



IPSEA

Independent Parental Special Education Advice

Hunters Court, Debden Road, Saffron Walden, Essex CB11 4AA

My son/daughter has a statement of SEN but the provision in it is not being made: what can I do?

The first point to note is that it is the Local Authority which has a statutory duty to arrange the provision specified in Part 3 of the statement (s.324(5) Education Act 1996). Whilst a school or college will often be delivering it in practice, this duty will mean that if the school or college can't or won't arrange this provision then the Local Authority **must** do so. There are resources about this on the website and a model letter which you can use to complain to the Local Authority if the provision in an EHC plan is not being provided here (FAQ 15 and Common Problem 6):

<http://www.ipsea.org.uk/what-you-need-to-know/frequently-asked-questions-by-topic/statements-fags>

<http://www.ipsea.org.uk/file-manager/SENlaw/FAQs-about-statements/common-problems-and-model-letters-relating-to-statements-of-special-educational-needs.pdf>

Sometimes, the difficulty arises because the special educational provision required by a child or young person is not adequately specified (or specified at all) in the statement. If this is the case, it may not be possible to force the Local Authority (or expect the school) to secure the provision needed because it isn't actually properly set out in the statement.

If the issue is the fact that the provision is not properly specified in the statement, it is possible to seek changes to it. The best time to ask for changes to a statement would be as part of the annual review process, because you would have a right of appeal to the Tribunal if the LA refused to make the changes that you asked for. If no annual review is due soon, then it is possible to ask for an early or emergency annual review, and there are details (including a model letter to use to write to the LA) here:

<http://www.ipsea.org.uk/what-you-need-to-know/frequently-asked-questions-by-topic/statements-fags>

<http://www.ipsea.org.uk/file-manager/SENlaw/FAQs-about-statements/common-problems-and-model-letters-relating-to-statements-of-special-educational-needs.pdf>

FAQs 5 and 6 contain details of how statements should actually be written, and FAQ 18 deals with the situation of what to do if you wish to make changes to a statement at an annual review.

Providing advice to parents of children with special educational needs

The letter for making a request for an early or emergency annual review is in the 'Common Problems' tab above – problem 5.

If your son/daughter's special educational needs have changed and it has been more than 6 months since a statutory assessment was carried out, it is also possible to ask for a re-assessment of their needs, which might also be helpful if the provision in the statement is no longer appropriate and different or additional provision is needed. Again, we have a resources on the website (FAQ 20 in the link above) and a model letter (Common Problem 1) which can be used for this purpose.

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>