals know that this is important but it helps to have the law say it too.

Children who have been identified as having SEN can be on SEN Support or go through a process called statutory assessment and have an Education, Health and Care Plan (EHCP). Some children will move through these stages as it becomes clear they need more help to make reasonable progress. Most will get all the support they need from SEN Support.

Many more resources have been moved to mainstream schools over recent years so that children can get extra support from within their local school or from services that these schools can easily access (e.g. outreach from special schools or learning and behaviour support services). In this chapter we will explain more about SEN Support and EHCPs and what to expect for your child. We will cover the range of provision from mainstream to specialist. We won’t say much about FE as this is in our other handbook, Through the Next Maze, for parents of teenagers. Call our helpline to request a copy.

Parents say it is useful to remember that the professionals are experts in education but you are the expert about your child. If you feel that your child has difficulties not fully recognised by the school/pre-school or that they aren’t getting the help they need, speak to your child’s teacher, the special educational needs coordinator (SENCO) or the headteacher.

Most parents also find that getting good information helps. Every local authority has to publish a Local Offer that sets out all the services and support they expect to be available in their area for children and young people with SEN and disabilities. Brighton and Hove’s Local Offer is on their website at www.brighton-hove.gov.uk/localoffer and it is a mine of information. Each local authority also has to make sure parents and young people can get impartial information, advice and support individually about SEN and disability when they need it, to make sure they can participate fully in decisions. Amaze is the Information Advice and Support Service (IASS) for Brighton and Hove.

Extra help rather than SEN?

Children make progress at different rates and have different ways in which they learn best. Teachers are expected to think about each child individually and draw on different materials and activities to suit each child; that's what is known as high quality teaching with 'differentiation' for individual children. Many children will get some extra help at times (e.g. a reading recovery group, a spelling booster programme) without being described as having special educational needs. If the school or pre-school is thinking about whether your child needs more than this, they should involve you from the start. And they *must* tell you if they have decided that your child has SEN, i.e. that they should give them more or different help from the varied range of help they offer all children.

SEN Support

This is the first level of help once your child's pre-school or class teacher or tutor has identified that they have special educational needs. Together with the SENCO they should consult you, gather information and find ways in which they can help. They should follow a cycle of action:

- **Assess** – analyse what the child's needs are.
- **Plan** – work out what support to offer and how. This could be a special programme of work, particular equipment, time with a teaching assistant or teacher individually or in a group. The planning should include the outcomes they expect to see from this support.
- **Do** - the pre-school staff, class teacher or subject teachers put the plan into action, supported by the SENCO.
- **Review** - look at whether the support is working. Revise the plan in consultation with parents and the child.

The idea is that this cycle keeps happening for as long as the child needs SEN Support and if they do not make the expected progress, things should intensify, perhaps bringing in expert advice to help assess in more detail or planning more or different support. As the parent you should be involved at every stage. A record of the support to be given and the outcomes that support is meant to achieve should be shared with you. There are no specific rules about how a pre-school or school should write this record, but at school you must also get an annual report on your child and a face to face meeting at least three times a year. Children can get a significant level of extra help on SEN Support including one to one help for several hours each week if that's what helps them best. Only a small minority of children move to the next stage: being assessed to see if they need an EHCP

EHC Assessment and EHCPs

If your child has been receiving SEN support and isn't making enough progress, the local authority (LA) can be asked to carry out a statutory EHC needs assessment. This request can come from you as parent, your child if they are 16 plus, or the school or college. Next, the LA considers whether your child needs an EHC assessment. If appropriate, they will go ahead, involving you, your child and a range of professionals. On the basis of this assessment the LA decides whether your child needs an Education, Health and Care Plan (EHCP). The EHCP is centred on their educational needs but also includes their health and social care needs. It sets out the help they should get to meet these needs and the outcomes (long and short term) that this help should lead to for the individual. Brighton & Hove City Council has a strong commitment to working with parents constructively. Nevertheless parents can find the process of statutory assessment a bit daunting, so we have a larger section later on in this chapter that goes through this and EHCPs in detail.

PRE-SCHOOL EDUCATION

If your child’s special needs have been picked up at an early age, you will probably be thinking about suitable pre-school education. Most parents we know worry about their child missing out in their early years, and are keen for them to have as many opportunities for play and stimulation as possible. For other parents it is when their child starts at playgroup or nursery that their concerns come into focus.

We have already explained that the SEND Code of Practice tells early education settings how they should identify and support children with special needs, and sets out the process for statutory assessment and getting an EHCP for pre-school children. But most children get the support they need at pre-school without an EHCP, often with help from the Pre-school Special Educational Needs Service (PRESENS) so this section will tell you more about PRESENS and the range of pre-school options.

PRESENS

The Pre-school Special Educational Needs Service (PRESENS) is part of Brighton & Hove Children’s Services and is based at the Jeanne Saunders Centre in Hove and Easthill Park in Portslade. PRESENS works in two ways. It has a general role in helping pre-school settings all over the city to work well with children with additional needs. Every nursery, play group or pre-school in Brighton and Hove has a named member of PRESENS staff to give them support and advice. If you are worried about how your child is getting on, one thing their pre-school could do is ask this PRESENS worker for advice about what to try next. PRESENS’ other role is providing support to individual pre-school children with special educational needs. This may include visiting you at home, but is mostly about helping the pre-school work out how best to support your child and doing some direct work with your child there. Some children also get on-site provision at PRESENS.

For any individual support from PRESENS, your child needs to be referred to them and accepted on their caseload. You or a professional involved with your child can make this referral and a panel will decide if PRESENS should take them on. If so, a package of support will be offered, which will be flexible and depend on your child’s individual needs. These usually start around the age of two or two and a half, and can include some of the following:

- support for your child in their pre-school setting;
- funding for additional support or equipment at their pre-school setting;
- teaching sessions at home;
- a two day a week assessment place at the Jeanne Saunders Centre or at Easthill Park House, for children in the year before they start school;
- transition support in their first term of Reception.

All PRESENS staff are qualified as teachers or nursery nurses and experienced in working with young children with SEND. They will watch and join your child at play, talk with you about their progress and also gather information from other people working with your child. They will then be able to assess your child’s needs and draw up a plan with targets for important areas for learning. This plan will be reviewed regularly and the PRESENS worker will support your child and the adults that work with them. Parents should always be involved. Most pre-schoolers with SEN are supported in this way by the PRESENS Offsite Team.

For the year before they start school, some children (18 each year) get a place at a specialist assessment and intervention nursery run by the PRESENS Onsite Team. This means they will go two days a week during term-time to either the Jeanne Saunders Centre or Easthill Park House. PRESENS can also support them in their nursery or playgroup during the remaining days of the week. The teachers and nursery nurses work in partnership with parents and carers throughout the year, plus there will be input from an educational psychologist and speech and language therapist.

Some of the children PRESENS work with may be put forward for a statutory assessment to get an EHCP. The teachers and nursery nurses will discuss this with you and in most instances will submit the paperwork to begin the process. Parents can also request statutory assessment themselves. If you really feel your child may need an EHCP in time for starting school, you will want to be sure the process starts in good time. See the section on statutory assessment later in this chapter.

Playgroups and nurseries

Most children with special needs are able to go to local playgroups, pre-schools, nurseries and nursery classes in mainstream schools. The Family Information Service has contact details for these in all areas of Brighton and Hove. All early years education settings should have an SEN policy and a member of staff who is identified as the SENCO (Special Educational Needs Coordinator), so you can ask about this when choosing a place for your child. They also get advice and support from PRESENS as we explained above.

Every playgroup and nursery should welcome children with additional needs but their atmosphere, experience and facilities vary. You will need to visit a few and think about what will suit your child. Children are entitled to free part-time early education (15 hours a week over 38 weeks of the year) from the term after their third birthday until the term in which they turn five. Some children are entitled to free early

education/childcare from age two, for example if they get Disability Living Allowance (for DLA see the ‘Money Matters’ chapter) or if you are on Income Support. The Family Information Service can tell you more and help you apply.

Sometimes it costs a bit more to successfully include a child in a childcare setting. Childcare Inclusion Funding can help with these additional costs. It can be used for extra staffing, to buy special equipment or make adaptations to the premises. For information about Childcare Inclusion Funding, the childcare provider or parent carer should contact the Family Information Service. If you are in contact with PRESENS, you could also ask them for advice. Amaze has a factsheet called ‘Choosing Childcare’ which has more information.

Specialist pre-schools

If you feel your child would find it difficult to benefit from an ordinary pre-school, you may want to look into a more specialist early years setting. ICAN is a specialist nursery class based at Carden Primary School. It has twenty places for children with significant speech and language difficulties. Referrals are made through PRESENS and the speech and language therapy team, and a panel decides who gets a place. This is a one year placement. Children attend five sessions a week for the year before they are due to start school and the aim is to boost children’s language so they are ready to join a mainstream school reception class wherever possible. The children spend some of their time included in the main nursery setting, but also get a targeted programme of support. This may be one to one or in small groups and includes use of a Makaton sign language programme.

For children with physical disabilities there are some options outside the city. The LA would have to agree to pay for your child to go to these, but this does sometimes happen for children with particularly specialist needs. Chailey Heritage School, near Lewes, has a pre-school class that caters for children with physical disabilities such as cerebral palsy, especially when combined with additional medical needs. Ingfield Manor School at Billingshurst in West Sussex has a pre-school and assessment service for children with physical disabilities and associated learning problems. The pre-school provides conductive education incorporating the early years' curriculum.

More support for pre-school children

Children's Centres

Local Children's Centres often offer special groups or drop-in sessions for parents and children with additional needs. Ask your health visitor.

Parent Groups

Some parents have come together to run their own groups for parents and under fives with special needs. They are more informal than a playgroup and are a great chance for you to be with other parents and for your child to meet other disabled children. Kaleidoscope has a group for parents with under fives with physical disabilities. T21 have a group for under fives with Down's syndrome and their parents. Sweet Peas and Little Darlings are groups for parents and younger children with any special need. Amaze has a list of local parent groups.

Whoopsadaisy

This local charity offers free conductive education groups for children with cerebral palsy and other physical disabilities, with an emphasis on fun and developing independence. Their Parent and Child service provides weekly sessions for parents and under fives. The sessions are planned with activities to promote all aspects of the child's development and are very hands-on for parents, so you can carry it over into daily life at home too.

The Dame Vera Lynn Trust School for Parents

Based at Ingfield Manor School in West Sussex, their School for Parents is also for families of young children with cerebral palsy and other disabilities. Parents and children learn daily living skills together using the principles and practice of conductive education. The service is free for children from birth to five years. The ethos of School for Parents is active learning through play. Children learn alongside their parents using guidelines from the early years curriculum incorporated within the holistic practice of conductive education.

The Camelia Botnar Children's Centre

This specialist centre at Goring (near Worthing) caters just for disabled under fives. They take children with a wide range of disabilities and are equipped to cope with quite complex medical conditions. The centre is free and you can leave your child there for the session.

I ended up driving the girls to Goring, from Hove, to the Camelia Botnar Centre - it was the first time I was with parents in a similar situation. They trained up one of the nursery nurses to do her physio routine with her, so for three days a week I didn't have to do it. It was worth it - she was with other children and not with me.

SCHOOL AGE CHILDREN

Some of us know our children have special needs from an early age and for others this emerges more gradually once they are at school. Either way, you will want to know how to make sure your child is getting the right support at school and what is the range of provision available locally. This section will explain more about help in mainstream schools and then cover specialist provision like special schools.

Mainstream Schools and SEN

At the beginning of this chapter we explained how the SEND Code of Practice sets out how schools should assess and support children with special educational needs and disabilities (SEND). Most children in Brighton and Hove are educated in mainstream schools and this includes most children with an EHCP.

I was worried about my son who can't walk or talk being in a class of 30, and yet, with extra help, it has worked out wonderfully.

All mainstream schools in the city must welcome and cater for any child with SEND, except in very limited circumstances when they can prove that it would be detrimental to other pupils and there are no reasonable steps they can take to solve that. Schools must have a policy on SEN and publish this along with more detail about how they support children with SEN in their SEN Information Report. This should be on the school's website and you can find similar information in the Local Offer on the council website. All schools must have a Special Educational Needs Coordinator (SENCO) who is suitably qualified or experienced and is responsible for overseeing the support the school gives to all their pupils with SEN. Secondary schools may call this person the Inclusion Coordinator or have one of each. All schools are also covered by the Equality Act and have a duty not to discriminate against disabled pupils. They should have a Disability Equality Scheme and an access plan. There is more about the Equality Act and how it applies to schools in the chapter 'Making Systems Work for You'.

Who to talk to if you are concerned about your child

If you are worried about how your child is learning or behaving at school you should start by talking to their class teacher or their form tutor if they are at secondary school. They may share your worries and you can discuss how to help your child make

progress, what extra help they can offer and whether some expert advice is needed. In a primary school you might then go to the head teacher and in a secondary school to the head of year. You can also contact the SENCO with any concerns. You can ask for information about your child's progress such as the national curriculum level they are working at or their reading age. Schools have to record and monitor all children's progress and they should be happy to share this with you. It's a good idea to put things in writing too and keep a record of all your contacts with the school.

How to handle meetings

Some parents feel they have to battle to get their child's school to recognise and meet their child's needs, but most schools aim to do their best for every child. Over the years you may have times when all goes well and times when you need to raise some issues again. If your child has SEN, you should get a face to face meeting three times a year. This can be at the general parents evening but should be more than the usual quick chat. If your child has an EHCP this must be reviewed annually with you. These meetings are a chance to discuss how things are going, but don't wait for them if you think there is a problem. Aim to be polite and get staff to support you and your child. If you need to criticise something, try to find something positive to say as well.

It usually pays to do all you can to work well with the school, but if you do feel this is not happening you can ask Amaze for advice and help. If you are really unhappy and thinking about making a complaint, remember that school governors are ultimately responsible for their school meeting the needs of children with special needs. There is more information in the chapter 'Making Systems Work for You' about the law on SEN and disability and how to complain.

Parents often feel unsure about how much help it is reasonable to expect a mainstream school to provide so it is worth knowing just a little about how SEN is funded. Most funding for SEN is in the hands of schools. It helps to think of the funding as coming in three chunks:

1. **Age-weighted pupil unit funding**
   Schools get a set amount of funding for every pupil. This is regardless of whether or not they have SEN and is to cover the main costs of educating that child. It is called AWPU or the age-weighted pupil unit.
2. **Additional support funding (ASF)**
   This is an amount of money each school gets annually and is sometimes called their "delegated" SEN budget. How much a school gets is based on a formula that should roughly match the proportion of children with SEN they have compared to other schools. This is meant to fund the special educational provision for children on SEN Support and a proportion of funding for children with EHCPs. The assumption is that schools will spend varying amounts on children depending on their needs, but that they are expected to be able to cover up to £6000 worth of support for an individual child. In the Local Offer on the LA website you should find their "area wide offer" which is meant to explain what the LA expects schools to provide for pupils from this funding.
3. **Top up (or high needs) funding**
   If a child needs more than £6000 to meet their SEN, schools can ask the LA for extra funding for that child. This comes from the LA's high needs block of funds and has to be based on the child's assessed needs. It is usually, although not exclusively, used to fund support for children with an EHCP.

What help is available at a mainstream school?

Support at a mainstream school can take many forms (groups, one to one help, special equipment, etc). Some children get just a little help and extra monitoring whilst others may have a complex package of full time support. Schools often make use of teaching assistants to give much of the day to day help with SEN but this should always be directed by a teacher or the SENCO. Support and interventions should be planned to match your child's needs and they can be about more than their academic learning. There should be a plan or provision map that sets out what help they will get, from whom and how often. There is no set format in the SEND Code for how this should be recorded but it should say the outcomes any help is intended to achieve and have shorter term targets which you can use to monitor how your child is progressing. This can be a guide to whether they need more intensive help on SEN Support or if it is appropriate to request a statutory assessment to get an EHCP. There is more about statutory assessments and EHCPs later in this chapter.

Many primary schools in the city currently have a termly meeting known as PARMS where they can ask the advice of a group of professionals including an educational psychologist, speech and language therapist, school nurse and teachers from learning support services. Parents don't attend PARMS meetings but can request that their child be discussed.

If you and the school want more advice about the nature of your child's needs and strategies to help them learn, the school can get an Educational Psychologist (EP) to see your child. EPs are employed by the local authority. All schools have access to a certain amount of time from an EP each year, but of course this means they have to make choices about how best to make use of this time for all the children about whom they have concerns. If an EP sees your child, you should be told and they should also speak to you to get your views.

Schools can also draw on advice and support from a range of learning support services run by the LA. These address particular types of need and all have criteria about which children they can work with. They have teachers with experience and training on those needs. Often they will not work directly with your child; instead they focus on setting a programme of work for the school to provide, or training and advising school staff. There is more information about all these services in the Local Offer, but they include:

Language Support Service (LSS)
For pupils with speech and language difficulties. This service has specialist language teachers that work closely with speech and language therapy services.

Literacy Support Service (LSS)
For pupils with specific learning difficulties/dyslexia. All the teachers have specialist qualifications in teaching children with specific learning difficulties. Schools have to decide to buy in this service but most do.

Sensory Needs Service (SNS)
For pupils with hearing or visual impairment. This service makes contact with families as soon as their child is identified to have HI or VI and follows them through from babyhood up to 19. It has teachers with a specialist qualification in HI, VI and multi-sensory impairment, plus an educational audiologist, a family support worker, a habilitation officer and a specialist Braille teaching assistant.

ASC Support Service (ASCSS)
For pupils with autistic spectrum conditions. Your child must have a firm diagnosis for this service to get involved. ASCSS teachers have extensive experience in working with ASC. There is also a parent liaison worker.

Special school outreach
All the local special schools offer advice and support to mainstream schools to promote the successful inclusion of children with complex needs.

Behaviour and Attendance Partnership (BAP)
The BAP has a varied role in supporting the education of children with BESD (behavioural, emotional and social difficulties). This includes managing a primary behaviour outreach team, the Connected Hub and the Brighton and Hove Pupil Referral Unit (BHPRU). The PRU provides education for children with BESD, including excluded pupils, at Lynchet Close and Dyke Road, usually on a short term basis working towards returning to a mainstream school.

Some services are not specifically for pupils with SEND, but also help and advise schools:

Ethnic Minority Achievement Service (EMAS)
For pre-school and school pupils whose first language is not English. EMAS has specialist English as an additional language (EAL) teachers, teaching assistants, bilingual assistants and home school liaison officers

Education Other than at School Service (EOTAS)
Hospital Teaching for children while they are in hospital and the Home Tuition Service for pupils who are too ill to attend school for more than six weeks.

Traveller Education Service
For children from traveller families.

Support for children with medical needs

If your child has medical needs, you can feel torn between wanting them to be safe from a health point of view, but not wanting them to miss out on their education. All schools have a duty to make arrangements for supporting pupils with medical conditions at their school. This was tightened up in law in the Children and Families Act 2014 and there is statutory guidance on this, a bit like a shorter version of the SEND Code of Practice. It is called "Supporting pupils at school with medical conditions" and you can find it on the www.gov.uk website, or call Amaze to ask for a copy. This guidance makes it clear that pupils at school with medical conditions should be properly supported so that they can learn but also take part in and enjoy all aspects of school life, including school trips and PE. It recognises that children may need on-going support, medicines or care while at school to help them manage their condition and keep them well, and that some will need monitoring and interventions for health emergencies. Schools must work with health services to make this happen. Schools should have a policy that you can ask to see, but should also make individual and flexible arrangements for children.

The guidance recommends putting these individual arrangements in an Individual Healthcare Plan that sets out: the child's medical condition; the help they need at school as a result, including emotional, educational and practical support; who will provide this and any training they need to be able to do that; permissions around medication; arrangements for things like school trips; and what to do in an emergency. Children with medical needs may or may not also have SEN. If they have an EHCP, their individual healthcare plan should be linked or combined with the EHCP.

If you don't feel you are getting a good response from school around your child's medical needs, you can get advice and support from Amaze.

Special Schools and Facilities

All children have a very strong legal right to be educated in a mainstream school and if this is your preference for your child, the LA has to put together a package of support to make this possible. But if your child has complex needs you may feel more specialist provision could be appropriate. Children need to have an EHCP to attend a special school or special facility. There is more information about all these schools and facilities in the Local Offer at www.brighton-hove.gov.uk/localoffer.

Some local mainstream schools have special units or facilities which cater for children with certain types of special needs. Children usually spend some of their time in mainstream classes and some in the facility.

Autistic spectrum conditions

Primary facilities at West Blatchington Primary School (key stage 1 and 2). Secondary at the Swan Centre, at Brighton Aldridge Community Academy (BACA) and the Phoenix Centre at Hove Park School.

Hearing impairment

Primary hearing support facility at Bevendean Primary School. Secondary unit at Priory School in Lewes (shared with East Sussex).

Speech and language difficulties

Primary facility at Carden Primary School. Secondary at the Swan Centre at Brighton Aldridge Community Academy (BACA) and the Phoenix Centre at Hove Park School.

Specific learning difficulties (dyslexia)

Secondary facility at Longhill High School.

Brighton and Hove has six special schools that are run by the LA. Most children at special schools go there full-time but many will also have some mainstream inclusion activities, perhaps with the aim of switching to mainstream at some stage or just to give them different experiences.

The Cedar Centre

Caters for children aged 6 to 16 with complex needs and moderate learning difficulties, mostly from the east of the city. Primary department (Year 1 to Year 5) is co-located with Coldean Primary School.

Downs Park School

Caters for children aged 5 to 16 with complex needs and moderate learning difficulties, mostly from the west of the city.

Patcham House School

Patcham House takes secondary age children with complex needs that would make it hard for them to learn in a mainstream secondary school. These include emotional and mental health issues and autistic spectrum conditions.

The Cedar Centre, Downs Park and Patcham House work together as a federation, but children are given a place at one of the schools.

Downs View School

For children with severe or profound learning difficulties from age 4 to 19, mostly from the east of the city. Pupils may have additional disabilities such as autism, sensory needs, physical disabilities, medical needs and challenging behaviour. **Downs View Link College** (DVLC) is part of the school but located next to Varndean Sixth Form College. DVLC takes young people from 16 to 19 with severe or profound learning difficulties from all over the city.

Hillside School

For children with severe or profound learning difficulties from age 5 to 16, mostly from the west of the city. Pupils may have additional disabilities such as autism, sensory needs, physical disabilities, medical needs and challenging behaviour.

Homewood College

Caters for secondary age children with emotional and behavioural difficulties (BESD) at Queensdown Road. Other education for pupils with BESD is now provided via the Behaviour and Attendance Partnership at the Connected Hub and Brighton and Hove PRU (see page 112). The PRU also provide full time school provision for primary age children with an EHCP for BESD at their Lynchet Close site.

Out of city placements

There are many other special schools up and down the country that are run privately or by charities. They are known as non-maintained special schools or agency placements. They may offer highly specialised provision, weekly or termly boarding and in some cases 52 week care and education. Very occasionally a child is placed in one of these schools. For example the LA may fund a profoundly deaf child to attend Hamilton Lodge School (a non-maintained special school for deaf children in Brighton) because it offers a British Sign Language signing environment. But agency placements are often an expensive option and can take children away from their local area, so the LA will only choose to use them when a child's needs cannot be met in a Brighton and Hove school.

Some parents' experience is that their child had to 'fail' at a local school to prove this. In recent years the LA has been working to make sure its own special schools can meet the needs of all local children with specialised needs and this has successfully reduced the number of children placed out of the city. If you feel your child needs an out of city school and the LA disagrees, you would have to successfully make a case at the SEN first tier tribunal (see page 132).

Choosing a school

How can you tell if the school is right? You just have to go and see, don't you, and you know what your child is like. Can you picture them being there? It's just the same as ordinary children.

We probably should not call this section 'choosing a school' as often parents do not get an absolute choice. Usually we have the right to state a preference for the school we would like for our child, without a guarantee that they will get a place there. This might be through the normal admissions process or because your child has an EHCP. This is one of the occasions when it may help to call the Amaze helpline for information as you and your child's rights vary in each situation. Amaze has also published a fact sheet called 'Choosing a School' which covers this in more detail along with advice about what to look for when visiting a school.

Most parents will be looking at mainstream schools and trying to choose the one best suited to their child. Look on the council website or call their School Admissions department to find the schools in your area. Use the Local Offer to find out more about how each school supports pupils with SEN. Ask other parents, but remember word of mouth can be out of date. Look at Ofsted inspection reports, school websites and prospectuses. Don't judge a school just by league tables. Schools lower down the league tables may have the best experience or attitude. All this can help you work out a short list of schools to visit.

When you visit a school:

- Talk to the head and try to get an idea of the school's overall attitude towards children with SEND, and more specifically to your child's needs. Have they had a child with similar needs before? Look again at the school's entry on the Local Offer and the SEN Information Report on their website before you go.
- Meet the school's special needs coordinator (SENCO). Find out how much time they have away from teaching to devote to special needs work. Do they know about your child's disability or sound ready to learn?
- Try to find out what resources the school has for children with additional needs, such as extra classroom helpers, learning support teachers and visiting specialists.
- Walk around and ask yourself, 'Can I picture my child here?'

I was ever so upset. It was such a change from what we had imagined for her. But once she got there and we'd gone round with the staff, they were just so thorough in finding out what would suit her, and what they could do to accommodate her. They were tremendous and she's flourished.

If your child has more complex needs you may have to decide whether you want a mainstream or a special school for them. There are advantages and disadvantages to each choice. Some parents feel it is most important that their child is included at the heart of their local community and can mix with a cross section of children at a mainstream school. Other parents choose special schools because they feel it will be simpler to make sure their child's needs are met and their child will find it easier to make friends there. These days the choice is less stark than in the past as mainstream schools get more outreach from special schools and more children at special schools spend time included in mainstream.

Transport to school

As a general rule, parents are responsible for getting our children to school, even if they have special needs. But there are circumstances when your child may be entitled to help with transport.

The local authority should provide free transport if your child is aged 5 to 16 and you live too far (over two miles for under 8s, over three miles for over 8s) from their nearest suitable school. Bear in mind that most children in the city live closer to a suitable school than this. There are extra rules for help with transport if you are on a low income. 'Free transport' can mean a bus pass to use local bus services. Occasionally primary age children will get transport to school if their parents are medically unfit to take them.

Children can also qualify for free transport if they are unable to walk to school due to their particular disability or special need. In this case they are more likely to get actual transport such as a taxi or minibus. This must be safe and suitable, so some children will also get an escort. As they get older they will be encouraged to learn to travel to school independently where this is possible and switch over to walking or using local buses with a bus pass. This is an important life skill to learn if they can.

It used to be the case that most children at special schools and units got transport more or less without question, as did quite a number of pupils with SEN in mainstream schools. This has changed. Transport costs have spiralled and the LA will now look carefully at each individual case. They will be looking for evidence that this is the nearest suitable school or that your child realistically can't walk there. If you express a preference for a school and the LA think there is another suitable school nearer your home they may argue that they should not cover the transport costs. This might happen for example if you live in the east of the city but prefer a special school in the west. You may find you have to challenge the LA's decision about transport in this case.

School transport is dealt with by the Transport Team in Children's Services. The council website gives a detailed explanation about school transport so check there for more details or call them on 01273 293501. There is an appeal process if you are unhappy with a decision about transport for your child. And you can call the Amaze helpline for advice.

Bullying

It is sad but true that children with SEN and disabilities are more at risk of experiencing bullying. Sometimes they may be more likely to bully others too. Parents may find that their child suffers low level bullying that slips below the teachers' radar and when their child eventually retaliates they are seen as the problem. Bullying is very distressing for children and parents, but there are things you can do to support your child if you think they are being bullied. The first step is to talk to your child, and the second is to raise it with the school. All schools must have a policy on bullying; it may be part of their Behaviour Policy. For help and advice if your child is being bullied you can call the Amaze helpline. We also produce a factsheet 'Bullied at school' which has ideas about what to do, how and when to approach the school, and where to get more help.

Exclusion

Children with SEND are at extra risk of being excluded at some point in their school life. Exclusions can be fixed term (for a specific number of days) or permanent. The school must write to tell you that your child has been excluded, why and for how long. And they should invite you and your child to a reintegration meeting when they return to school. If a fixed term exclusion lasts more than five days, the school has a duty to provide suitable full-time alternative education no later than day six. If the exclusion is permanent the LA should arrange alternative education by day six, usually at the pupil referral unit (PRU).

If your child has SEN, the school should recognise that the fact they have excluded a pupil is a clue that the support they are currently giving that child may not be meeting their needs. Sometimes it is only when your child faces an exclusion that you realise they have additional needs that are not being met at school. In either case, this is the time to ask for a meeting, go over your concerns with the school and think what may need to change. Many children with SEN may welcome the chance to have extra time at home. You may need to press the school to look at other ways of dealing with their behaviour. Schools are meant to take all possible steps to avoid the permanent exclusion of children with special educational needs and this could include re-assessing their needs or requesting statutory assessment for an EHCP.

If your child is excluded even for a very short period it is a worrying time for you and your child. There are options for appeal. You need to get good advice. Amaze can offer advice and support to parents of children who are excluded, where there is a link between the exclusion and SEND, so call the Amaze helpline. The Coram Children's Legal Centre runs a national exclusions helpline.

Parents of children with SEN also sometimes find that schools ask them to collect their child early or send them home whenever there is a problem. Sometimes they suggest that the child only comes to school part-time. The school may describe this as if it is done in the interests of your child. Even though the school does not call this a formal exclusion, it is excluding the child in practice.

Frequent informal exclusions of this kind may be a sign that your child is not getting the support they need and may be illegal. It also means they miss out on the right to alternative education explained above so you should raise this with the school. The LA have shown some determination to stop local schools from using this sort of unofficial exclusion so don't be afraid to challenge it. You can ask Amaze for help and advice in this situation.

STATUTORY ASSESSMENTS AND EHC PLANS

You may have heard of Statements of SEN rather than EHCPs. From September 2014, Statements have been replaced by Education, Health and Care Plans (EHCP). An EHCP is a plan specifying a child's special educational needs, outcomes wanted for the child and special educational provision to meet the needs and achieve the outcomes. EHCPs should also include any healthcare and social care needs which relate to the child's special educational needs and provision to meet these needs too. The LA has a duty to secure the special educational provision in an EHCP and the health service (usually the local clinical commissioning group) have a duty to arrange the specified health care provision.

Does my child need an EHCP?

Parents may worry that they are not doing all they can for their child if they don't to get an EHCP for them. You may have been told by a well-meaning person that it is something you 'must' do, perhaps because your child has a particular diagnosis. So before you read any further we'll just remind you that most children with SEN are supported without needing an EHCP.

Children can get significant amounts of help on SEN Support at school or pre-school. They do not need an EHCP to get help from PRESENS or the LA learning support services or to get special arrangements for taking exams. And in most cases an EHCP does not bring extra funding to the school for that child. On the other hand the process of EHC assessment can shine a light on a child's needs and bring together expert advice on this. An EHCP will set out their needs and the provision that should meet those needs in a document that has some legal weight. Your child will need an EHCP to go to a special school or facility, or to get a major support package if that is what they need to be included in mainstream. So there are some children for whom an EHCP will be appropriate.

If your child is under five, you may want to try to get an EHCP if they have severe and complex needs, if you think they should go to a special school for reception year, or if they require specialist early intervention that cannot be provided in their current setting.

If your child is over five, you may want to try to get an EHCP if they have been getting help on SEN Support and don't seem to be making reasonable progress, if they are being excluded or are distressed about school or you feel they need to move to a special school or facility.

It has the reputation of being a long, drawn-out and daunting process full of complications. In practice it wasn't half as bad as I expected. So grit your teeth, head up high and 'go for it'!

Independent Supporters

If you are going through the assessment process to get an EHCP you can use Amaze for information, advice and support at any point. But you may also be offered an Independent Supporter (IS). This is a new role that the government has agreed to fund from 2014 to 2016 as the new SEND system beds in. The idea is that parents and young people who might find it less easy to be fully involved in the EHC assessment process should have someone independent of the LA to support them through it more individually. Locally, Independent Support is being provided by Amaze. At the time of writing, the exact details of how and when you may be offered an IS are still being decided, but ask Amaze or your casework officer if you think this extra support is what you need.

Requesting a statutory EHC assessment

The first step in the process is making a request to the LA asking them to consider carrying out an EHC needs assessment of the child. This is also called a "statutory assessment" as it is a legally defined procedure. It involves getting advice from a range of professionals, you the parent and the child or young person, to decide if an EHCP is needed. All through this section we will refer to 'the school' but this also applies to early education settings and further education colleges. Either the school or you as parent or your child if they are over 16 can request an assessment. You can do it by contacting the LA's SEN section. If you want to be sure this will be recognised as a formal request, put it in writing and refer to Section 36 of the Children and Families Act 2014.

When the LA receives the request, you will be given the name of a casework officer in the SEN team who will be responsible for your child's case. They will be the key point of contact for you. However they do not make the decisions. Decisions are made on the recommendation of an SEN panel that meets weekly. The aim of the panel is to make sure the LA make fair and consistent decisions. Panel members include a manager from the SEN team, a senior educational psychologist, representatives from schools and health, and a parent.

There are strict time limits about assessment and producing EHCPs. The whole process from request to final plan should take no more than 20 weeks. The first of these time limits is that the LA has up to six weeks to make their decision about whether to go ahead with an assessment.

If you made the request they will contact the school for information. If the school made the request you will get a letter that asks for your views. You need to make sure that the LA are sent enough information at this point to make a sound decision. At this stage they will only be looking at the information sent by you and the school. The legal test here is whether "it may be necessary for special educational provision to be made for the child in accordance with an EHC plan." So the LA will consider whether all possible support has been given on SEN Support. We explained on page 109 that it is assumed that schools can give up to £6000 worth of SEN help from their own budget. The panel may well turn down a request for assessment if they think the school is not giving this much help, because it could be that the child wouldn't need an EHCP if the school did all they should.

By the end of the six weeks the LA will send you their decision. If they decide not to assess, you have a right of appeal. We have a section later about appeals to the SEN Tribunal, but before doing this you should talk to your school and your casework officer and get advice from Amaze. Often there is room for negotiation at this point. For example the LA may feel the school have not tried everything because the information the school gave was not clear enough. Or there may be medical evidence that the LA did not know about.

How will an EHC assessment be carried out?

If they do decide to assess, the LA have eight to ten weeks in which to carry out the assessment and either issue a draft plan or tell you they have decided not to issue one. The aim of the assessment is to look at the outcomes that will enable the child to progress in their learning and towards adult life, then work out what education, health and social care provision is needed for the child to achieve these outcomes. To make the assessment the LA must ask for advice and information from: parents (or young people over 16); the school or other education setting; health professionals involved with the child; an educational psychologist; social care in some cases; and anyone else you reasonably request. If you have additional reports about your child, you can attach them as part of your parental advice and information to make sure they are considered. If there are up to date reports about your child, the LA should use these and not ask for new ones.

The physio at the special clinic that she goes to and the playgroup did a report as well. Basically, I asked 'Would it be possible to do an assessment report and have it ready, so as soon as the LA officially asks, you can do it straight away?'

If the LA decides an EHCP is not needed they must write to you by week 16 after the request, explaining the reasons for their decision and your right of appeal against this decision. They should also provide written feedback about the information gathered during the assessment, including all the reports, as this can be useful for you and the school.

If the LA decides an EHCP is required, they must send you a draft of the plan, together with copies of all the reports they have received from everyone involved. There is no fixed time limit for this but it should be by about week 14 to be sure to get the final plan complete by week 20. Each LA can choose the format for their EHCP but the law sets out the sections which every plan must include.

The proposed plan will not refer to any school by name, as you have the right to request a particular school or type of school. The LA must tell you where to find information about the schools and colleges that are available for the child to attend. We explain more about this below in the section ‘What will my role be?’

When the proposed plan arrives, you have 15 days to think about it and say if you’re happy with it or not. It is very important that you make use of this opportunity to check the plan carefully. Does it describe your child accurately? Is all the support suggested in the reports mentioned in the plan? Is it specific enough that any school could read it and know what your child needs? Are you happy to agree the Personal Budget in the plan if you asked for one? (See below.) At this point, you have the right to a meeting to discuss the draft plan with an LA officer. Usually, parents only ask for a meeting if they have serious concerns with the plan. If you want to make minor changes you should be able to sort these out over the phone or by email. If you want help understanding and responding to the draft plan, or thinking about what to put as your preferred school, Amaze can offer impartial advice.

By week 20 after the original request, the LA should issue the final EHCP. This will name a school and the amount and arrangements for the Personal Budget if you opted for this. If you disagree with the final plan you have a right of appeal about some sections at this point: the special educational needs, special educational provision and the school placement.

What will my role be?

> *I think they can’t rush parents, because you’re coping with your own emotions as well as what your child needs, and of course, it’s got to be like a step at a time for you, really.*

Under the previous system of assessment and Statements of SEN, parents often described the whole process as frustrating and stressful. One of the main aims of the switch to EHCPs is to involve parents more and make the process more positive for everyone. It is a bit early to say if this will work out but Brighton and Hove’s SEN team are trying to enter into the spirit of this change by working more closely with parents, for example making sure there is a real dialogue between parents and the casework officer.

The plan should begin with you and your child’s views and aspirations. Your information about your child should be taken into account all the way through and particularly when setting outcomes. During the assessment you have the right to be with your child at all interviews, medical tests or any other test. Sometimes a professional may wish to observe your child in the classroom, or talk to them on their own, but they should tell you that they are doing this. You also have the right to ask the LA to get a report from anyone that is reasonable.

Personal budgets

You have the right to ask for a Personal Budget as part of the plan. This is an amount of money identified by the LA to deliver the provision set out in the plan where the parent (or young person) is involved in securing this provision. This is about putting families more in control, but as you may guess it is not as simple as giving you the money to spend on whatever you choose.

If you are interested in a Personal Budget you will need to get more advice from your casework officer or Amaze. If you have an Independent Supporter they can help you think about personal budgets.

Requesting a particular school

You have the right to request a particular school or college if it is:

- a maintained mainstream or special school or nursery school (this includes academies and free schools);
- an FE or sixth form college;
- a non-maintained special school (these are usually run by charities);
- certain independent special schools approved by the Secretary of State under section 41 (this is not common but the independent special school will tell you if this applies).

The LA has to agree with this unless:

- it would be unsuitable for your child's age, ability or special educational needs;
- your child's attendance there would be incompatible with the efficient education of others, or the efficient use of resources (meaning it costs significantly more than a school the LA thinks is suitable).

If you are asking for a mainstream school, the bit about resources does not apply. If you want an independent school you can ask the LA for this and they must give careful consideration to your request, but they do not have a duty to spend public money in this way if they can find a suitable school place for your child.

Tips for coping with the EHC assessment process:

- Have a positive attitude!
- Be polite but persistent.
- Involve yourself as much as you can with the professionals dealing with your case. Don't be afraid of them, they are normal people, not to be avoided. Tackle them cheerfully.

- Always get the name/address of the people dealing with the EHCP or writing reports on your child.
- Make sure you are sent a copy of each advice or report. Keep a file just for these.
- If you do anything by phone, always take the person's name, date of call and short notes of what's said. Keep a notebook handy for this. Make sure you ask for confirmation in writing when you are told something significant on the phone.
- Make use of email if you have it as it saves making repeated calls.
- Get lots of help and advice – there are suggestions of places to ask at the end of this chapter or try other parents.
- Don't forget it's your child; you do some of the choosing; you know your child better than anyone.
- Be flexible and realistic. Consider all the options, but be ready to stick to your guns if you need to.

Annual Reviews

Your child's EHCP must be reviewed by the LA every 12 months as a minimum. You should get at least two weeks' notice of the meeting and you can take someone along with you to these meetings. Your child should also be actively involved in the review process in a way that suits them. The meeting is usually held at the school. The other people who should be invited are the school, the LA casework officer and a representative from both health and social care. Other people involved in working with your child can be asked too. Not everyone will come to every meeting but they should all (including you as parent) be asked for their advice and information about the child before the meeting and these reports should be sent to you two weeks before the meeting. It's important that you have the chance to read all the reports beforehand so that you can think about what you would like to happen at the meeting. If you don’t get them in enough time you can ask to postpone the meeting.

In most cases the school will arrange the annual review meeting and report to the LA afterwards so the LA can complete the annual review process. The meeting must focus on your child’s progress towards meeting the outcomes in the EHC plan. Are any changes needed in the support they get to help them achieve those outcomes? Do the outcomes themselves need updating? Within two weeks of the meeting the school must send a report to the LA. You should get a copy. Check it over to make sure it matches what was said or agreed at the meeting. Within four weeks, the LA must decide on one of three things:

- To continue with the existing EHCP
- To amend or change the EHCP
- To withdraw or ‘cease to maintain’ the EHCP

If the LA decides to change the EHCP, there is a process with time limits that allow for you to comment and appeal the decision if you can’t agree. It is important to realise that an EHCP can only be changed through the annual review process. If they decide to withdraw the EHCP you can appeal if you disagree. Parents can also appeal if the LA decides not to amend the plan after the annual review and you think it should be amended.

Transfer between phases of education

When your child is due to move from one phase of education to the next (e.g. pre-school to school, primary to secondary, secondary to further education) there are special rules. The annual review must happen in enough time to plan ahead for the move. The EHCP must be amended by the 15th February of the year the child is due to move if this is into or between schools. If they are moving on to FE, the deadline is 31st March.

The amended EHCP must name the new school or college. The aim is to allow everyone to plan for a smooth transfer. So for a child coming to the end of primary school, the annual review in Year 5 should talk about what they will need at secondary so you have time to look at the options. Then a review early in Year 6 should pull this together for the LA to complete the amended EHCP by 15th February. This leaves plenty of time for liaison between the primary and secondary school, visits, organising staffing or equipment, etc. It also allows time for an appeal if you are unhappy, and for this to be resolved before September.

Preparing for adulthood in annual reviews

From Year 9 onwards each annual review should also focus on preparing for adulthood and look ahead at what will help the young person move towards things like employment and independent living. This is such an important stage for parents and young people that we cover it in a separate chapter, ‘Looking Ahead’. We also have a handbook for parents of older children called ‘Through the Next Maze’ that follows on from this book.

Review or re-assessment?

If you feel your child’s EHCP needs changes you will usually be able to address this through an annual review. But occasionally there may be circumstances when parents think their child needs a whole new EHC assessment, perhaps because they and the LA are not seeing the child’s needs in the same way. If you or the school request re-assessment the LA have 15 days to say whether or not they agree. If they refuse you have a right of appeal. If they go ahead the process and timescales are the same as for initial assessments.

Appealing to the SEND Tribunal

We have mentioned a few points at which parents have a right of appeal to the Special Educational Needs and Disability First

Tier Tribunal, (sometimes known as SENDIST). This section explains appeals in more detail, but before we start we should say that Brighton & Hove City Council does not have many appeals compared with many other LAs, and if you don't agree with the LA it is usually worth having at least one more try at resolving things locally. You can always ask for a meeting with your casework officer and the assessment manager. Ask Amaze for support with this. It is part of our role as the local SEND Information, Advice and Support Service. There is also a disagreement resolution process and the option of independent mediation. The parts of an EHCP that relate to your child's health and social care needs cannot be considered by the tribunal, but you can still use disagreement resolution and/or mediation if you are unhappy with these, and then use the relevant complaints procedures if necessary. There's more about this in the chapter 'Making systems work for you'.

When you do have a right of appeal, making use of disagreement resolution and mediation does not stop you also making an appeal, but the aim is to resolve some disagreements that might otherwise have ended up at tribunal. So before you can lodge an appeal to the tribunal you have to prove that you have discussed the possibility of mediation with a mediation adviser. But you don't have to agree to mediation following this discussion. If you think this sounds confusing ask Amaze to explain.

If you and the LA can't agree, you may decide you have to appeal. The tribunal is an independent body that hears parents' appeals against LA decisions on statutory assessments and EHCPs. It also deals with some claims of unlawful disability discrimination in education. There are strict timetables for making an appeal and these differ for SEN appeals and disability discrimination claims. It's important to get advice as early as possible if you are considering appealing.

You can appeal to the SEN first tier tribunal if:

- the LA refuses to assess your child after you or the school have requested this;
- the LA decides an EHCP is not needed after assessing your child;
- you disagree with the EHCP sections that describe your child's SEN, the special educational provision specified or the school or type of school named;
- you disagree with an amendment to any of these sections;
- the LA refuse to re-assess your child;
- the LA decide not to amend the EHCP after review or re-assessment;
- the LA decides to stop maintaining the EHCP.

In these cases, the tribunal can change the LA's decision. Going to tribunal is a stressful experience and not to be undertaken lightly. It is the last resort for parents who have been unable to resolve matters with the LA in any other way. Parents who decide to go to appeal need to have energy, be well prepared and have access to the best possible advice and support.

While the tribunal encourages parents to represent themselves at appeals and will take care to treat you fairly, many have found it quite a daunting experience. If you cannot find someone able to help you prepare your appeal, you may decide to think about instructing a solicitor but this can be costly. If you take this route make sure they have a specialism in education law. You may also qualify for free legal assistance so be sure to ask about this, and the fees, before going ahead.

It was an awful hassle to go to appeal, but it was important that the integrated activities he was having should continue. We just had the energy to do it, I suppose.

If you feel your child has been discriminated against on the grounds of their disability, you should start by complaining to the head teacher and governing body of the school. If this does not resolve the matter, you can make a claim of unlawful discrimination against a school on behalf of your child to the SEN first tier tribunal. Some claims of unlawful discrimination will go to admissions appeal panels or, for exclusions, to independent appeals panels. There is more on this in the chapter 'Making Systems Work for You'.

CHILDREN WHO HAVE A STATEMENT OF SEN

We have explained in this chapter all about the new SEND system that started in September 2014. But of course there are many children and young people who were assessed under the old system and have a Statement of SEN. If your child already has a Statement this remains in force despite the law changing. All the details in their Statement and the rights attached to it carry on unchanged until their Statement ends, either because they transfer to an Education, Health and Care Plan (EHCP) under the new system or they finish their education. In this section we look at how things work whilst your child still has a Statement and the process for transferring or converting from a Statement to an EHCP.

Rights while you have a Statement of SEN

The LA continues to be responsible for making sure the special educational provision set out in your child's Statement is delivered. Your child's Statement must still be reviewed annually as before. The process for reviewing Statements and EHCPs is very similar so schools will approach them in much the same way. Nothing changes in terms of who is invited to give their views or attend. You should still get the papers two weeks beforehand. The meeting should look at your child's progress over the year and go over the Statement. If your child is in Year 9 or 10 the meeting should include looking ahead at

the transition from school to college and beyond that to preparing for adulthood.

After the annual review meeting a report must go to the LA and as a result of any recommendations that are made at the meeting, the LA will decide on one of three things:

- To continue with the existing Statement.
- To amend or change the Statement.
- To withdraw or 'cease to maintain' the Statement.

If the LA decides to change the Statement, they will give you a proposed amended version and follow the same procedures and timescales used when producing a new Statement, which means you have the chance to put your views and appeal the decision if you can't agree. If major changes are needed, you and the LA could agree to transfer to an EHCP instead. If the LA decides to withdraw the Statement you can appeal if you disagree. Parents can also appeal if the LA decides not to amend the Statement after the annual review and you think it should be amended.

Transferring from a Statement of SEN to an EHCP

The government has made it clear that they expect more or less the same children to get EHC Plans as got Statements under the old system. The legal test for whether you need an EHCP is the same as it was for a Statement, in effect. This means that nearly all children with a Statement will need to be transferred onto an EHCP. The exception will be children whose Statements cease. This can be because they have made so much progress they no longer need a Statement or an EHCP. This is unusual but it does happen. You can appeal if you disagree. The more common reason will be young people who are leaving education in the next couple of years. This will normally be a natural and positive step onwards for them, but if you think their education needs to continue you may be able to request an EHC assessment at this point. Ask Amaze for advice if you are thinking about this.

When you think about the numbers involved it is clear that it would be an impossible task to transfer everyone at once or even in the space of one year, so local authorities have been given a few years to do it gradually. In Brighton and Hove, the intention is to start with children moving from one phase of education to another (e.g. pre-school to school, primary to secondary, school to further education) so that they have an EHCP in time to plan support for them at the new school or college. For example, all children in Year 6 in 2014/15 will move to an EHCP during Year 6 for Year 7, then all the children who are in Year 6 in 2015/16 and so on. This will be particularly important for young people in Year 11 who are moving from school to FE college. Under the old system their Statement would have ended and they would have got an LDA assessment and a Moving On Plan instead. This was helpful but did not have the same legal status. Now these young people should be transferred to an EHCP and this can continue until they are 19 or in some cases 25.

Another priority group in the first year will be families who took part in the pathfinder trialling EHCPs locally, as their pilot EHC Plans need to be converted to legally binding ones that match the requirements of the new SEND Code. After three years of transferring all children with Statements that are moving up to the next stage of education, most children will have been covered. The LA will mop up any that have not. The details for this are still being finalised but by 2018 all Statements should have been switched to EHCPs.

The process of transfer should begin with a transition review, a bit like an annual review but it will trigger the start of the EHC assessment which we have explained earlier in this chapter. As there is no need for the first six weeks when the LA would decide whether to assess or not, they only have 14 weeks from the date of this meeting to finalise an EHC Plan instead of 20. It is hoped that the assessment will be more straightforward because there will already be plenty of advice and information about the child from the Statement. But if the reports on your child are quite out of date new ones should be collected. And as a parent you will want to be sure that nothing of value in the Statement fails to find its way into the EHCP, so you need to approach the transfer with the same care and attention as when they first got a Statement. You can use Amaze for information, advice and support at any time. You may also be able to have an Independent Supporter as explained above.

Some parents have expressed real anxieties about the transfer from Statements to EHCPs but the idea of the SEND changes was to improve on the old system. In practice you should find that you are more involved than you were in the Statement and the new EHCP will be more comprehensive and focus more on positive outcomes for your child.

FURTHER HELP WITH EDUCATION

Because the area of education is complex and sometimes problematic for parents, it’s important that you get independent help if you need it, especially if you are in disagreement with your child’s school or the LA. Locally, Amaze offers information, advice and support to parents who have a child (0 to 16) or young person (16 to 25) with SEN or disabilities. Amaze staff are independent of the LA, but we work closely with them to ease negotiations between parents, schools and the LA itself. Amaze has a telephone helpline, staff and trained volunteers who can give one-to-one support to parents. We also can offer training aimed at improving communication between parents and providers of services.

It's so difficult not to become emotional at reviews and gatherings at school, especially if something is not working right. It's terribly difficult, and once you've become emotional it's absolutely lost, isn't it? That's why it's lovely if you go with someone you know, so if you suddenly start blubbing they can carry on.

Amaze doesn't represent parents at SEN tribunals, although we can give advice about the appeals process and support you as you go through it. If you want to look for someone to prepare an appeal or represent you at a tribunal we have information about using national organisations and solicitors. If you are on a low income, you may be able to receive free legal advice from a solicitor.

Some organisations for particular special needs such as AFASIC, the Down's Syndrome Association and the British Dyslexia Association have considerable expertise in the field of education and can give advice and support to parents. National organisations such as Contact a Family, IPSEA and the Coram Children's Legal Centre are useful sources of support and they often have informative publications. Campaigning organisations such as the Alliance for Inclusive Education may be helpful for parents who find they face barriers to their children being educated within mainstream schools.

Contact details for all these organisations are listed in the Education section of 'Useful contacts' at the back of this book.

WHO'S WHO IN EDUCATION

Casework Officers	Work in the SEN team in Children's Services dealing with the EHC assessment and plans
Classroom Assistants/ Teaching Assistants	Support and assist class teachers, may give extra help to children with special needs
LDD Advisers	Work in the SEN team. Help young people aged 13 to 19 to make choices about further education and training,
Educational Psychologists	Advise parents, schools and the local authority on children's special educational needs and play a key role in the EHCP process
Individual Healthcare Plan	Document that sets out a child's medical needs and the support they will need at school because of them
Independent Supporter	Someone independent of the LA who can support you through the EHC assessment
Learning Support Assistants/Individual Needs Assistants	Give extra help to children with special needs, individually or in groups
Learning Support Teachers/Individual Needs Teachers	Give extra tuition to children with special needs, together with the class teacher and SENCO
Named Officer	The officer in the SEN team in Children's Services who will deal with your child's case, usually your casework officer

Outreach or Visiting Teachers	Based with learning support services or special schools. They travel from school to school to work with teaching staff, children and parents
PRESENS teacher/ nursery nurse	For children under five with special needs and their families. Visit parents at home and support children in pre-school settings
School Nurses	Work in both special and mainstream schools alongside the school doctor, and are responsible for routine health checks and giving healthcare advice and support.
Special Educational Needs Coordinator (SENCO)	The member of staff in a mainstream school responsible for special educational needs within the school