

Success
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Free
Information
Guide

Services

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Contact Us

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Education Law



If you think your child has Special Educational Needs (SEN) you may be worried that their needs have not been recognised or they are not getting the appropriate provision to meet their needs. This free information guide gives practical advice on what you can do to secure the best education for your child.

The following describes the various events that may take place if you find yourself concerned about your child's needs and/or progress at school.

Special Educational Needs (SEN)

If your child has special educational needs (SEN) it means that they have a learning difficulty or disability that will make it harder for them to learn than other children. If your child has SEN they will need extra help to enable them to progress.

Talk to your child's teacher

Your child's early years are very important academically, emotionally and socially. If you think your child is not making adequate progress or you think they may have SEN then you should talk to your child's teacher straight away. Your child's teacher may think it appropriate to involve the SENCO (Special Educational Needs Coordinator) at the school at this stage.

School Action

If your child's school thinks that your child does have SEN, then some extra help will be provided. The basic level of extra help is known as 'School Action'. Your child may need:

- A different way of teaching
- Extra adult support
- Some specialist equipment

Children can be on School Action for only a short time or long term.

School Action Plus

If your child does not make adequate progress with the help they receive under School Action then advice from outside the school will be considered. Advice may be sought from a specialist teacher or from a professional such as a speech and language therapist. This level of help is known as 'School Action Plus'.

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Request for Statutory Assessment

Despite the help from outside, if the school cannot meet the needs of your child then they, or you, can request the local authority to carry out what is known as a statutory assessment of your child's needs.

This is a detailed investigation into what needs your child has and what kind of special help they require. The local authority should decide within 6 weeks of receiving the request whether to carry out an assessment of your child's needs.

If the authority decides not to carry out an assessment, you will have the right to appeal against this decision to the Special Educational Needs and Disability (SEND) Tribunal. You must do so within 2 months of their decision.

Statutory Assessment

If the local authority decides to assess then they will approach various different people for their views about your child. They will approach:

- You
- Your child's school
- An educational psychologist
- A doctor
- Social services, if they are familiar with your child
- Any other relevant person

The local authority should receive all the relevant advice within 6 weeks of seeking it and in has a further 4 weeks to gather together all the information and decide whether to produce what is known as a Statement of Special Educational Need.

Statement of SEN

The local authority may decide that your child's needs do not warrant a statement and if that is the case they will notify you of that decision and advise you about your right to appeal it. You have 2 months to lodge an appeal with the SEND Tribunal from the date of the authority's decision.

If the authority decides to make a statement they will have a further 2 weeks to draft a proposed statement which they will then send out to you. The authority has a further 8 weeks in which to finalise the statement during which time you have an opportunity to comment upon it and request any amendments.

Once the final statement is issued you will again have the right to lodge an appeal in the SEND Tribunal against any part(s) of it and will need to do so within 2 months of the date of the final statement.

SEND Tribunal

To lodge an appeal with the SEND tribunal you will need to complete an appeal form and send it to the tribunal together with your grounds of appeal, that is, your reasons for appealing.

You should also send any documents which support your appeal. It is extremely helpful to have an independent educational psychologist report that supports what you are saying your child needs.

Your appeal will be registered and sent to the local authority who will be given a timescale for responding to your appeal. The tribunal will also issue a set of

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directions which will set out how your appeal will proceed from that point on and provide you with a set of deadlines for providing the tribunal with any further information.

The decision of the tribunal following the hearing will be binding on the local authority.

I believe my child has special educational needs, what should I do?

The law relating to special educational needs can be complicated. If you are worried about your child and feel that you could benefit from some professional advice, you should notify a solicitor.

Fisher Meredith's Education Law Department has an experienced team of dedicated and sympathetic solicitors who can help and advise you as to how best to go about securing the education and provision that your child needs and deserves.

Useful links

The following websites provide further useful information:

www.justice.gov.uk/guidance/court-and-tribunals/tribunals/send

www.direct.gov.uk/en/parents/schoolslearninganddevelopment/specialeducationalneeds

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