

# Special Educational Needs?

## An OAASIS information Sheet

Office for Advice Assistance Support and Information on Special needs

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**Some parents** might not be aware that their child is having problems at school: at home their son or daughter may be the ideal child, always helpful, never getting into trouble.

**Some schools** may not be aware when a child in their care is experiencing problems: at school he never misbehaves, is always quiet and attentive, if not the life and soul of the class. But at home things may be very different.

If any of the above applies, then this Information Sheet may help you. Remember, things take time: if you believe that your child has a problem which may hinder his ability to learn or interact with others while at school without some form of support, **then the quicker you act the sooner that help can be given.**

### Definition of Special Educational Needs:

The **Education Act 1996, section 312**, explains that a child has SEN if they have a learning difficulty which calls for special educational provision to be made for them. A child has a learning difficulty if they:

- have a significantly greater difficulty in learning than the majority of children the same age; or
- have a disability which prevents or hinders them from making use of educational facilities of a kind generally provided for children of the same age in schools within the area of the LEA.

**Children with Special Educational Needs** are covered by the revised **Special Educational Needs Code of Practice** which took effect from January 2002 and reflects changes in the **Disability Discrimination Act 1995**, the **Education Act 1996**, the **Human Rights Act 1998** and particularly the **SEN and Disability Act 2001**. Paper copies of the Code of Practice can be obtained by ringing the DfES at **0845 602 2260** or you can see and print out the document at [www.teachernet.gov.uk/\\_doc/3724/SENCodeOfPractice.pdf](http://www.teachernet.gov.uk/_doc/3724/SENCodeOfPractice.pdf)

### The main points of the revised Code are:

- it applies only to England, not Wales or Scotland
- that the views of the child must be sought and taken into account (even if special help or arrangements are needed to do so)
- flexibility that allows a child who does not have a statement to attend a special school in a number of exceptional circumstances
- in some circumstances a child does not have to go through the various levels of help listed below before a request for an assessment is made
- schools can request a statutory assessment
- LEAs must provide a Parent Partnership Service, and inform parents

It still emphasises that parents must be listened to and that their opinions must be sought and taken into account.

### These are the various levels of help as outlined in the Code:

- Differentiated Learning
- School Action (Early Years Action if the child is between 3 and 5 years of age)
- School Action Plus (or Early Years Action Plus)
- Statutory Assessment
- Statement of Special Educational Need.

If you are the only one who sees a problem – **speak to your child's teacher first.**

### Talking to Teacher

Get their feelings of how your child is coping in class, academically, socially and behaviorally. Ask if whoever is on playground duty could keep an eye on him at break times: is he always alone? Is he the scapegoat in any games? Is your child always a wallflower, or a 'hanger-on', never invited to join in and play with the others? Suggest that now you have raised the concerns with the teacher, she keeps an eye on him for a few weeks before meeting with you again.

### Parent Partnership

All LEAs now have a legal obligation to provide Parent Partnership Service (PPS) and you should be told about this service when you contact the LEA requesting an assessment. Find your local PPS at [www.parentpartnership.org.uk](http://www.parentpartnership.org.uk). They will be a useful source of information on how to write letters to the LEA, who to address them to, any time limitations, how to make an appeal, and which other agencies can help you, support at meetings etc.

### Parent and pupil participation

The revised Code of Practice emphasizes the importance of parent and pupil involvement, and you and your child (as long as he is capable of forming a view) have the right to receive and give information, and to express an opinion which will be taken into account in many matters affecting the child.

If you or your child's school think there is a problem which is preventing him from progressing either academically or socially, then the school will probably start with:

### 1. Differentiated Learning

This means that your child's subject or class teacher will try to help him through learning opportunities that are slightly different from those set out in the National Curriculum. It may mean that he is allowed to complete less work than his classmates; that work is broken down into easy stages for him; that he uses differentiated worksheets to fit his own abilities better, etc. So speak to your child's teacher first. If this does not seem to help:

### 2. The school will initiate School Action (or Early Action for 3-5 year olds).

This means the class teacher/subject teachers or SENCO (Special Educational Needs Coordinator), have identified that he needs interventions that are additional to or different from those provided. He will also get an IEP – an Individual Education Plan. This Plan must list the nature of the difficulties, short term targets, teaching strategies and provision, review dates and importantly the outcome of action taken. IEPs should be discussed with parents and child, a copy given to parents and reviewed regularly (at least 3 times a year).

If he is still not making adequate progress; has emotional /behavioural difficulties which interfere with his/others learning; sensory/physical needs requiring specialist help etc then:

### 3. The school will initiate School Action Plus (or Early Action Plus).

At this stage, following a review of the IEP and after consulting with parents, the SENCO will contact external support services e.g. speech and language therapists, Teacher Advisers etc. They will give support, advice and help set new targets.

Where there is still a concern after a further period then:

#### 4. A Statutory Assessment will be requested.

If your child's school decide that his needs remain so substantial that they cannot be met effectively by the school, even after they have taken action to meet your child's learning difficulties as mentioned above, they can ask the LEA (and with your consent) to make a **Statutory Assessment** of your child's needs. This will mean that various professionals, including the LEA Educational Psychologist attached to his school, will see him.

**Parents can formally request an Assessment too under section 328 or 329.** You may need to do this if your child's school does not feel he has any problems, or thinks that his difficulties are not affecting him enough to warrant this next step. The LEA must comply with this request and must inform the child's head teacher. You will find useful model letters you can use at the IPSEA website [www.ipsea.org.uk](http://www.ipsea.org.uk).

**NB in a small minority of severe cases it is not necessary for your child to have gone through School Action and School Action Plus before you or the school request a statutory assessment.**

**LEAs must decide within six weeks whether to carry out an assessment.** They will have looked at all the evidence provided by the school; parents (you have 29 days to make your representations in this period); and other involved professionals - including attainments, teacher's records, IEP outcomes, social/communication problems, emotional/behavioural difficulties etc.

**Should the LEA decide a statutory assessment is NOT necessary they MUST write to you and explain the reasons** and the provision they consider would meet the child's needs. You may appeal to the SEN Tribunal against such a decision.

If the statutory assessment is to be carried out the LEA will seek further parental, educational, medical, psychological, social services advice from all concerned who must respond within 6 weeks. They must seek the views of the child either directly or through third parties if more suitable. Your child may be called for an examination or assessment. **A decision by the LEA on whether to issue a Statement must be made within 10 weeks.**

#### 5. Statement Of Special Educational Needs.

Once it has been determined that a Statement is necessary to provide for the child's needs **the LEA must draft a proposed statement within two weeks** and send a copy to the parents, including copies of all the advice received. It must state:

- assessment of the special educational needs;
- the provision which will be made to meet those needs;
- any non-educational needs and provision.

The Statement should now be checked extremely carefully to ensure it covers the child's needs

accurately. Advice and information can be obtained from ACE and IPSEA (see Other Sources of Help below). **At this point you can express a preference for the school at which you wish your child to be educated, and request a meeting to discuss the contents of the statement within 15 days of receiving the proposed statement.**

At any meetings or discussions parents can be accompanied by friends, relatives or a member of the local parent partnership organisation.

Should the LEA not agree with your choice of named school they must inform you of your right of appeal to the SEN Tribunal and the time limits allowed.

**A copy of The Final Statement must be issued within 8 weeks of the proposed statement when all points have been agreed upon, or immediately when all differences have been resolved.**

#### Private Education

If your child is at an independent school and you and/or his teachers have concerns, as before, you or the school can contact the LEA to request a statutory assessment, and the LEA must follow the same practice and procedures as if the child were in a maintained school.

#### Summary of Timings

- **If the LEA decide that a Statutory Assessment may be necessary, they must decide and tell the school and/or the parents within 6 weeks** whether or not they will be going ahead with the assessment. **(Within these 6 weeks, parents have a minimum 29 days to give their written views to the LEA).**
- **If LEAs decide to go ahead and make an assessment, they have 10 weeks to seek advice** from other agencies and to make a decision as to whether or not to issue a Statement
- **If they decide to issue a Statement, LEAs have 2 weeks to produce a Proposed Statement and issue it to the parents** and others involved with the child
- **Following the Proposed Statement, LEAs have 8 weeks to consider the parents' views on the Proposed Statement** before issuing the Final Statement.

**There may be some exceptional instances when any of these limits may be exceeded.**

Some LEAs feel that a statutory assessment is enough: the school now knows what they are dealing with, and can start putting in place various strategies to help your child. Instead of writing a Statement, some LEAs may produce a "Note in Lieu".

However, there is no **legal duty** on any school to put procedures or strategies in place unless they are documented in the Statement of Special Educational Need. And if you want your child to go to a specific LEA school, or for the LEA to pay the fees for your child to go to an independent special school, the school must be named in the Statement.

Only a small percentage of children who have a learning disability and a Statement of Special Educational Need cannot cope in their local mainstream school: with the right help and support from both family, school and classmates, many young people with special educational needs can thrive and succeed in mainstream schools, go on to further education and lead perfectly normal, independent adult lives. But for those children whose problems are particularly severe there are LEA maintained schools which have their own special units, LEA maintained special schools, and independent special schools to be considered.

**If your LEA refuses to assess your child,** refuses to issue a Statement following an Assessment, or refuses, through the Statement, to provide your child with the amount of help and support his condition demands, or refuses to name the type of school or the individual school you believe will most appropriately meet his needs – **then you can appeal to the tribunal.**

**If at any point you disagree with your lea's decisions, you should consult an organisation or solicitor versed in education law - see the OASIS information sheet "Legal Help."**

**If your child's case goes to Tribunal and you disagree with the Tribunal's decision we strongly advise that you seek proper professional legal help.**

**SEND (Tribunal Service-Special Educational Needs and Disability)**

**SEN Helpline: 0870 241 2555**

**Website: [www.sendist.gov.uk](http://www.sendist.gov.uk)**

Independent of central and local government, they hear and decide parents' appeals against LEA decisions on SEN. Visit their website for information and guidance for parents.

#### Ways of getting a diagnosis

These methods will not automatically get you a formal assessment: but you may get a diagnosis of a condition by the doctor or other consultant which you can then discuss with your child's school. This may then prompt them to request an assessment. Again, you should make the request yourself in writing, attaching copies of the doctor's or consultant's report.

**You can ask your GP** for a referral to a child assessment centre, or a consultant paediatrician. This would be done under the NHS. You will need to tell your doctor what concerns you have about your child's schooling or social life. Be prepared for a considerable wait before you get your appointment.

**You can pay privately for an opinion from an independent educational psychologist,** a consultation at a private assessment centre, or, usually via a referral from your GP, with a consultant paediatrician. If a solicitor is already acting for you, in some cases the costs involved in getting an expert opinion (which can be quite high for a full assessment and written report) may be covered by legal aid, if you qualify.

# Special Educational Needs?

**Your child may not necessarily have a learning difficulty.** He may be slightly hard of hearing, or short-sighted and need to sit closer to the teacher and the board, or need glasses.

Whatever the experts diagnose, you will probably find that there is a local support group near you where you will be able to talk to other parents of children with the same difficulties, and there may be a national organisation you can contact.

**You will not be alone. Call OAASIS to see if we can help you find some local support.**

## Contact a Family

**Helpline 0808 808 3555**

**Website: [www.cafamily.org.uk](http://www.cafamily.org.uk)**

keeps lists of all national support groups for childhood disorders and syndromes.

## The National Autistic Society

**Helpline: 0845 070 4004**

**[www.autism.org.uk](http://www.autism.org.uk)**

will have details for autistic/Asperger Syndrome support groups at their website.

By investigating and learning all you can about your child's condition, you, your child and his teacher can work together to help overcome the difficulties being experienced.

If your child receives a diagnosis of a learning difficulty from an independent assessment centre or consultant, the report you receive does not have to be used by your LEA when they are deciding whether or not to make a formal assessment. It will, however, indicate that experts believe that your child may have a problem, and copies of any such reports should be sent to your LEA if you are requesting an assessment.

If the LEA decides to carry out a formal assessment then the LEA Educational Psychologist should consider these reports. Parents can also ask for other appropriate advice to be considered. Keep copies of everything you send, and don't forget to date your letters.

The early recognition of any learning difficulty is paramount: so if you firmly believe that your child has a problem do not rest until he has, by one method or another, been assessed.

## Useful Books

**"Special Education Handbook" 9th edition.**

**Advisory Centre for Education.** Practical advice on meetings with schools, examining a statement, disability rights, choosing a school, taking an appeal or complaint through the system.

**Publisher: ACE, 1b Aberdeen Studios, 22 Highbury Grove, London N5 2DQ. £17.99 + p&p**

**To order by credit card - Tel: 020 7354 8318 or visit [www.ace-ed.org.uk](http://www.ace-ed.org.uk)**

**"Special Educational Needs Code of Practice" (date of issue Nov 2001)**

**Publisher: DfES. For a free copy, telephone DfES Publications 0845 602 2260, online**

at [www.dfes.gov.uk](http://www.dfes.gov.uk) or download from:

**[http://www.teachernet.gov.uk/\\_doc/3724/SENCodeOfPractice.pdf](http://www.teachernet.gov.uk/_doc/3724/SENCodeOfPractice.pdf).**

**"Surviving the special educational needs system – How to be a velvet bulldozer"**

Author: Sandy Row, an adoptive parent of 4 siblings who between them had autism, ADHD, dyspraxia and auditory processing problems. Tells her story of misdiagnoses, a long search for help, the SEN system etc.

**Publisher: Jessica Kingsley priced £12.99 + p&p, Website: [www.jkp.com](http://www.jkp.com) Tel: 0207 833 2307**

## Other sources of help:

**Advisory Centre for Education (ACE)**

**Text AskACE to 68808**

**Helpline (open 10am to 5pm): 0808 800 5793**

**Exclusion Information Line: 020 7704 9822**

**Website: [www.ace-ed.org.uk](http://www.ace-ed.org.uk)**

ACE offers free advice and support to parents on SEN issues in England and Wales including exclusion and bullying. They publish many helpful handbooks including the ACE Special Educational Handbook; Tribunal Toolkit: Going to the SEN Tribunal; Appealing for a School; Getting Extra Help and more.

## Contact a Family

**Helpline: 0808 808 3555**

**Website: [www.cafamily.org.uk](http://www.cafamily.org.uk).**

**CaF Scotland: 0131 659 2930**

**CaF Wales: 029 2039 6624**

**CaF N Ireland: 028 9262 7552**

Produces Fact sheets called Special Educational Needs – England, Special Educational Needs – Wales and Additional Support for Learning - Scotland. Phone or download from their website free of charge.

## DfES (Department for Education and Skills)

**website: [www.dfes.gov.uk](http://www.dfes.gov.uk)**

The Special Needs section has useful information on assessments, statements, Parent Partnerships Services and SEN in Under 5's.

## IPSEA: the Independent Panel for Special Education

**Advice Line: 0800 018 4016**

**General Enq and Tribunal Appeals: 01394 384711**

**Website: [www.ipsea.org.uk](http://www.ipsea.org.uk)**

A registered charity providing advice on LEAs' legal duties towards children with SEN. It offers free and independent advice for parents of children with SEN who disagree with an LEA's assessment of their child and offers free representation at the Special Needs tribunal when parents want to appeal. All these services are provided by volunteers who have undergone specialist training.

Their website offers information on exclusion rights and model letters on aspects of the Statementing and Annual Review process.

## ISEA (Scotland)

**Advice Line: 0131 454 0096**

Provides free, independent advice, information and support to parents who have a child/young person with additional support needs, including advice on assessments, placements, appeals, etc. Website: [www.isea.org.uk](http://www.isea.org.uk)

## The National Autistic Society

**Advocacy for Education Helpline: 0845 070 4002**

**Website: [www.autism.org.uk](http://www.autism.org.uk)**

Their helpline provides advice on the appropriate educational provision for children on the autistic spectrum. When phoning this number you can choose either the Education Advice Line for general advice or the Tribunal Support Scheme for parents who are going to Tribunal.

## Network 81

**National Helpline: 0870 770 4405**

**Website: [www.network81.org](http://www.network81.org)**

A network of parents working towards properly resourced inclusive education for children with SEN. They have befrienders, trained in Code of Practice and Education Law, who can support parents at meetings and through the assessment procedures, and helpful publications.

## SENAC (Special Educational Needs Advice Centre)

**Advice Line: 028 9079 5779**

**Website: [www.senac.co.uk](http://www.senac.co.uk)**

The Northern Ireland advice line service for information on the ELBs duty towards children with SEN, especially assessments and statementing issues, also assistance for parents appealing to SEND

## SNIP (in Scotland)

**Helpline: 0131 536 0583**

**Website: [www.snipinfo.org](http://www.snipinfo.org)**

**Email: [snip@btinternet.com](mailto:snip@btinternet.com)**

Provide advice and information on services available to children with additional support needs and their carers and can advise on Education Law in Scotland. (Also provide 'a listening ear').

**Cambian Education Services run seven residential special schools and colleges for young people with autistic spectrum disorders, Asperger Syndrome/HFA, severe learning difficulties. Please contact OAASIS for the prospectuses of our schools and college specifically for autism.**

**OAASIS produces 8 chargeable publications entitled 'First Guide to...'; wallet sized cards explaining 9 learning disabilities and a wide range of free information sheets. Please contact OAASIS (see front of sheet for contact details) for the full list, or view them on the website at [www.oaasis.co.uk](http://www.oaasis.co.uk). All the information sheets are checked annually; please ensure you have the current version.**

Note: The OAASIS Information Sheets use 'he' 'his' 'him' rather than the cumbersome 'he/she' 'his/her' 'him/her'. No sexism is intended.