



IPSEA

Independent Parental Special Education Advice

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With or without a diagnosis of a particular condition, what kind of support can I expect for my child's SEN in school?

By itself, having a diagnosis or assessment of a particular condition or learning disability would not automatically lead to a particular form or level of support provision. It might provide pointers, but the key questions are:

- What are the child's learning difficulties – what does he or she find difficult to do in the classroom (or indeed elsewhere in school)?
- What is the support provision that's necessary to address the difficulties and meet the identified special educational needs?
- What outcomes should the planned support be aiming to help the child to achieve?

Following the introduction of Children and Families Act 2014, the majority of schools (except for independent schools) will now have statutory duties towards those with SEN and disabilities, and they will also be required to have regard to the SEN and Disability Code of Practice 2015 – and to explain any departure from it. You can find the SEN and Disability Code of Practice here:

https://www.ipsea.org.uk/file-manager/SENlaw/send_code_of_practice_january_2015.pdf

The Code of Practice is 'guidance' on the law, but is a very helpful place to start. Chapter 6 of the Code of Practice explains how schools should be supporting children with special educational needs and paragraph 6.2 of the Code says:

*'Every school is required to identify and address the SEN of the pupils that they support. Mainstream schools [...] **must**:*

- *use their best endeavours to make sure that a child with SEN gets the support they need – this means doing everything they can to meet children and young people's SEN'.*

Any reference within the Code of Practice to something which a body "**must**" do, will indicate that there is an underlying statutory requirement which means the body has to act in that way. The requirement at paragraph 6.2 of the Code of Practice is underpinned by the duty on the governing body of school which is set out in s66 (2) of the Children and Families Act 2014 and requires the governing body to use its best endeavours to ensure that children with SEN receive the provision that they require.

The SEND Code of Practice 0-25 identifies four broad areas of need:

- communication and interaction
 - cognition and learning
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- social, emotional and mental health
- sensory and/or physical needs

Under the SEN and Disability Code of Practice any child with special educational needs should have their difficulties addressed and supported under 'SEN Support'.

At the SEN Support stage, the school's planning to meet a child's SEN should follow a four part 'cycle of action':

- assess the difficulty;
- plan the support intervention;
- put it into place;
- and then review its effectiveness (with your involvement).

The focus of the four-part cycle of SEN Support is on the child achieving identified 'outcomes'. If outcomes aren't being achieved, it will provide evidence that more or different support is needed. The four-part cycle of action is expected to be ongoing if a child is not achieving the planned outcomes, with the school seeking the input of specialist agencies (the most obvious of which is the school's liaison educational psychologist) when it's evident that more in-depth assessment and understanding of the child's needs is called for.

Local Authorities will almost certainly have a specialist support and advisory service, which will have specialist teachers who can provide support to the school and advise on appropriate support strategies. However, services such as this (or the input of an educational psychologist) are now often 'traded' or 'commissioned' services which the school may have to buy in using their own budgets.

However, there is an expectation, in the Code of Practice that schools will seek specialist support where necessary. For example, para 6.59 states:

"Schools may involve specialists at any point to advise them on early identification of SEN and effective support and interventions. A school should always involve a specialist where a pupil continues to make little or no progress or where they continue to work at levels substantially below those expected of pupils of a similar age despite evidence-based SEN support delivered by appropriately trained staff. The pupil's parents should always be involved in any decision to involve specialists. The involvement of specialists and what was discussed or agreed should be recorded and shared with the parents and teaching staff supporting the child in the same way as other SEN support."

All mainstream schools receive funding for meeting children's SEN through a delegated SEN budget. For maintained schools this comes from the Local Authority; Academies receive a comparable budget from the Educational Funding Agency. If a school (either a maintained school or an Academy) cannot provide the amount of support that a child needs, they can ask the Local Authority for further funding. However, each school is expected to fund the first £6,000 of support provision from their delegated SEN budget before they are expected to ask for further funding.

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The £6,000 figure is not a threshold that the school must cross or meet before a request for an EHC needs assessment can be considered, but Local Authorities may, wrongly, seek to use it as such. If an EHC plan is issued, Local Authorities would routinely expect that the school will find the first £6,000 of support provision from their delegated SEN budget, but there is no requirement to show that such an amount has been spent before a request for an EHC needs assessment can be made.

In reality, it is frequently the case that the amount of the school's delegated SEN budget will not necessarily be enough to cover the cost of the SEN provision for all of the children identified as having SEN, particularly if they have a high number of children with complex needs. If the school have used all of this budget, and can show the Local Authority that they don't have any further resources but a child needs a higher level of support, then this may well indicate that it would be appropriate to take steps to request an EHC needs assessment / secure an EHC plan for that child, as there will be a risk that the special educational provision that they need will not be secured without that.

In such circumstances, or if, for example it is evident that the child needs a very high level of support, which the school is unable to be able to provide, then either the school or you as a parent can make a request for an Education, Health and Care needs assessment - the process that leads to an EHC Plan being issued.

If you think that your child may need the additional support of an EHC plan, and you wish to make a request for an EHC needs assessment, there is a lot of information on our web site about EHC needs assessments here:

<https://www.ipsea.org.uk/what-you-need-to-know/ehc-needs-assessments>

We can only provide information through this service, rather than offer direct advice. So if you need this, or you wish to discuss the situation with someone, you should book a call with one of our Advice Line volunteers:

<https://www.ipsea.org.uk/contact/advice-and-support/advice-line>