

Education, Health and Care Plans in Buckinghamshire:

Getting Started

A Guide for Parents

Independent Support, January 2018

About this guide

This guide has been produced by the Independent Support team in Buckinghamshire drawing on experience over the past 3 years of supporting parents and young people to transfer to Education, Health and Care Plans from statements, and supporting those new to the process.

Its purpose is to help parents who might be interested in seeking an EHC Plan for their child to understand what this involves and how they can get the process started. It reflects our focus on helping parents to understand and benefit from the progressive nature of the special educational needs reforms, which were brought into effect in September 2014. As such, there is some focus on the SEN Code of Practice and the principles, which underpin the reforms in the context of the educational settings, personnel, processes and resources in Bucks.

We hope you find it helpful and would be delighted to receive any feedback you have. Please call 07510 439162, or send comments to tomhilton@adviza.org.uk

Please note: I have made reference to a number of useful sources using search words rather than website addresses. All these have been checked at the time of writing, but please let me know if a search doesn't yield the 'correct' result.

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1 What's it all about?

In September 2014 the special educational needs system in England was reformed. The changes made at that time are positive and, in a nutshell, work like this:

The reforms are based on the premise that a child's life prospects should be the best that they can be – that they live as full a life as possible. So the starting point is not what is done but WHY? So we begin with the **hopes, dreams and aspirations** of the child because it is the only logical place to start and by doing so, at a stroke, we:

- send out the message that we're all interested and ambitious for the child
- show that we all want to try and put the child at the centre
- stop looking at a medical model, what's wrong, not possible, or a bit difficult but focus instead on **what is possible**.

Following on from hopes, dreams and aspirations, we get to **outcomes**. These are defined as the change or difference that happen as a result of some sort of intervention. For example, we might say it would be great if, by the end of Year 5, Ronnie were to be able to conduct a five-minute conversation with a friend without becoming anxious. This is an outcome and it is related to his aspirations and life prospects, and to achieve it there will need to be some action or support or **provision**.

So, we have the **golden thread**:



Another important change is that **children, young people and you, the child's parent, are central to the process**. This is not just a case of asking the parents what they think and possibly taking this into account. Not only must local authorities have regard to the views, wishes and feelings of the child or young person, and the child's parents; they must ensure that the child, young person and the child's parents are provided with the information and support necessary to enable participation in the process and in the decisions made.

Section 19 of the Children and Families Act 2014 makes clear that local authorities, in carrying out their functions under the Act in relation to disabled children and young people and those with special educational needs (SEN), must have regard to:

- ***the views, wishes and feelings of the child or young person, and the child's parents***
- ***the importance of the child or young person, and the child's parents, participating as fully as possible in decisions, and being provided with the information and support necessary to enable participation in those decisions***
- ***the need to support the child or young person, and the child's parents, in order to facilitate the development of the child or young person and to help them achieve the best possible educational and other outcomes, preparing them effectively for adulthood***

SEND Code of Practice 1.1

It is also **useful to know** at the outset that:

- Acronyms and generic terms are used all the time so it may be best to get used to the following ones:

Advice	Reports or other evidence provided by professionals about your child and his/her needs
Child/YP	Child or young person; the terms are often used interchangeably
EHC Needs Assessment	Education, Health and Care Needs Assessment
EHC Plan	Education, Health and Care Plan
IS	Independent Support
LA	Local Authority
Setting	Used here to mean pre-school, school or post-16 institution (e.g. Further Education College)
SEND	Special Educational Needs and Disability – see box below
SENDIASS	Special Educational Needs and Disability Information, Advice and Support Service
SENCo	Special Educational Needs Co-ordinator (Schools). The College equivalent usually has a different title
SENO	Special Educational Needs Officer (Bucks County Council)

Special Educational Needs and Disability

A child or young person has SEN if they have a learning difficulty or disability which calls for special educational provision to be made for him or her.

A child of compulsory school age or a young person has a learning difficulty or disability if he or she:

- ***has a significantly greater difficulty in learning than the majority of others of the same age, or***
- ***has a disability which prevents or hinders him or her from making use of facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions***

For children aged two or more, special educational provision is educational or training provision that is additional to or different from that made generally for other children or young people of the same age.

SEND Code of Practice xiii – xv (pages 15/16)

- An EHC Plan can cover the age range 0-25. A **child** becomes a **young person** when they reach the statutory school leaving age, i.e. the end of Year 11. This is important. Young people are in the driving seat if they want to be, and professionals, by law, must seek the views of the young person first. Most young people will want their parents to be involved, but we should not assume this. In some cases young people may be deemed to be incapable of making decisions, or some decisions – so **mental capacity** will be a factor.
- The process is from ages **0-25**. As long as there are educational objectives, SEN support can continue up to the age of 25.

- It's about **Education, Health and Care**. The aim is to ensure that needs are fully identified and set out, and that educational provision is put in place to meet those needs so that barriers to learning are reduced. These barriers can relate to educational needs and health and social care need insofar as meeting those needs is likely to improve educational outcomes.
- The **Buckinghamshire Local Offer** website is an essential resource for all parents as it includes a great deal of information about the services and support available for children and young people with SEND and their parents. Please see Section 9.
- There are many other **resources** you can use to help you.
 - The **SEND Code of Practice** will be referred to throughout this guide – in the yellow boxes. It provides statutory guidance on duties, policies and procedures relating to Part 3 of the Children and Families Act 2014 and sets out the legal processes; how things should work. There is also a Parent Guide.
 - Another very useful document is this: **Education, Health and Care Plans: Examples of Good Practice**. It is produced by the Council for Disabled Children (CDC).

Please see Section 9 for details of how to find these and other resources.

- It is best to **communicate with the LA on a written, formal basis** when you can. Follow-up any verbal conversations you have with an email and request that all emails you send are acknowledged. Collate and retain all correspondence. This will not only help you to know what has been agreed but also you will be able to evidence action you took, requests you made and the responses you received.
- Use the **impartial support** available. The Independent Support service has been specifically set up to assist with EHC Plans, and Independent Supporters can also help at the first annual review after the Plan is issued.
- You can request an Education **Personal Budget** as part of your EHC Plan funding. Personal budgets are provided where support, which would normally be provided by the LA to a number of children, is either not available to meet a child's particular needs or parents have a preference about how the support might be delivered and by whom. LAs must inform parents and young people about organisations who provide advice and assistance, so that they are able to make informed decisions about Personal Budgets and must consider each request for a Personal Budget on its merits. A Personal Budget is not 'additional' money; it is part of the EHC Plan funding and will be part of the EHC Plan. More information about Personal Budgets in Bucks can be found at the Bucks Local offer website.

2 The graduated approach – to have or not to have an EHC Plan?

This approach, as set out nationally, recognises that there is a continuum of special educational needs and that, where necessary, increasing specialist expertise should be accessed so that the difficulties that a child or young person may be experiencing can be addressed. The level of support provided in a setting will clearly depend on the individual needs of the child. In some cases high quality, differentiated teaching will be sufficient. For others, limited interventions inside or outside the classroom may be required. Some children will require more regular support often on a one-to-one basis. So, the level of support is graduated according to the needs of the child. Settings will document what the needs are, and what support is delivered. These may be called Individual Education Plans or Support Plans.

Where a pupil is identified as having SEN, schools should take action to remove barriers to learning and put effective special educational provision in place. This SEN support should take the form of a four-part cycle through which earlier decisions and actions are revisited, refined and revised with a growing understanding of the pupil's needs and of what supports the pupil in making good progress and securing good outcomes. This is known as the graduated approach. It draws on more detailed approaches, more frequent review and more specialist expertise in successive cycles in order to match interventions to the SEN of children and young people.

SEND Code of Practice 6.44

In Buckinghamshire the support levels are set out in three tiers:

1. Universal support
2. Early SEND Support and
3. Continuing SEND support

Buckinghamshire's Graduated Approach is set out in the Buckinghamshire Local Offer website. (Search 'Bucks local offer graduated'.)

In order to enable the LA to meet the needs of children with SEND, some funding is allocated to settings and some is retained by the LA (the High Needs Block). Settings use their allocated funding to meet the needs of those requiring additional support up to a nominal figure of £6,000. Those who require support above the £6,000 threshold will require funding from the High Needs Block, some will require an EHC Plan. (It is not intended that the High Needs Block is used to fund a learner with significant needs without an EHC Plan except on a short term basis.) It is recognised in the SEND Code of Practice that vast majority of children with SEND will not require an EHC Plan; instead their needs will be met from the funding allocated to settings.

(Nationally the percentage of pupils with SEND is 14.4% and the percentage on a statement or EHC Plan is 2.8% - from *Special Educational Needs in England, Department for Education, January 2017.*)

3 What's covered by an EHC Plan

An EHC plan is a legal document, which describes a child or young person's special educational, health, and social care needs. It explains the extra help that will be given to meet those needs and how that help will support the child or young person. The EHC Plan is drawn up by the LA after an EHC needs assessment.

The plan has 11 sections labelled alphabetically:

- (A) The views, interests and aspirations of your child
- (B) Special educational needs (SEN)
- (C) Health needs related to SEND
- (D) Social care needs related to SEN
- (E) Outcomes - how the extra help will benefit your child
- (F) Special educational provision (support)
- (G) Health provision
- (H) Social care provision
- (I) Placement - type and name of setting
- (J) Personal budget arrangements
- (K) Advice and information - a list of the information gathered during the EHC needs assessment.

The plan should be written so that everyone can understand it. It should be clear and detailed about the amount and type of support your child will get and how the support will help your child.

For more information on what an EHC Plan includes please see the 'Examples of Good Practice', under CDC, Section 9. The Bucks Plan is available on the Local Offer website, again please see Section 9.

4 Going for an EHC Plan: the process

There are two distinct phases in the process:

1. Requesting an EHC Needs Assessment and, if the LA agree to a Needs Assessment
2. The issue of an EHC Plan.

A Requesting a Needs Assessment

If you think that your child may need an EHC Plan because you feel his or her needs are not being met, it's a good idea to talk to the SENCo, or other responsible person at the setting. The setting may agree to make a request directly to the LA. At this stage **you might find it very useful to have a chat with an impartial adviser** – in either SENDIASS or Independent Support. Please see the contact details in Section 9. You will be able to outline your child's needs and explain your concerns. This can be very useful in helping you to decide the best way to proceed, and may save time and effort.

If, after receiving impartial advice you consider that you would like to request a needs assessment, the SEND Code of Practice makes it clear that **a parent or a young person can make such a request**. Wherever possible we would recommend that the setting make the request with the full involvement, backing and support of the parent. However if, having communicated with the setting, you feel that you would prefer to make the request directly then you may do so. In either case, you will be asked for your views and this is the opportunity to set out why you feel that your child has special educational needs, and that the provision required to meet those needs cannot be met from the resources ordinarily available to the setting. (See graduated approach above.)

The LA's decision must be based on the 'legal test'. See the box below:

The decision as to whether or not to agree to an Assessment for an EHC Plan - The Legal Test

The local authority must secure an EHC needs assessment for the child or young person if... the authority is of the opinion that:

- (a) the child or young person has or may have special educational needs, and***
- (b) it may be necessary for special educational provision to be made for the child or young person in accordance with an EHC plan.***

Children and Families Act 2014 Part 3, Section 36, (8)

If you wish to request an EHC Needs Assessment, call or email the SEN team (contact details are in Section 8). They will then contact your child's setting to find out what support they have provided, what effect that support has had, and your child's rate of progress. The SEN Team state that they will take into account all support provided so far and how your child has responded to that support. Within 6 weeks of a request being received by the SEN Team, you will be informed by letter whether or not an assessment will be carried out.

Template letters are available for parents and young people to make a request on the Bucks Local Offer website, (search 'bucks local offer template letter') and for parents only on the Contact website, (search 'contact education health and care needs assessments').

Following the request, you will be asked for your views by the LA in a letter. Do not feel that you only have to provide information in response to questions; include anything you consider relevant; for example:

- Indicate why you believe that your child needs more help than the setting is able to provide
- Explain what his/her special educational needs are, include behavioural difficulties
- Outline the difficulties you are having in the setting and/or at home
- Provide information about the diagnosis/diagnoses
- Indicate what the current type and level of support at the setting is, and who is providing it
- State your reasons for believing that the setting cannot on their own make the provision required to meet need, or why you feel that what is currently being offered is inadequate
- Outline any concerns about progress in relation to his/her peers
- Include details of those from whom the LA should seek advice

It is at this stage that you might find it helpful to contact Independent Support, (See Section 9). Following the receipt of the request, the LA has six weeks to decide whether they agree that they will carry out an assessment for an EHC Plan. This decision should be based on the 'legal test' and the factors in the box below.

IN CONSIDERING WHETHER AN EHC NEEDS ASSESSMENT IS NECESSARY, THE LOCAL AUTHORITY SHOULD CONSIDER whether there is evidence that despite the setting having taken relevant and purposeful action to identify, assess and meet the special educational needs of the child or young person, the child or young person has not made expected progress. To inform their decision the local authority will need to take into account a wide range of evidence, and should pay particular attention to:

- ***evidence of the child or young person's academic attainment (or developmental milestones in younger children) and rate of progress***
- ***information about the nature, extent and context of the child or young person's SEN***
- ***evidence of the action already being taken by the setting to meet the child or young person's SEN***
- ***evidence that where progress has been made, it has only been as the result of much additional intervention and support over and above that which is usually provided***
- ***evidence of the child or young person's physical, emotional and social development and health needs, drawing on relevant evidence from clinicians and other health professionals and what has been done to meet these by other agencies, and***
- ***when a young person is aged over 18, the local authority must consider whether the young person requires additional time, in comparison to the majority of others of the same age who do not have special educational needs, to complete their education or training. Remaining in formal education or training should help young people to achieve education and training outcomes, building on what they have learned before and preparing them for adult life.***

SEND Code of Practice 9.14

The LA will determine whether to assess for an EHC Plan or not. This will be decided at a multi-professional panel known as the SEN Advisory Panel. The purpose of the panel is to provide guidance to enable the LA decision making to be consistent and focused. More information about the SEN Advisory Panel, including membership, can be found by searching 'bucks local offer advisory'.

You will be informed of the decision by letter setting out the reasons for the decision. The letter will also inform you of the right to appeal to the Special Educational Needs and Disability Tribunal, see Section 7.

If the LA **refuse to assess** for an EHC Plan they will offer to meet with you, usually at the current setting. At this meeting, referred to as the Way Forward Meeting in Bucks, the SEN Officer will set out the reasons why the LA did not agree to assess for an EHC Plan. This meeting may involve a discussion about the evidence presented. The Way Forward meeting is not part of the legal process, so you will not find it in the statutory timeline.

If it does not already exist a document called an SEN Support Plan will be drawn up by the setting following the meeting. (If a Support Plan is already in existence, it will be up-dated.) This Plan looks very similar to an EHC Plan, it includes aspirations, outcomes, needs and provision and it will be monitored by the setting. The needs set out in the Support Plan will be met by provision funded from the setting's SEND allocation; learner specific funding will not be drawn down from the LA.

If the LA **agree to assess**, they will proceed as follows.....

B Assessing for an EHC Plan

The letter you receive informing you that the LA will assess for an EHC Plan will state that the purpose of the EHC Needs Assessment is to establish whether or not your child will need support over and above that ordinarily available within a mainstream education setting. When the assessment is complete, the LA will decide whether an EHC Plan is necessary.

To inform their decision the LA will take into account a wide range of evidence. They will ask for advice from the following:

- You
- The head-teacher, manager or principal at the setting
- Health care professionals with a role in your child's health
- An educational psychologist provided by the LA

Social Care evidence will be sought if applicable.

You can also request that the LA ask for advice from any other person you think may be able to contribute to the assessment. This is very important, as there may be needs which have not been identified. It is important to provide reasons and, if possible, evidence as to why this advice should be sought. In addition, some of the advice may be out of date. If so, point this out. Always put any request you make in writing.

The LA have 10 weeks to decide whether or not to issue an EHC Plan.

If they decide that an **EHC Plan is necessary**, the LA will issue you with a draft EHC Plan. The Plan should detail the aspirations of the child/young person and the detailed outcomes that it is envisaged will result from the educational provision set out in the plan, which is in turn aimed at meeting needs. (These may include health and care needs, insofar as educational provision can meet these needs.) It might be useful at this stage to refer back to the golden thread, see page 3.

The draft EHC Plan should clearly set out the outcomes (Section E) and the provision which should enable those outcomes to be achieved, (Sections F and, if applicable, sections G and H).

The SEN Officer at the LA will put the draft plan together drawing on reports provided by the appropriate professionals.

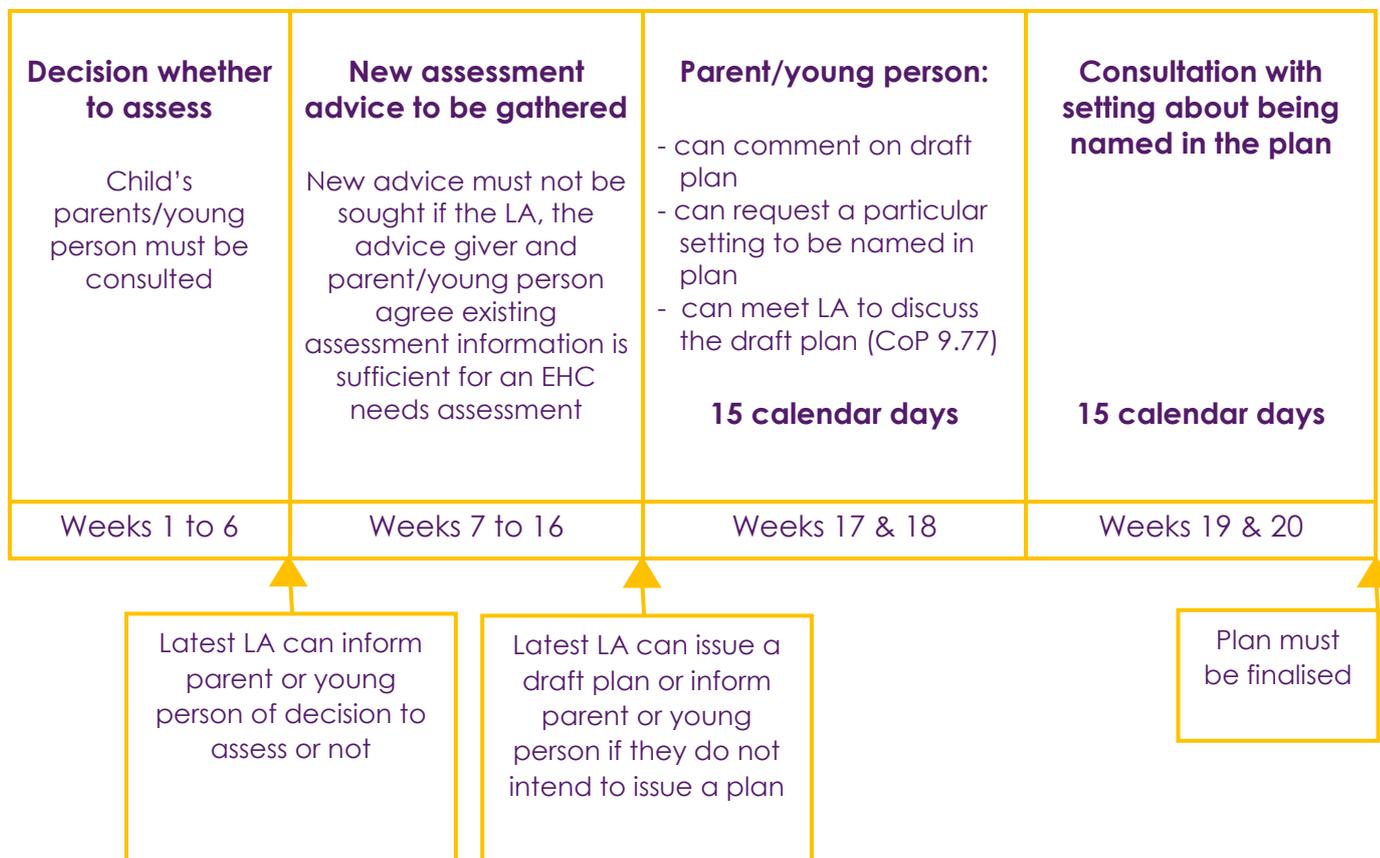
What to look for in the draft EHC Plan – please see page 15.

If your child/young person is **moving to a new setting**, it is at this stage that you be asked to name the type of setting you want e.g. mainstream or special school and the individual school/college you want to have named in the EHC Plan. The LA will then consult with that setting about being named in the EHC plan.

You will have 15 calendar days to respond to the draft plan, express a preference for an educational institution and let the LA know if you wish to request a personal budget, see page 5.

5 Timescales

This is not an open-ended process. Timescales are set so that the process can be carried out fully and concluded in a timely manner. The whole process should be completed in 20 weeks. This is the statutory timeline:



6 How can you be involved?

As set out in Section 1, one of the key features of the reforms was to enable parents to be fully involved in the process. You can be involved at any stage, but here are three areas in which your involvement can have the greatest impact once the LA agrees to assess. In all these areas you might find that **impartial support** can be very helpful to discuss how you can help to ensure that the completed EHC Plan reflects your views – see Section 9.

(1) Section A and All About Me

Section A of the EHC Plan is entitled 'The views, interests and aspirations of the child and his or her parents or the young person'. The SEN team will send you some paperwork to complete, but please do not feel that you have to follow any set format, or be constrained by the headings given to you.

Parents in Bucks are asked to contribute under these headings:

(a) The early years

This may include details about your child as a baby, your child's progress, when you felt things were not right, what help and advice you received and from whom.

(b) What your child is like now

This may include details about general health, physical skills, level of independence e.g. toileting, feeding, dressing, etc., ability to understand other people and make themselves understood, general interests and hobbies, relationships with friends and family, behaviour at home and outside the home.

(c) Your general views

What do you think your child's special educational needs are and how do you think these can be helped? Is your child aware of his/her difficulties?

(d) Child/young person's advice

This advice can be completed by the child/young person using their preferred method of communication e.g. Makaton, PECS, with or without adult support.

- *What are your likes and dislikes?*
- *What do you want from your education?*
- *What are you good at and enjoying doing either in or out of the setting?*
- *What challenges do you face?*
- *What help do you need to manage your difficulties?*

It is helpful if you are able to include something about your child's **aspirations** or goals about the future – see 'What it's all about' and the 'golden thread' at the start of this guide. Don't be afraid of including here things which may appear unrealistic or extremely ambitious. The point is not about achieving the aspiration; it is about a way of thinking and working that starts with putting the child and their views at the centre.

This is a good opportunity to get across to the LA not just what you know about your child's background and needs, but also what you have found works when you are supporting your child. If it works at home then very often it will also work in the setting. It is important to be concise. Set this out under headings and bullet points where you can. Make sure you emphasise the key points. You may be frustrated with the situation and with the LA but do not use this as an opportunity to vent those frustrations.

It is also very helpful to get your child's views if this is possible. Unfortunately, children may not co-operate by giving their views when asked to! It might be a good idea in this case to keep a record of things you hear them say over time, and which you think would be helpful for others to know – and record it in their words.

See 'Examples of Good Practice', Council for Disabled Children Section 9.

(2) Contributing to the setting of outcomes

An outcome can be defined as the benefit or difference made to an individual as a result of an intervention. It should be personal and not expressed from a service perspective; it should be something that those involved have control and influence over, and while it does not always have to be formal or accredited, it should be specific, measurable, achievable, realistic and time bound (SMART). When an outcome is focused on education or training, it will describe what the expected benefit will be to the individual as a result of the educational or training intervention provided. Outcomes are not a description of the service being provided – for example, the provision of three hours of speech and language therapy is not an outcome. In this case, the outcome is what it is intended that the speech and language therapy will help the individual to do that they cannot do now and by when this will be achieved.

SEND Code of Practice 9.66

So what can this 'benefit or difference' look like?

If we take an example, the desired achievement might be:

To hold a conversation with one other pupil for 3 minutes

How might this might be achieved?
for example,

By the end of Key stage 1....

then create a 'stem'

... Ian will be able....

include any further detail/variables

.... Independently....

....to hold a conversation with one other pupil for 3 minutes.

The same format can be used for shorter-term outcomes.

Remember you are not responsible for writing outcomes, the LA is (though this may be delegated to a setting). However, you are likely to have a good idea of what you think your child's needs are and how, with good support, your child can progress – what he or she might be able to do in say a year's time. So why not have a go, and send your outcomes to the LA with your views? After all, you know your child best, and you are likely to have a good idea about what it is that your child might be able to do, and by when.

Doing this at an early stage can be helpful because the LA and other professionals can look at what you've written and either just include it in the Plan or, with good reason, modify your outcomes. Either way it's about your views influencing what will need to be provided for your child. Again you may find that the good practice examples referred to in the CDC paragraph in Section 9 will be helpful.

(3) Reviewing and, if you wish, suggesting changes to the draft EHC Plan

You will see from the timeline that, in a maximum of ten weeks from the decision to Assess for an EHC Plan (assuming that it is agreed to issue an EHC Plan) a draft plan must be issued, and parents have two weeks to comment on the draft plan. This is not very long so it is essential that you know WHEN you will get the draft plan back. It is a maximum of 10 weeks, but it might be sooner. If you have not been told ask the LA in writing what date you might expect to receive the draft plan. Once you have received it you have 15 days to respond; during that time, the LA must make its officers available for a meeting if you wish to hold one. See the box below.

The local authority must send the draft EHC plan (including the appendices containing the advice and information gathered during the EHC needs assessment) to the child's parent or to the young person and give them at least 15 days to give views and make representations on the content.

During this period, the local authority must make its officers available for a meeting with the child's parent or the young person on request if they wish to discuss the content of the draft EHC plan. When the local authority sends the draft EHC plan to the child's parent or the young person the following apply:

SEND Code of Practice 9.77

What to look for in the draft EHC Plan

The following list might help:

- Do I recognise my child? (If a friend looked at the draft EHC Plan would they know it was about my child?)
- Is the information you provided, including needs and outcomes, reflected in the draft EHC Plan?
- Are the aspirations (Section A) clear and do they genuinely reflect what your child/you want for the future?
- Do you agree with the outcomes (Section B) and are they:
 - **S**pecific
 - **M**easurable, how will I know when the outcome has been achieved?
 - **A**chievable, but not limiting
 - **R**ealistic and **R**elevant
 - **T**ime bound. The outcomes shouldn't be open-ended, (Look for phrases like 'at the end of Year 12....')
- Are the needs (section B) which you have identified fully and accurately set out?
- Is the provision (section F) accurate and full:
 - Can you see clearly what is going to be done, by whom and when?
 - Is there provision for every need set out in Section B.
 - Question the use of phrases like 'ongoing' and 'regular'. They are far too vague.

Don't feel you have to re-write it; instead highlight your concerns with some examples.

You may find it useful to discuss the draft EHC Plan with a member of the Independent Support team. IPSEA produce an EHCP plan checklist which you might find helpful. Just search 'IPSEA EHC plan Checklist'.

The LA does not have to agree to any changes which you may suggest, but you may appeal if they don't – see the box below and Section 7.

When changes are suggested to the draft EHC plan by the child's parent or the young person and agreed by the local authority, the draft plan should be amended and issued as the final EHC plan as quickly as possible. The final EHC plan can differ from the draft EHC plan only as a result of any representations made by the child's parent or the young person (including a request for a Personal Budget) and decisions made about the school or other institution (or type of school or other institution) to be named in the EHC plan. The local authority must not make any other changes – if the local authority wishes to make other changes it must re-issue the draft EHC plan to the child's parent or the young person

Where changes suggested by the child's parent or the young person are not agreed, the local authority may still proceed to issue the final EHC plan.

In either case the local authority must notify the child's parent or the young person of their right to appeal to the Tribunal and the time limit for doing so, of the requirement for them to consider mediation should they wish to appeal, and the availability of information, advice and support and disagreement resolution services....

SEND Code of Practice 9.125 and 9.126

7 What if you're not happy.....?

Most areas of disagreement can be resolved by discussion. Very few parents want to go to the trouble of lodging an appeal; they would prefer that any issues were resolved amicably and speedily.

If you are considering an appeal you might find it helpful first to talk to the SEN Officer working on your case as they may be able to help you and the LA to come to a solution. SENDIASS will support you in considering how to proceed and help in any discussions with the SEN Officer.

Appeals can be lodged against the following:

- Refusal to carry out a needs assessment
- Refusal to issue an EHC Plan*
- Description of SEND or provision in a final EHC Plan
- Decision not to reassess or not to amend, or replace the Plan after review or re-assessment
- Decision to cease a Plan
- Setting named/type of school named/or no setting is named in a final EHC Plan

*All refusal to assess appeals which are dealt with by way of a 'paper hearing' and parents will not be required to attend a Tribunal hearing.

Along with their decisions, the SEN Team will provide information about mediation and how to make an appeal. There is also a section on the Bucks Local offer website. Please search 'Bucks SEN What to do if I'm not happy'.

Mediation

No one is bound to go to mediation but it is necessary to obtain a certificate stating that it has been considered before an appeal can be made (This isn't necessary for appeals against placements.) If mediation is agreed, a mediation adviser will notify the LA within 3 working days and will arrange a meeting within 30 working days. Mediation is confidential and binding on all parties but is disregarded at any subsequent SEND tribunal. The mediation adviser must give 5 working days' notice, of the date and venue for mediation which will be held in a neutral, convenient location.

Disagreement Resolution

A structured but faster and less adversarial way to resolve disputes than formal appeal. It can be used alone or alongside mediation, appeals and complaints and is applicable to all SEND issues, not just those within the EHC assessment and planning process.

The Appeals Process

There is an excellent question and answer guide to the Appeals Process available from the Courts and Tribunals Service. You can find it by searching 'HMCTS how to appeal an SEN decision'.

Appeals must normally be lodged with the First Tier SEND Tribunal within 2 months of decisions being communicated by the LA, or within 1 month of mediation. The SEND Tribunal issues legally binding decisions. (The SEND Tribunal is part of the system of courts

and tribunals which makes decisions in appeals and claims in relation to children and young people's SEND.)

What do you need in order to appeal?

If you wish to lodge an appeal with the Tribunal then you *must* submit the following:

- An appeal form (which can be downloaded from the SEND Tribunal's website, just search 'SEND court tribunal form finder');
- Your LA decision letter - this will state that you have two months in which to appeal from the date of the letter;
- A mediation certificate (this is mandatory if you wish to appeal against an EHC-related decision, unless the dispute is about the naming of a school). A mediation certificate can be obtained by contacting the number provided in the Bucks decision letter. You can then appeal within one month of obtaining this certificate. Therefore, the mediation certificate can potentially extend your appeal deadline;
- EHC plan complete with appendices;
- Your Grounds of Appeal (which detail your reasons for appealing the decision).

You will receive a 'Letter of Registration' which confirms that your appeal has been registered and your appeal number. It will also set out the date of a **hearing** and relevant deadlines.

Who will be at the hearing?

The hearing will be heard by a panel of two/three persons, consisting of one Tribunal Judge and one/ two specialist members, with experience of special educational needs. The LA/LA representative and the parents/young person and, if requested, their representative will be in attendance, as will any witnesses they wish to bring along (up to three).

What happens after the hearing?

You should expect to receive a written decision regarding your case within 10 working days of the hearing.

Legal help may be available and can be applied by searching 'gov civil legal advice'. It includes support from a solicitor to prepare the case and possible funding for additional evidence needed such as reports from independent experts. It does NOT include support at the hearing. SENDIASS should be able to provide information about additional sources of legal help.

Claims can also be brought on grounds of **disability discrimination**. Discrimination against a disabled child can occur in two possible ways.

- treating a disabled pupil or prospective pupil less favourably, for a reason relating to his or her disability, than someone to whom that reason does not apply or

- failing to take reasonable steps to ensure that disabled pupils or prospective pupils are not placed at a substantial disadvantage in comparison with their non-disabled peers, without justification. This is known as reasonable adjustments.

Claims of disability discrimination against a school can be made to the SEND (Disability) Tribunal. A claim against a Further Education College or the LA is brought in the County Court. Again SENDIASS can provide help if you feel that your child has been discriminated against.

Other areas can be challenged, for example a setting or the LA not carrying out their SEN responsibilities – please see 'IPSEA challenging decisions'.

8 SEN staff in Bucks

The Special Educational Needs team based at County Hall in Aylesbury are responsible for EHC Plans in Bucks. They have a team of SEN officers (SENOs). You will be allocated a SENO once you are in the EHC Needs Assessment process. Special educational Needs Co-ordinators (SENCOs), or equivalents, based in the setting are also central to the process. They maintain a SEND register and are responsible for co-ordinating SEND support in the setting using the graduated approach. In addition they may be delegated the responsibility of writing the EHC Plan. In Colleges, the title of the responsible person may be different, for example Learning Support Manager.

The SEN team can be contacted on 01296 382269, or email sen@buckscc.gov.uk

9 Resources and support

The **SEND Code of Practice** is referred to throughout this guide. (Search 'SEND code of practice DfE'). It's a huge document, but you may find it very helpful to be able to quote from it. Use 'control f' to find what you need using a key word. There is also a very useful **SEND Guide for Parents**. (Search 'SEND guide for parents DfE'.)

Locally a great deal of help is available including:

The **Buckinghamshire Local Offer** website is an essential resource for all parents as it includes a great deal of information for children, young people with SEND and their parents about the services and support available. Every LA in England must, by law, have a Local Offer.

It is broad ranging including education, social care, health, housing and leisure activities. The best way to access the website is to search 'Bucks Local Offer'. The website is managed by the Family Information Service (FIS) in Bucks. The FIS team are happy to take calls to help parents navigate their way around the site. You can call them on 01296 383065 in office hours, or complete the on-line form, available on the website.

Independent Support has been specifically set up to support parents and young people with:

- transfers from statements to EHC Plans
- the process of requesting an EHC assessment
- support at the first Annual review post-EHC Plan

The service, which is provided by the charity Adviza, is currently only funded up to the end of March 2018, but support with EHC Plans will continue to be available via SENDIASS.

Special Educational Needs Information, Advice and Support Service (SENDIASS) provide dedicated and impartial advice to children, young people and parents relating to a wide range of issues including provision, exclusions, changes of setting and appeals.

Independent Support and SENDIASS work very closely together in Bucks, providing a 'one stop shop'. The services, which are free of charge, can be contacted on 01296 383754 and sendias@buckscc.gov.uk

Parents often feel it is helpful to get together with other parents for encouragement and support as well as advice and information. Each LA must have a parent/carer forum – in Bucks the forum is known as Families and Carers Together in Buckinghamshire - shortened to **FACT Bucks**. The group meet regularly to discuss issues of concern and work directly with the LA. In addition there are a number of disability-specific groups in Bucks, all contactable via Fact Bucks - 07548 095363, admin@factbucks.org.uk PO Box 1032, Aylesbury, HP22 9NL. Search 'FACT Bucks'.

There are a number of useful resources available **nationally**. You might find the following websites particularly useful:

Independent Parental Special Education Advice (IPSEA) www.ipsea.org.uk

Has free resources, which you can download. Includes model letters, frequently asked questions and a jargon buster. They also run an advice line; you can book appointments. . IPSEA also produce an EHC Plan checklist which you might find helpful. Just search 'IPSEA EHC plan checklist'.

Council for Disabled Children (CDC) www.councilfordisabledchildren.org.uk/about

This is an umbrella body for the disabled children's sector bringing together professionals, practitioners and policy-makers. It does contain lots of useful resources and links for parents. From the homepage go to 'help and resources' then 'I'm a parent'. The CDC also produce '**Education, Health and Care Plans: Examples of Good Practice**'. To find this search 'Education, Health and Care Plans: Examples of Good Practice'.

Contact www.contact.org.uk

As well as some excellent resources, Contact provide direct advice and support services to parents. They host a free national helpline, 0808 808 3555. You will also find a parent template letter to request an EHC Needs Assessment by searching 'Contact Education Health and Care Needs Assessments'.

