

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 many of them will need some extra help at some point. Children who have a lot more difficulty learning than most kids their age may be said to have special educational needs (SEN) and they may need more specialist support throughout their school life.

This chapter looks in detail at what SEN means, what the law says about SEN, what kinds of support your child might get and how you and others can work together to make your child's education as successful as possible.

THE ABC OF SEND

What is SEN?

Children and young people can be said to have a special educational need 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, difficulty with communication or with their social, emotional or mental health.

Some children's special educational 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.

There are some children with medical conditions who don't have SEN but do need extra support to be able to attend school and be safe and well while they are there (read more about this on page 117). And there are some disabled children who don't have SEN but who may still 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').

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 head teacher.

What the SEND Code of Practice says schools must do

The Special Educational Needs and Disability (SEND) Code of Practice 2014 is statutory guidance which sets out how the needs of children with SEND should be met in pre-schools, schools and colleges.

In a nutshell, the Code says that 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. The Code also 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 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.

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).

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.

The different levels of support for children with SEND

Differentiation and extra help

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 'quality-first' 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 EHC plan.

EHC Assessments and Plans

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 Education, Health and Care (EHC) needs assessment. This request can come from you as parent, your child if they are 16 plus, the pre-school, school or college, or another professional e.g. from health. 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 challenging so we have a larger section later on in this chapter that goes through 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. You will be keen for your child to have as many opportunities for play and stimulation as possible in their early years. 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 education settings how they should identify and support children with special needs, and sets out the process for assessment and getting an EHCP. But most children get the support they need at pre-school without an EHCP, often with help from the pre-school education specialists that are part of Brighton and Hove Inclusion Support Service (BHISS), so this section will tell you more about the range of pre-school options and the support from BHISS for pre-school children.

Although most children with SEND get the support they need at pre-school without any need for an EHCP, there may be exceptional reasons that mean statutory assessment to get an EHCP is appropriate at an early age. And a small proportion of children with SEND will need an EHCP in time for when they start school. If your child is getting support from BHISS or attending a specialist nursery, the teachers and nursery nurses will discuss this with you. And in most instances they will submit the paperwork to begin the process if you all agree it is needed. Parents can also request statutory assessment themselves. If you feel your child will need an EHCP in time for starting school, you will want to be sure the process starts in good time. See the section on EHC needs assessment later in this chapter.

Playgroups and nurseries

Most children with additional needs 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 workers at BHISS who have expertise on pre-school SEN. If you are worried about how your child is getting on, one thing their pre-school could do is ask BHISS for advice about what to try next. BHISS also has a role in 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 to work out how best to support your child and doing some direct work with your child there.

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. Amaze has a factsheet called 'Choosing Childcare' which has more information.

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 (see the 'Money Matters' chapter) or if you are on Income Support. The Family Information Service can tell you more and help you apply. And at the time of writing there are proposals for some parents to get 30 hours of free early education instead of 15 from September 2017 so ask if you are eligible.

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 BHISS, you could also ask them for advice. Or read more about inclusion funding on page 73.

Specialist pre-schools

If you feel your child may need more help than can be provided at an ordinary pre-school, you may want to know about specialist early years settings. The information in this section is correct at the time of writing, but there are proposals for some changes to the location and arrangements for PRESENS and ICAN so check with Amaze or the Local Offer for the latest information.

For the year before they start school, some children (18 each year) get a place at a specialist assessment and intervention nursery run by **PRESENS**. This means they will go two days a week during term-time to either the Jeanne Saunders Centre or Easthill Park House. They can also be supported to go to a local nursery or playgroup on other days of the week. The teachers and nursery nurses at PRESENS work in partnership with parents and carers throughout the year, plus there will be input from an educational psychologist and speech and language therapist. PRESENS may move to a new single inclusive nursery for pre-school children with SEND on the site of an existing nursery/pre-school. There is also an option from September 2017 for children with very complex needs to attend Downs View or Hillside special school at a pre-school age.

ICAN was a specialist nursery class based at Carden Primary School. From September 2017, this is changing to an outreach service that provides specialist support for a named group of children with severe developmental speech and language difficulties in their local nursery or education setting. This provision will be part of the Brighton and Hove Inclusion Support Service (BHISS). Identified children are supported in their local nursery or setting by a visiting team of professionals including a specialist teacher, specialist practitioner, educational psychologist and speech and language therapist.

There will be 16 -20 places for children with significant speech and language difficulties, who will be three years old at the start of the next academic year. As part of a one year support programme, children will receive regular visits in their nursery for the year before they are due to start school. The aim is to boost children's language so they are ready to join a mainstream school reception class, wherever possible. Staff within the child's nursery or setting will get advice, support and training from the specialist team to deliver a targeted programme of support, either one to one or in small groups, including Makaton signing and symbols.

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. The LA would look first to see if a pre-school place at Downs View or Hillside special school could meet their 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. T21 have a group for under fives with Down syndrome and their parents. Sweet Peas and Little Darlings are groups for parents and younger children with any special need. Amaze lists all local parent-led groups on our website.

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.

Ingfield Manor School for Parents

Based at Ingfield Manor School in West Sussex, their School for Parents is also free 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.

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 SEND in their SEND Information Report. This should be on the school's website and you can find 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 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. Using email is often good but make sure you keep copies.

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 specify 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 the assessment to get an EHCP. There is more about assessments and EHCPs later in this chapter.

Many primary schools in the city currently have a regular joint planning and consultation meeting where they can ask the advice of a group of professionals including an educational psychologist, speech and language therapist, school nurse and teachers from BHISS. Parents don't attend these meetings but could request that their child be discussed.

BHISS – Brighton & Hove Inclusion Support Service

Schools can draw on advice and support from Brighton and Hove Inclusion Support Service (BHISS). This service recently brought together several existing local authority services including educational psychology; language, literacy and ASC support; the sensory needs service; the outreach side of PRESENS; community CAMHS and BILT (behaviour support). The multi-disciplinary BHISS team includes educational psychologists, specialist SEN teachers and practitioners, support staff and primary mental health workers. 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 contact BHISS.

Each school has a link educational psychologist (EP) from BHISS that they may ask to see your child. All schools have access to a certain amount of time from their link 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.

BHISS has teachers and support staff with experience and training on a range of needs. Unlike the previous arrangement of separate learning support services, your child does not have to have a specific diagnosis to get access to the service. It is a more generic approach with a range of expertise to call on, although children with hearing or visual impairments should have some specific input from a sensory needs specialist teacher. Often BHISS workers 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. You should be included in any planning and BHISS staff may be able to offer you some advice too.

Behaviour and Attendance Partnership (BAP)

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

Special school outreach

The local special schools offer advice and support to mainstream schools to promote the successful inclusion of children with complex needs.

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.

Virtual School for Children in Care

For children in care of the local authority, including children living with foster parents, plus some carry-over involvement when children are adopted. They work with schools, social workers and foster carers to ensure that everyone is working towards good educational outcomes for every child in care. They hold the Pupil Premium for all children in care in Brighton and Hove schools and ensure that this is spent well for the individual child's needs.

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 and the school nurse linked to your school should be a source of advice for you and the school. 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 EHC plan.

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 units

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. At the time of writing this book there were proposals to reorganise the special provision in the city, whilst keeping the same number of places overall, so you should check the Local Offer or call Amaze to get the current position.

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.

Primary

- Autistic spectrum condition facility at West Blatchington Primary School.
- Hearing support facility at Bevendean Primary School.
- Speech and language centre at Carden Primary School

Secondary

- ASC and speech and language facilities at the Swan Centre at Brighton Aldridge Community Academy (BACA) and the Phoenix Centre at Hove Park School.
- Specific learning difficulties (dyslexia) facility at Longhill High School.
- A fourth special facility is currently planned to open in September 2018.
- Hearing unit at Priory School in Lewes (shared with East Sussex).

Brighton and Hove currently 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. Due to the major changes proposed for these schools, we recommend that you check the Local Offer but we give the details here as correct in spring 2017.

The Cedar Centre

Caters for children aged 6 to 16 with complex needs and moderate learning difficulties, mostly from the east of the city.

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 make it hard for them to learn in a mainstream secondary school. However it is proposed that Patcham House closes in July 2018 and it is likely that no new pupils will be placed in this school.

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 (2 to 19 from September 2017), 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 (2 to 16 from September 2017), 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 social, emotional, and mental health needs (SEMH) at Queensdown Road. Other education for pupils with SEMH is provided at the Connected Hub for pupils in year 11 who are struggling to engage in education, and Brighton and Hove PRU for pupils who have been permanently excluded from school (see page 125). The PRU also provide full time school provision for primary age children with an EHCP for SEMH 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 140).

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 SEND. 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 own 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 and expect you to reapply each year. 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 'Bullying' factsheet 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 re-integration 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. Child Law Advice runs a national exclusions helpline too.

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 EHCPs

You may have heard of Statements of SEN. Since September 2014, these have been replaced by Education, Health and Care Plans (EHCPs). An EHCP is a document specifying a child's special educational needs, outcomes wanted for the child and special educational provision to meet those needs and achieve those 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) has a duty to arrange the specified health care provision. Though the law came into effect in September 2014, at the time of writing this book there are still some children and young people who have an old-style Statement of SEN. These children are covered by the old law until their Statement ends, either because they transfer to an Education, Health and Care Plan 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.

Does my child need an EHCP?

Parents may worry that they are not doing all they can for their child if they don't 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 SEND 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 BHISS learning support services or to get special arrangements for taking exams. Their school can provide up to £6000 worth of support to them without an EHCP.

On the other hand, the process of EHC needs assessment can shine a light on a child's needs and bring together expert advice on this. An EHCP will highlight the outcomes you want for your child, set out their needs and the provision that should meet those needs in a document that has some legal weight. And it can bring additional funding to the school to support your child. 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. An EHCP can be in place

from birth and continues, for some young people, until their 25th birthday if they remain in education, but most plans are for children and young people aged four or five to 19.

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 role that the government agreed to fund from 2014 to 2018 as the new SEND system bedded 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 provided by Amaze.

Requesting a statutory EHC needs 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 team. 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. Other professionals such as GPs and health visitors can also request an assessment but this is rare in practice.

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 and building a good relationship with them is helpful. 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 rep.

How will an EHC assessment be carried out?

There are time limits about assessment and producing EHCPs. The whole process from request to final plan should take no more than 20 weeks.

Weeks 1-6

The local authority should consult with you and will consider the information that has been sent in with the request. There is a right to appeal to the SEND Tribunal if the local authority refuses to conduct a needs assessment.

PARENT TIP

- You need to make sure that the LA is 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 may refuse to assess if they don’t get information that shows your child needs more than they could get on SEN Support. If the request is turned down you can appeal but have to first get an explanation of why it was refused. There may be room for negotiation and re-submitting the request.

Weeks 6-16

The local authority seeks information and advice on the child or young person’s needs, the provision to meet those needs and the outcomes that are expected to be achieved. This input will be from parent carers, children and young people, professionals working with them, such as an educational psychologist or health care professional. You may also suggest any other person who can contribute useful information. The local authority does not need to seek new advice if reports already exist and they remain relevant. The parent carer or young person, the person giving the advice and the local authority must all be in agreement that the report is sufficient. Usually an educational psychologist’s report, for example, would not be considered sufficient if it is more than one or two years old.

PARENT TIP

- Ask to see the reports from professionals as they are written. This gives you the opportunity to go back to the professional if you think things are missing or not clear. For example, if the report is not specific enough about the outcomes that should be aimed for or the provision needed, you can ask them to tighten this up. Around week 12 to 14 you should be invited to something called a ‘co-production’ or ‘collation’ meeting. At this meeting you, the SEN casework officer, SENCO and sometimes the EP or one of the other professionals meet to pull together a draft plan from the reports. Make sure you have had time to read the reports beforehand and think about what you want so you make the most of this opportunity to shape the plan.

Weeks 16-18:

You will be sent a draft version of the EHCP and asked if there are any changes you would like to make. This could be a good moment to ask for advice from the Independent Support service at Amaze if you haven’t previously. In some cases, where substantial changes are requested, a second draft may be issued and there may be a delay to the overall timescale. Each LA can choose the format for their EHCP but the law sets out the sections which every plan must include. We explain more about these sections below. 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?’

PARENT TIP

- When the proposed plan arrives, you have 15 days to think about it and say if you’re happy with it or not. 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, but if you want to make minor changes you should be able to sort these out over the phone or by email.

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. The LA will usually produce a school-based plan that makes use of the information gathered through the assessment process.

Weeks 18-20

The final EHCP is produced and the local authority consult with new education providers if a new school or college has been named when the draft is returned. 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 certain sections at this point: the special educational needs described, the 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.

You and your child should be central to the EHCP process. 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. Include your child in as much of the process as possible. The EHCP is about them so it is important that their views and wishes are represented. 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.

Aspirations and outcomes

You should decide on clear aspirations for the future and think about some outcomes for the child or young person. An outcome may be the most important part of the EHCP. It is a change or achievement that you would like to see by the next key stage or in the next two to three years in a number of areas: for example, "Jaya will be able to concentrate and work independently for 15 minutes", "Nick will be able to use speech to get his message across clearly using short phrases and sentences" or "Aaron will be able to interact with people he doesn't know when meeting them for the first time".

Professionals should be working with you to decide outcomes to put into the reports that are used during the EHC needs assessment. Your SEN Caseworker should have a dialogue with you about what you want for your child and you must be happy with the development of the plan from an early stage. It is much easier to make changes while the plan is being developed than to wait until the draft EHCP has been issued. The SEN Caseworker is responsible for making sure that all the outcomes in the EHCP are written in a way that is SMART (Specific, Measurable, Achievable, Realistic, Timebound) so that you can monitor them closely.

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);
- a further education (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.

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.

The EHCP section by section

Every local authority can choose how to set out their EHCPs, but they must include the following 11 sections:

A: Views, interests and aspirations of your child and you as their parent; the long term hopes for their future. Can include their history, interests and strengths. Also how to involve or communicate with them.

B: Special educational needs: including all the identified special educational needs from all the reports. Note that some health or social care needs may be treated as special educational needs (see section F).

C: Health needs: must set out health needs identified by the assessment which relate to your child's special educational needs. So a health issue like epilepsy might relate to their SEN whilst asthma might be important for their health and safety but not their SEN. Can give detail about any other health care needs as well.

D: Social care needs must set out social care needs related to special educational needs, for example help with personal care that helps them be comfortable and able to learn. Must set out needs which lead to provision under section 2 of the Chronically Sick and Disabled Person's Act 1970 (see section H1). May set out other social care needs not linked

to the child or young person's special educational needs (SEN) or disability, for example reference to a child in need or child protection plan, but only with your consent.

E: Outcomes: including a range of outcomes covering education, but also health and care as appropriate. Timescales can vary but should identify things that are achievable with the right provision by the end of the next key stage or over the next two or three years. Can include shorter term steps along the way and some longer term outcomes, also arrangements for monitoring progress. Must distinguish between outcomes and provision; being able to join in a game with a small group of other children their age is an outcome, taking part in a social skills group is provision.

F: Special educational provision must be detailed and specific. This means including the type and amount of support, how often it will be provided, the level of expertise needed, where a personal budget is to be used, and how support will help to meet the outcomes. Provision should match every need identified in section B. Must set out here any health or social care provision which educates or trains a child. This most often applies to therapies such as speech and language or occupational therapy. For instance, where speech and language therapy is needed for a child to learn to communicate and understand or occupational therapy is required to enable a child to sit securely or to grip pens. Health and care provision can be included in both F and G or H.

G: Health provision: including any health provision reasonably required by the learning difficulties or disability which results in special educational needs. Should be detailed, specific, and support the outcomes (see section E). May include specialist support, therapies, medication, nursing or specialist equipment. The relevant health authority (usually the local Clinical Commissioning Group or CCG) has a veto over what goes in this section. The LA and CCG may also choose to include health care provision reasonably required by the child and not linked to their learning difficulties or disabilities, but which should sensibly be co-ordinated with other services in the plan.

H: Social care provision in two sub-sections: H1 - social care provision which must be made under section 2 of the Chronically Sick and Disabled Person's Act 1970. Should be detailed and specific, including the type of support, who will provide it, including use of direct payments. For example, help in the home, or to take part in leisure activities. H2 - any other social care provision reasonably required as a result of SEN. Can include provision identified through social services assessments, safeguarding assessments or adult social care provision for young people over 18. Can also include provision not related to a child or young person's SEN or disability.

I: Placement: naming the school, maintained nursery school, post 16 institution or other institution to be attended by the child or young person (or, where the name of a school or other institution is not specified in the EHCP, the type of school or other institution to be attended by the child or young person). These details must be included only in the final plan, not the draft plan.

J: Personal budget: detailed information on any personal budget that will be used to secure provision in the EHCP, including arrangements in relation to direct payments. The special educational needs and outcomes that are to be met by any direct payments must be specified.

K: Advice and information: must list all the information gathered during the EHC needs assessment. These should be attached as appendices to the plan.

There is a right of appeal to the SEN tribunal about the content of sections B, F and I. And the LA has a duty to secure the provision for the child set out in section F. This is why some parents will want to see if things that might initially be seen as "health" should

actually be considered as special educational needs so they feature in B and F. The legal test for this in section F is whether the provision “educates or trains” the child.

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 a 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 EHCP. 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 into a new school. 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 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 real care to treat you fairly, many have found it quite a daunting experience. You may qualify for free legal assistance (legal aid) and there are organisations such as IPSEA that offer help with tribunals. 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.

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 SEND 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 WITH STATEMENTS 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 had 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 EHCPs 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 have been 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 by April 2018. In Brighton and Hove there is a rolling programme of conversions. As far as possible, children moving from one phase of education to another (e.g. pre-school to school, primary to secondary, secondary to further education) have had a transfer so that they have an EHCP in time to plan support for them at the new school or college. 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. This process is challenging for the LA but at the time of writing they are on target to get it done in 2018 as planned.

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 EHCP 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.

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 or young person (from 0 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 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 Child Law Advice 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 these organisations are listed in the Useful contacts at the back of this book.