

# Understanding SEN Support: your rights Bexley IASS

Welcome to the Bexley Information Advice & Support  
Service (IASS)

IASS is an impartial & confidential service offering information, advice and support to parents and carers of children with Special Educational Needs and/or Disabilities (SEND) and young people with SEND up to 25 years.



# Today's session

## **1. SEN support in Schools:**

Your rights: Understanding the legal basis for making special educational provision

The School SEN report

## **2. The Equality Act**

## **3. Addressing your concerns:**

Approaching the school

Meeting with the school

## **4. Capturing the voice of the child or young person**

## **5. Myth Busting**

## **6. Additional support & Glossary of terms**

# Some useful definitions 1

- **SEN: Special Educational Needs.** A child or young person has SEN if they have a learning difficulty or a disability which means that they require **Special Educational Provision**
- **SEN Support:** The process of supporting a child with Special Educational Needs in school
- **SEP: Special Educational Provision** is when a child or young person needs **additional** or **different** support to that which is given to pupils of the same age
- **APDR:** Assess, Plan, Do, Review – SEN Support should take the form of this four-part cycle involving the parent and carers and the child or young person.
- **Graduated Response:** Where the SEN Support actions are revisited, refined and revised with a growing understanding of the child or young person needs to secure good outcomes for them.

# Some useful definitions 2

- **EHC NA:** Education Health Care Needs Assessment
- **EHCP:** Education Health Care Plan
- **CAMHS:** Child & Adolescent Mental Health Services
- **SALT:** Speech and language Therapy
- **EP:** Educational Psychology
- **OT:** Occupational Therapy
- **SENCO:** Special Educational Needs Coordinator
- **CCG:** NHS Clinical Commissioning Group
- **EYFS:** Early Years Foundation stage education - The standards that school and childcare providers must meet for the learning, development and care of children from birth to 5.
- **PfA:** Preparing for Adulthood
- **SENDist Tribunal:** Special educational Needs and Disability Tribunal

# Some useful definitions 3

Understanding the law will help you in your journey through special educational needs and disabilities system

- **Legislation:** This is the Law
- **Regulations:** Regulations enforce the requirements of Legislation (The Law)
- **Statutory Guidance:** Guidance sets out what schools, colleges and other organisations such as the Local Authority must do in order to follow Legislation (The Law)

# Links to SEND Legislation, Regulations and Guidance



Special Educational Needs  
& Disability Law

[Click Here](#)

[Special Educational  
Needs & Disability Law](#)  
[Click Here](#)



Special Educational Needs  
& Disability Regulations

[Click Here](#)

[Special Educational  
Needs & Disability  
Regulations](#)  
[Click Here](#)



Special Educational Needs  
& Disability Guidance

[Click Here](#)

[Special Educational  
Needs & Disability  
Guidance](#)  
[Click Here](#)

# Part 1: SEN Support

**A parent carers guide to the Law &  
Guidance**



# SEN Support: The Law

## *The Children and Families Act: Section 19 principles*

In making provision must have regard to the...

- a. views, wishes and feelings of the child and his or her parents
- b. importance of the child and his or her parents participating as fully as possible in decisions
- c. importance of the child and his or her parents being provided with the information and support necessary to enable participation in those decisions
- d. need to support the child and his or her parents in order to facilitate the development of the child and to help him or her achieve the best possible educational and other outcomes.



# SEN Support: Statutory Guidance

## ***SEN Code of Practice: Sec 1.25***

Early years providers, schools and colleges should know precisely where children and young people with SEN are in their learning and development.

They should:

- ensure decisions are informed by the insights of parents and those of children and young people themselves
- have high ambitions and set stretching targets for them
- track their progress towards these goals
- keep under review the ***additional or different*** provision that is made for them
- promote positive outcomes in the wider areas of personal and social development, and ensure that the approaches used are based on the best possible evidence and are having the required impact on progress

# Different Duties for EYFS

- EY settings that are not constituted as school are covered by **Part3**
- EY settings that are schools are covered by **Part6** of the Act

Duties in **Part 3** cover discrimination in:

- Refusal to provide a service
- Terms on which the service is provided
- Stopping provision of a service
- Subjecting someone to 'detriment'

Duties in **Part 6** cover discrimination in:

- Admissions
- Provision of education
- Access to any benefit, facility or service
- Exclusion or other forms of 'detriment'

# Areas of Special Educational Need

SEND Code of Practice areas of Need	EYFS areas of development
Cognition and learning	Communication and language Physical development Personal, social and emotional development
Communication and interaction	Literacy Mathematics Understanding the world Expressive arts and design
Social, emotional and mental health	
Sensory and/or physical needs	

# SEN Information Report



**All schools **must** publish details of what SEN provision is available through the information report and co-operate with the local authority in drawing up and reviewing the Local Offer.**

# SEN Information report

## **SEN Information Report must include:**

- ☑ the kinds of special educational needs that are provided for
- ☑ policies for identifying children and young people with SEN and assessing their needs, including the name and contact details of the SENCO (mainstream schools)
- ☑ arrangements for consulting parents of children with SEND and involving them in their child's education
- ☑ arrangements for consulting young people with SEND and involving them in their education
- ☑ arrangements for assessing and reviewing children and young people's progress towards outcomes, including the opportunities available to work with parents and young people as part of this assessment and review
- ☑ arrangements for supporting children and young people in moving between phases of education and in preparing for adulthood. As young people prepare for adulthood outcomes should reflect their ambitions, which could include higher education, employment, independent living and participation in society
- ☑ the approach to teaching children and young people with SEN

- ☑ how adaptations are made to the curriculum and the learning environment of children and young people with SEN
  
- ☑ *the expertise and training of staff to support children and young people with SEN, including how specialist expertise will be secured*
  
- ☑ *evaluating the effectiveness of the provision made for children and young people with SEN*
  
- ☑ how children and young people with SEN are enabled to engage in activities available with children and young people in the school who do not have SEN
  
- ☑ support for improving emotional and social development. *This should include extra pastoral support arrangements for listening to the views of children and young people with SEN and measures to prevent bullying*
  
- ☑ how the school involves other bodies, including health and social care bodies, local authority support services and voluntary sector organisations, in meeting children and young people's SEN and supporting their families

**Should also consider: Children and young people looked after by the local authority who have SEN and how the curriculum has been made accessible.**

# Part 2: Equality Act 2010





# Equality Act 2010: Protected Characteristics

- Legally protects people from discrimination in the workplace and in wider society
- Covers 9 protected characteristics:



Age	Race
Disability	Religion
Gender reassignment	Sex
Marriage and civil partnership	Sexual orientation
Pregnancy and maternity	

# What is the definition of disability?

'A physical or mental impairment which has a substantial and long term adverse effect on your ability to carry out normal day to day activities'



The Equality Act 2010

# Are children with SEN considered Disabled ?

***We cannot assume that a child with SEN is also disabled within the meaning of the EqA. The legislation only applies to children who meet the EqA definition of disability:***

*A person (P) has a disability if –*

*(a) P has a physical or mental impairment, and*

*(b) the impairment has a substantial and long-term adverse effect on P's ability to carry out normal day-to-day activities.*

**Section 6(1)**

# Prohibited Conduct

This is the general term applied to discriminatory behaviour under the Equality Act. There are 6 forms of prohibited conduct:

- Direct discrimination
- Indirect discrimination
- Harassment
- Victimisation
- Discrimination arising from a disability
- A failure to make Reasonable Adjustments

# Prohibited Conduct Examples...

## Direct Discrimination

- A playgroup leaves a child behind when the rest of her group goes to the park to see a puppet show. The girl has learning difficulties and the staff consider that there is no point in taking her as she will not understand the show.

## Indirect Discrimination

- A pre-school has a healthy snacks policy and does not allow children to eat high calorie snacks between meals. This would put a child with Type 1 Diabetes, who needs carefully timed snacks, at a disadvantage.

# Prohibited Conduct Examples...

## **Harassment**

Is behaviour which violates dignity or creates an intimidating, hostile or humiliating environment.

Harassment would include bullying, mocking or belittling a disabled child.

## **Victimisation**

This occurs when someone is treated less favourably because of something they have done or are believed to have done. For instance someone making a complaint about a setting, bringing a case or giving evidence.

# Prohibited Conduct Examples...

## **Discrimination arising from a disability**

- A young boy with autism collects his sandwich box for lunch then queues for a drink. He's anxious and agitated in the queue and when another child teases him and he turns around and bites them. It's a severe bite and the boy with autism is excluded from the setting.

**But...!**

# Prohibited Conduct Examples...

## Failure to make Reasonable Adjustments

Where something a setting does might put a disabled child at a *substantial disadvantage* compared with other children who are not disabled, settings must take reasonable steps to avoid that disadvantage.

- This duty is anticipatory
- Involve parents and children themselves in planning reasonable adjustments
- It includes children with medical conditions
- This is a continuing duty
- It is never lawful to charge for reasonable adjustments



# Reasonable Adjustments Duty

This duty includes 3 key requirements:

1. To make adjustments to any provision, criterion or practice
2. To make alternations to physical features (not schools)
3. To provide auxiliary aids and services

# What is reasonable

- The concept of *reasonableness*' takes into account
  - Costs and available resources
  - Health and safety
  - The interests of other children
  - Practicability

# Excluded Characteristics

- *For the purposes of the Act the following conditions are to be treated as not amounting to impairments:—*
- *(a) a tendency to set fires,*
- *(b) a tendency to steal,*
- *(c) a tendency to physical or sexual abuse of other persons,*
- *(d) exhibitionism, and*
- *(e) voyeurism.*

**Landmark ruling 14<sup>th</sup> August 2018**

# Equality Act 2010

- When's it useful?

Exclusions-

- from school for 'misbehaving',
- from trips,
- from getting proper access to learning.

# Part 3: Addressing your Concerns



# Approaching school with concerns

- GATHER YOUR EVIDENCE.....
- Ask yourself how is my child doing at school
- Look at their journal or reading record book for comments / red flags
- Ask the child what's working well / what's not working
- Are there any behaviour changes
- How are they doing with homework.
- **Always approach the Teacher / Form Tutor first**
- Request a formal meeting
- Keep a written record of agreed actions and follow up

# At the School Meeting: Questions to ask 1

- Are you aware of the Bexley SEN Toolkit?
- Are you using it?
- How are you measuring my child's progress against Age Related Expectations?
- You've told me that my child is not yet working at Age Related Expectations, what additional support is available to help him/her?
- Where have you assessed my child as being at the moment?
- In which areas or skills has my child made progress this year?
- Can I see examples of work that show progress?

# At the School Meeting: Questions to ask 2

- What are my child's next steps in learning?
- How are you supporting my child to make progress in...?
- What can I do to help my child's learning at home?
- Have you asked for outside or specialist advice in order to know how best to support them?  
If so, what difference is the advice they have given making to my child's progress?
- What can I do to help my child's learning at home?



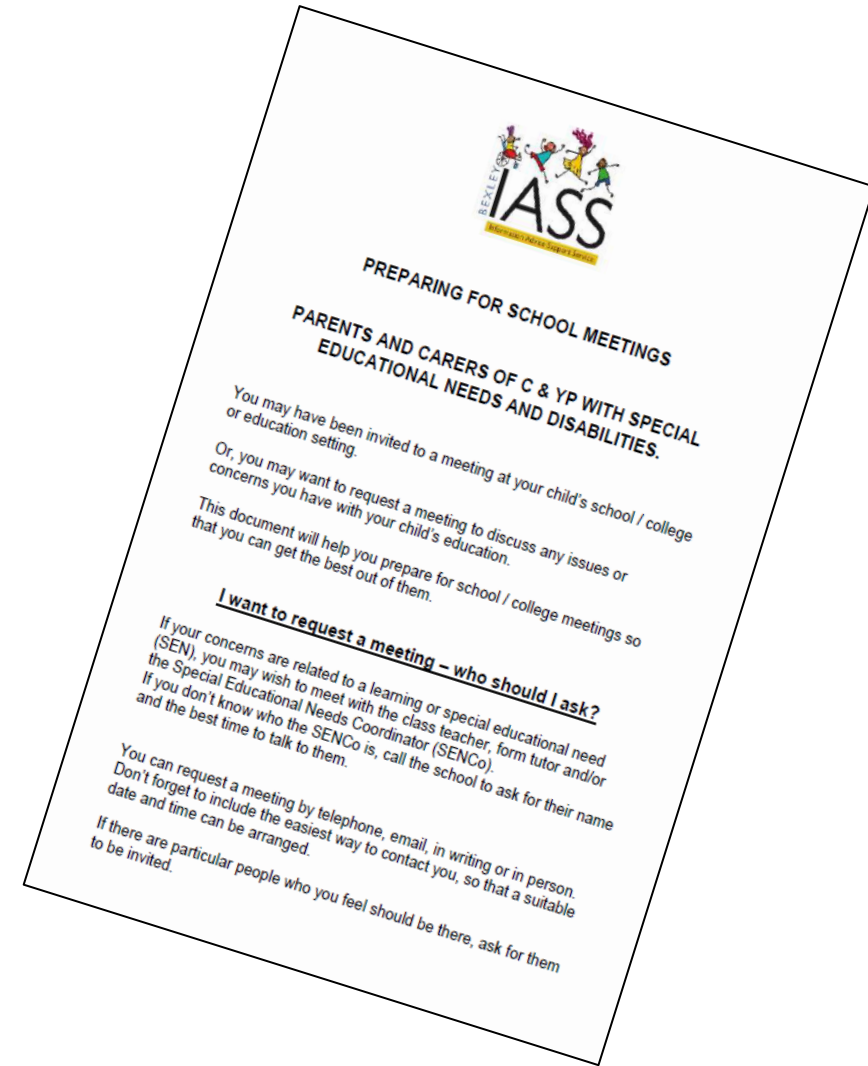
# At the School Meeting: Questions to ask 3

How do you ensure that you understand the individual strengths and needs of my child?

How do you evaluate the impact of any interventions?

How do you record and celebrate successes?

How do you work in partnership with other services to improve outcomes for children with SEND?



# At the School Meeting: C & YP

## The Child or Young Person:

Some young people may want to come to a meeting, some may not.  
Some may manage the first part.

Some may need help expressing their opinions because of communication difficulties.

Its important to ensure....

- They give their opinion beforehand
- Attend part of the meeting if possible
- Draw pictures, make power points, videos, etc.....

# Part 4: The voice of the Child or Young Person



## **Back to the beginning: Section 19 principles again..**

*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 voice of the Child or Young Person

- The most important person in this process is the Child.
- What support do they need / want?
- How are you capturing their voice?

The image shows a sample of a 'My One Page profile' form, tilted at an angle. The form is divided into several sections with handwritten text in cursive:

- Title:** My One Page profile
- Header Section:** A grey bar containing 'Your Name' on the left, 'Age: Occupation:' on the right, and a dashed rectangular box for a photo.
- Section 1:** A pink bar with the text 'What people appreciate about me'.
- Section 2:** A large yellow bar with the text 'What is important to me'.
- Section 3:** A green bar with the text 'How to support me'.

# Part 5: Myth Busting



# Myth busting 1

- We don't have to have a SEN Register
- We don't have to have IEPs any more.
- If your child doesn't have a diagnosis they can't get SEN Support.
- Your child has to have a certain number of ticks on the SEN Support Guidance to be able to get support.

# Myth busting 2

- You only get on the SEN register if you are two years behind
- He's doing better than some of the children in the class so does not need support
- We can't assess for dyslexia – you have to go privately for this
- Parents evening is the same as SEN review meetings



# Myth busting 3

- Targets have to be learning/academic targets
- The SEN budget has been spent so we cannot get any more professionals/services in
- Your child cannot come on X trip because he will be too disruptive
- If you don't accept reduced timetable we will have no choice but to permanently exclude your child

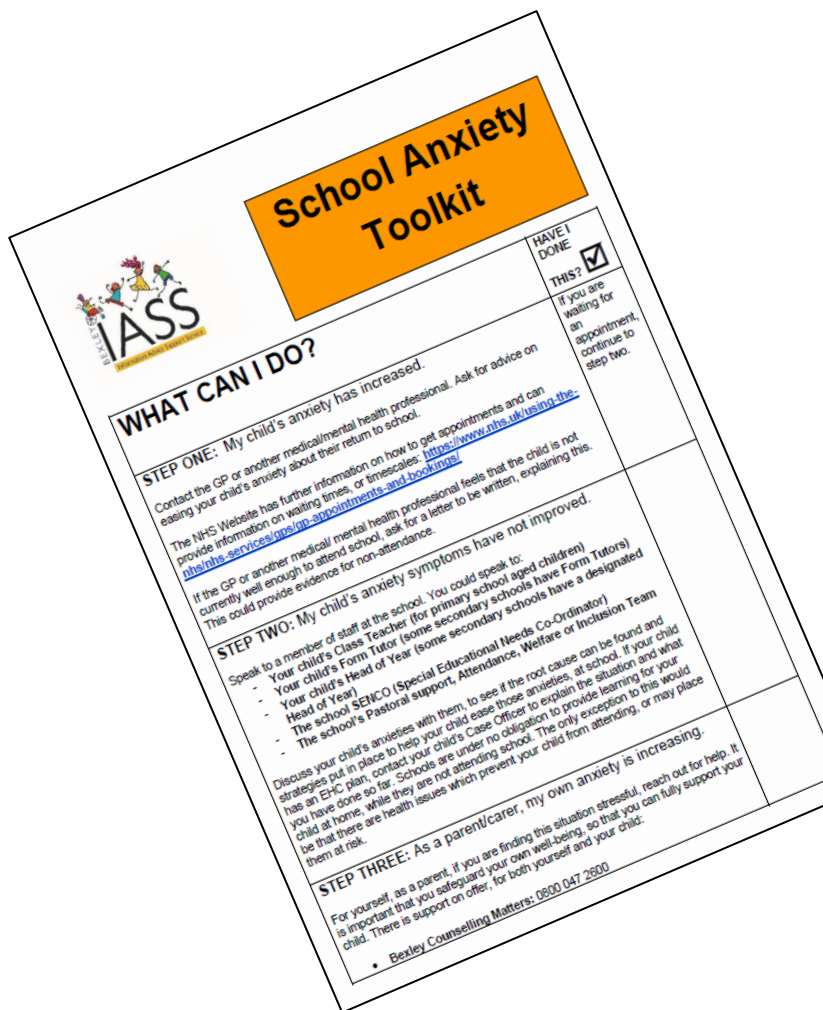
# Part 6: Additional Support & The Bexley IASS Glossary of Terms



# Still sounds daunting?



# Bexley IASS toolkits for Parents & Carers



**School Anxiety Toolkit**

**WHAT CAN I DO?**

**STEP ONE: My child's anxiety has increased.**  
 Contact the GP or another medical/mental health professional. Ask for advice on easing your child's anxiety about their return to school.  
 The NHS Website has further information on how to get appointments and can provide information on waiting times, or timescales: <https://www.nhs.uk/using-the-nhs/services/online-appointments-and-bookings/>


If the GP or another medical/mental health professional feels that the child is not currently well enough to attend school, ask for a letter to be written, explaining this. This could provide evidence for non-attendance.

**STEP TWO: My child's anxiety symptoms have not improved.**  
 Speak to a member of staff at the school. You could speak to:  
 - Your child's Class Teacher (for primary school aged children)  
 - Your child's Form Tutor (some secondary schools have Form Tutors)  
 - Head of Year  
 - The school's SENCO (Special Educational Needs Co-ordinator)  
 - The school's Pastoral support, Attendance, Welfare or Inclusion Team

Discuss your child's anxieties with them, to see if the root cause can be found and strategies put in place to help your child ease those anxieties, at school. If your child has an EHC plan, contact your child's Case Officer to explain the situation and what you have done so far. Schools are under no obligation to provide learning for your child at home, while they are not attending school. The only exception to this would be that there are health issues which prevent your child from attending, or may place them at risk.

**STEP THREE: As a parent/carer, my own anxiety is increasing.**  
 For yourself, as a parent, if you are finding this situation stressful, reach out for help. It is important that you safeguard your own well-being, so that you can fully support your child. There is support on offer, for both yourself and your child.  
 • Bexley Counselling Matters: 0800 047 2800

**HAVE I DONE THIS?**   
 If you are waiting for an appointment, continue to step two.



**PREPARING FOR SCHOOL MEETINGS**

**PARENTS AND CARERS OF C & YP WITH SPECIAL EDUCATIONAL NEEDS AND DISABILITIES.**

You may have been invited to a meeting at your child's school / college or education setting.

Or, you may want to request a meeting to discuss any issues or concerns you have with your child's education.

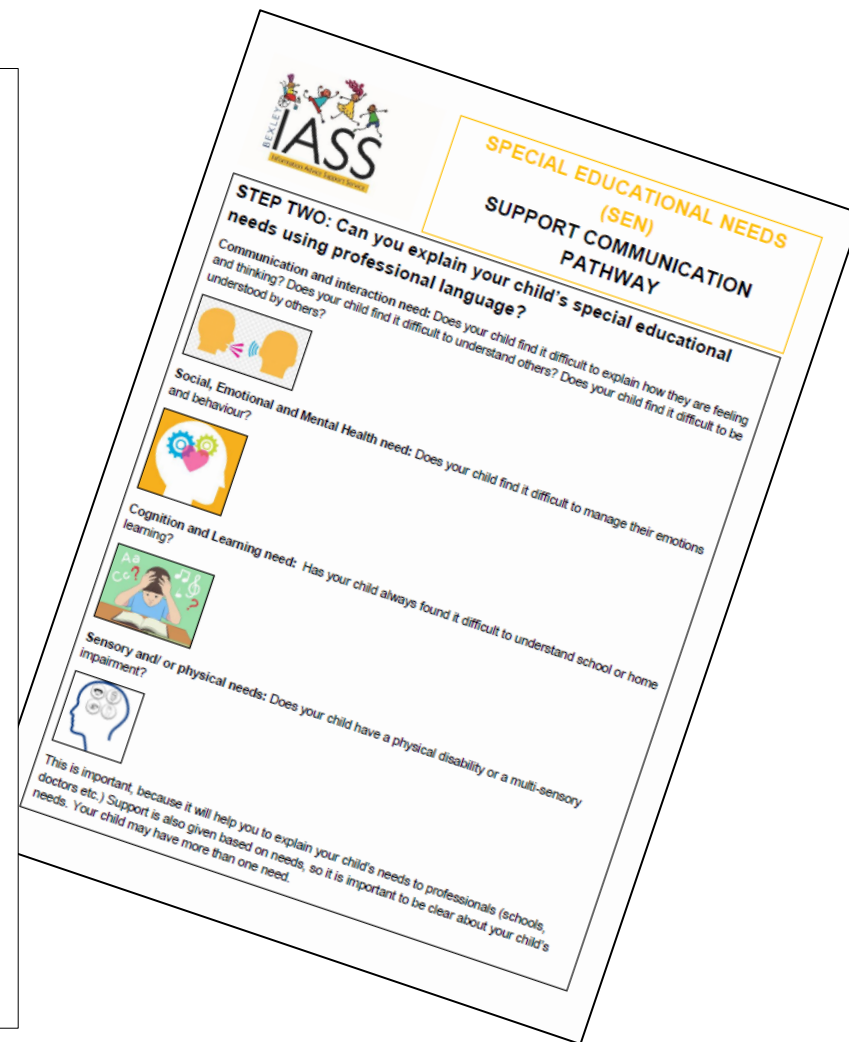
This document will help you prepare for school / college meetings so that you can get the best out of them.

**I want to request a meeting – who should I ask?**

If your concerns are related to a learning or special educational need (SEN), you may wish to meet with the class teacher, form tutor and/or the Special Educational Needs Coordinator (SENCo).  
 If you don't know who the SENCo is, call the school to ask for their name and the best time to talk to them.

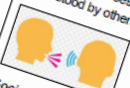
You can request a meeting by telephone, email, in writing or in person. Don't forget to include the easiest way to contact you, so that a suitable date and time can be arranged.


If there are particular people who you feel should be there, ask for them to be invited.





**SPECIAL EDUCATIONAL NEEDS (SEN) SUPPORT COMMUNICATION PATHWAY**

**STEP TWO: Can you explain your child's special educational needs using professional language?**

Communication and interaction need: Does your child find it difficult to explain how they are feeling and thinking? Does your child find it difficult to understand others?  


Social, Emotional and Mental Health need: Does your child find it difficult to manage their emotions and behaviour?  


Cognition and Learning need: Has your child always found it difficult to understand school or home learning?  


Sensory and/or physical needs: Does your child have a physical disability or a multi-sensory impairment?  


This is important, because it will help you to explain your child's needs to professionals (schools, doctors etc.) Support is also given based on needs, so it is important to be clear about your child's needs. Your child may have more than one need.

# Bexley IASS Glossary of terms

## BEXLEY IASS GLOSSARY OF ACRONYMS AND TERMINOLOGY



### **Terminology, Acronyms and Definitions**

This Glossary has been designed for parents & carers of Children & Young People with Special Education Needs and / or Disability ( SEND ) to help in understanding the use of key words within daily working conversations with professionals.

This glossary aiming to give you the reader a greater understanding of common acronyms and terms used in SEND discussions and support with their definition.

The information enclosed is not exhaustive.

# TIME FOR QUESTIONS



# Bexley IASS

**Tel: 020 3045 5976**

**Email: [bexleyiass@bexley.gov.uk](mailto:bexleyiass@bexley.gov.uk)**

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

