

Special Educational Needs and Disability (SEND) in Dudley

Parents/Carers Frequently Asked Questions September 2014



Why are changes being made to the SEN system?

The Government is transforming the system for children and young people with special educational needs (SEN), including those who have disabilities, so that services consistently support the best outcomes for them.

The Children & Families Act extends the SEN system from 0 to 25 years, giving children, young people and their parents' greater control and choice in decisions and ensuring needs are properly met. As well as a new Code of Practice for SEN, there are also changes to the way SEN is funded, as part of the Government's school reform.



What do schools and teachers know about the changes to the statements?

All Dudley school SENCOs have been invited to a series of training sessions organised by the Local Authority and this training and development will continue as the new processes and procedures are developed. Chairs of Governors, SEN Governors, Headteachers, Health and Social Care colleagues have also been kept updated.



Do schools have to follow the new SEN Code of Practice?

All schools must follow the government's SEN Code of Practice, which covers all matters to do with children and young people's special educational needs and disability. Every school has a SEN Co-ordinator (SENCo) responsible for children with special educational needs. Their duties include keeping you regularly informed of your child's needs and progress.

The new Code of Practice will be law from September 2014. All schools and settings have to comply with the Code of Practice even if they are academies or free schools.



Will EHCP's have the same legal duties as statements?

Yes. EHCP's will have specified and quantified Special Educational Provision just like statements do now. This will have to be delivered by a school or setting (or the Local Authority) and can continue up until the age of 25 but only if a young person stays in education or training.



What are the arrangements for changing over to an EHCP?

Government has consulted widely on the timing and length of the transfer period. All Local Authorities will issue an initial timetable in September 2014 which will ensure that all necessary transfers are completed within a 3 and a half year window. Further information will be provided to schools, settings and parents as it becomes available.



Do we have to transfer all children with a current statement of Learning Difficulties Assessment over to the new plans in September?

Government has allowed a 2 year transition period for anyone with a Learning Difficulty Assessment to be moved over to an Education, Health and Care Plan, where this is necessary.

All statements/LDAs will remain valid until the transfer to a new plan has taken place or is deemed no longer necessary.



What will happen to my child's statement in September 2014?

From September 2014 there is a transitional period of 3 and a half years, during which time statements may be transferred into EHCP's. A statement will remain valid until either an EHCP has been developed, or it is agreed that it is no longer necessary.



What happens to my child's statement if they don't meet the threshold for an EHCP?

An EHCP may be issued if the special educational provision necessary to meet a child or young person's needs cannot be reasonably provided through the funding normally available to mainstream schools and settings. Funding arrangements changed in April 2013 and this means that schools and settings now have more funding available to them to meet the SEN needs of their children and young people without the need for an EHCP.



If a school appears not be spending the SEN budget correctly, how can we bring it to the LA's attention?

Schools should be able to respond promptly and efficiently to support children who are not making progress. The majority of children who may have SEN and/or a disability will not need an EHCP in place to get the help they require.

Any concerns a parent may have needs to be brought to the attention of the class teacher and the SENCo.

If you are still worried, you may need to have a meeting with the headteacher. Dudley SENDIASS can attend meetings with you. They can also explain the schools complaints procedures. They may be contacted on Dudley.sendiass@dudley.gov.uk or by telephoning 01384 236677.



What will happen to those children who don't get an EHCP - how will their needs be met?

Prior to the changes, pupils without a statement had their needs met within the funding available to the school or setting. This arrangement has been extended as schools now have additional funding made available directly to them to allow them more flexibility to meet the needs of children and young people without the need for the local authority to be involved. Most pupil's needs will be met through SENS and the funding available within school.



What funding is available to a school to meet the needs of all pupils including those with SEN?

For the vast majority of children in mainstream schools, including those with special needs, money is allocated to them through the school budget. Within the individual school's budget there are two key resources available to the school to meet the needs of all its pupils. It is mainly from these two sources that the majority of support for SEN is provided.

Element 1, the Age Weighted Pupil Unit (AWPU); this is money that is provided to the setting depending on how many pupils there are and their ages. This is intended to pay for the school's curriculum that meets the needs of all children in the school. A proportion of this should be spent on SEN.

Element 2, The SEN Notional Budget; this is the amount a school receives based on any social deprivation the school might experience and where there is lower than expected levels of attainment.



Does each school get the same amount of SEN money or does it work on how many SEN pupils it has?

Every mainstream school receives an additional amount of funding to help it make special educational provision to meet children's SEN.

The amount is based on a formula agreed between schools and the Local Authority. Usually more funding is given to schools that have more children on free school meals and who are not doing as well others in their English and Maths.



What is additional funding for SEN used for?

This money is used to enable schools to offer targeted support for all pupils with SEN, including, for example, teaching support in small groups and some individual work with those pupils who need it.

These resources are available to all children with special needs in mainstream classes whether or not they have Statements of Special Educational Need or an EHCP.



What can reasonably be expected for SEN in mainstream schools and early year's settings?

The recent changes to SEN funding, by the Government, mean that more funding goes directly into schools.

For children and young people with SEN, schools are currently expected to provide up to £6,000 of funding before they can access additional funding or, the equivalent in Dudley, of up to 20 hours of support.



What will happen if it was proposed that a child/young person does not need a Statement or LDA anymore?

In the same way that it would have decided a statement or LDA was not needed, it may be agreed that an Education, Health and Care Plan is not needed, and there are statutory rights of appeal where this may be the case.



When a child/young person already has a statement or an Education, Health and Care Plan, will they continue to have a yearly review?

Yes. EHCPs will continue to be reviewed at least annually, to ensure they still meet the child/young person's needs.



Is an Education, Health and Care Plan used for pre-school children?

Yes. The Education, Health and Care Plans cover all children and young people from birth to 25 years old, where it is required.



Does my child need an EHCP to get help?

No. Resources within schools and settings are used on the basis of individual children's identified needs, and without the need for an EHCP or statutory assessment.

Statutory assessments still have a role in identifying the most severe and complex needs and are necessary if a child is moving from a mainstream to a special school.



What will happen to children or young people at School Action and School Action + in September 2014?

Children at School Action and School Action + will continue to be identified by the schools and settings and their needs will continue to be met. Schools are in receipt of new funding called the SEN Notional Budget and this has been designed by Government to allow school the flexibility to respond to children's needs more quickly and in a flexible way.

The new name from September 2014 for SA and SA+ is Special Educational Needs Support (SENS).



What will happen to School Action and School Action +?

From September 2014, School Action and School Action + are being replaced by a single school-based category for children needing additional SEN support (SENS). Interventions and expected outcomes for these pupils should be set out, and their progress reviewed, each term. Parents will need to be informed by the school or setting when pupils without an Education, Health and Care Plan (EHCP) receive additional SEN support.



Will the EHC plan replace the Moving Forward Plan when my child leaves school?

The Code of Practice does not mention a Moving Forward Plan. However in Dudley, we are looking to ensure that schools and settings will provide the necessary information to enable a successful transition to post 16 settings or placements.



What will happen when someone reaches 25 years old?

Not all young people will need an EHCP until they are 25, most will cease at 18 unless the young person remains in education or training. Where a young person transfers into adult services an individual plan will be made to support any 'transition' into adult care services.



What are the criteria for getting a statutory assessment?

There are no specific criteria quoted in the Code of Practice. The Code simply says that an EHCP is only likely to be needed where the child or young person's needs cannot be met within the resources available to the school or setting. In Dudley we anticipate that between 1-2% of pupils may have an EHCP when the new processes are embedded.

The Code of Practice is currently suggesting that the following people have the right to request a statutory assessment for an EHCP:

- The child's parent
- A young person over the age of 16 but under 25 (or an advocate on their behalf)
- A person acting on behalf of the school or post 16 institution (this should be with the knowledge and agreement of the parent and young person where possible)



Who will be able to make a request for a plan?

In addition, anyone can bring a child or young person who has or may have (SEN) to the attention of the Local Authority. This could include, for example foster carers, health and social care professionals, early years practitioners, youth offending teams or probation services, those responsible for education in custody, school or college staff or a family friend. This should be done with the knowledge and agreement of the parents and the young person where possible.



In the new EHCP system, can all parents/carers have a personal budget?

All parents and young people with an EHCP will be able to request a personal budget where an EHCP is in place. A personal budget is an amount identified by the Local Authority as being required to secure provision that is specified, or proposed to be specified, in the EHCP.

Once identified, parents and young people can then request that some or all aspects of the personal budget can be converted into a direct payment. However, the Local Authority and the education provider must agree to this and they have significant discretion about what may be agreed.



What is a personal budget?

Personal Budgets can be requested by parents of children and some young people with EHCPs so they can choose which services best suit the needs of their children. This is with the agreement of the Local Authority or service provider.



Can anyone have one?

There are some guidelines (Chapter 9 (9.95) in the SEND Code of Practice, about who may access a personal budget, how this can be used and how it should be monitored.



How will the personal budget be calculated?

The personal budget and any subsequent direct payment will be based on a transparent assessment process ensuring that children with similar needs are offered similar provision.



Where does the money come from to pay for a personal budget?

The service which has identified the child or young person's need and the provision required will be responsible for determining whether a direct payment can be made and from where this would be funded.



Who has responsibility for the plan?

The plan will be constructed in partnership with parents and carers and the young person themselves. The school or setting will also have a responsibility to ensure the plan is accurate and up to date.



How often will the plan be reviewed?

The intention is that the EHCP will be reviewed at least annually.



Who will organise the review?

The school or setting, as now, will take responsibility for organising the annual review and arranging for all the appropriate information to be available in order to make any recommendations to the Local Authority as required.



Who will have to be there?

Reviews must be undertaken in partnership with the child and their parent (carer) or the young person, and must take account of their views, wishes and feelings. The school or setting must invite the following:

The child's parents or young person, a representative of the school or other institution attended, a Local Authority SEN Officer, a health service representative and a Local Authority care representative. Other individuals should be invited including youth offending teams and job coaches for example where this is relevant. Where professionals are unable to attend they will be invited to submit a report.



What is the role of the LA in overseeing the EHCP?

The Local Authority SEN Team is likely to retain responsibility for managing the assessment processes and ensuring that the EHCP is reviewed at least annually. The delivery of provision is the responsibility of the school overseen by the headteacher and the Governing Body. Where issues arise there will be a clear process for registering concerns and complaints.



What will happen if people cannot attend the multi-agency planning meeting?

All involved professionals will have had opportunity to provide information for the Education, Health and Care Plan.

This information will be available before the meeting.



What will happen if professionals do not agree on the best support package for a family?

The meeting is an opportunity for family/carers and, if attending, children/young people, to talk about the information everyone has provided. This is also an opportunity for people working in education, health and social care to discuss how they can provide support in an integrated and joined up way that supports the child/young person's needs and is good for the family.

The priorities for the next 12 months will need to be agreed and, when there is a lack of agreement, the Local Authority will make a final decision.



How will the Education, Health and Care Plans (the paperwork) be shared across all the agencies and family?

The Local Authority is working on how to share this information electronically. We expect the Education, Health and Care Plan to be recorded in a simple IT system/database.



How can we ensure that agencies plan and engage with developing the plan?

The Code of Practice says that 'Professionals across education, health and care must co-operate with Local Authority during reviews.' Parents may seek advice and support from Dudley SENDIASS. Should matters not be resolved then parents, carers and young people refer to the complaints and resolution procedure as described in the Local Offer.



What happens if I don't agree with the EHCP when is it finalised?

Where there are unresolved issues relating to the content of an EHCP there will be clear pathways for resolution, mediation and complaint. Parents, children and young people can refer to the SENDIASS for support in resolving disagreements. They also provide support to manage appeals, exclusions and complaints relating to SEN and disability. Parents also have access to the SEND Tribunal.



Who is the first point of contact for parents with concerns over child without a diagnosis?

A child does not need a diagnosis to get appropriate extra help and support in school. Parents/carers should contact their doctor if they have concerns about their child's medical or physical needs.



Will transport continue?

Transport and travel support is in place to enable the Council to meet its statutory duties and legal requirements; there are no plans to stop home to school transport. We are always looking at ways to improve the service and, in certain cases, support families with the cost of getting their child to school rather than using a taxi, when this is appropriate.



Is there transport for respite?

Respite transport is booked and authorised by the Children's Disability Team (CDT).



Escorts on transport

All escorts have a current CRB or Disclosure & Barring clearance whether employed directly by the Council or by an authorised contractor. Identity badge expiry dates are aligned with disclosure expiry dates.



Transport is essential!

Access to education is critical to the intellectual development of children and young people. The Directorate of Children's Services is committed to providing a high quality home-to-school travel support service that ensures children arrive at school safe, on time and ready to learn.



How will schools provide proof they are providing for children?

Schools should share with parents any interventions, help and support they are putting in place for the child at SENS or if the child has an EHCP. They may arrange regular update meetings with you to discuss progress. Parents should be given copies of any reports/assessments.

Parental confidence is very important and schools should enable parents to share their valuable knowledge of their own child and any concerns they may have.



What if my child only has health or social care needs?

Children or young people with purely social care or health needs are unlikely to need an EHCP if there are no associated learning and access difficulties.



What do I do if I am concerned about the arrangements for my child?

You should always call on the school or setting first. Speak to your child's tutor or class teacher and, depending on the nature of the problem, the school SENCo. If you are still not reassured, speak to the headteacher.

If you still have concerns you can contact any key worker that you have a connection with, e.g the educational psychologist or an advisory teacher, your SEN Case Officer (if your child has a statement/EHCP) or the Dudley SENDIASS Service.



Lack of communication – what support is available to parents?

The purpose of the Local Offer is to enable parents to find information that will help support them and their child with a SEN and/or a disability.

Parents/carers should always approach their child's school if they have concerns about their child's progress.



Is there support for more vulnerable parents?

Dudley SENDIASS can offer support to any parent who is concerned about their child's special educational needs. This support can range from a telephone conversation, arranging a face to face meeting, or attending meetings with parents.



How do parents get involved and join partnerships?

Dudley SENDIASS organise events, workshops, coffee mornings and a parent forum. These are widely advertised via schools, doctor's surgeries, libraries etc and on their website www.dudley.gov.uk/dudleysendiass You may also contact Dudley Parent Carer Forum, which works with the Local Authority to ensure parents, carers, children and young people have the opportunity to have their voice heard.

www.dudleyparentcarerforum.com/



Where can I get more information?

In the future, local authorities will have to publish information about what can be expected to support children and young people with SEN (0-25) across education, health and care in their Local Offer. This sets out the support available for children and young people and with SEND who have an EHCP and those who do not.

In Dudley, this information is being made available through the Dudley Local Authority Website www.dudley.gov.uk/localoffer

Where can I find updated information about SEN?

You could talk to your child's school or setting, look at their website or look at Dudley's Local Offer.

You may also be interested in the Children Disability Network Newsletter obtainable from the Network Co-ordinator on 01384 815813 or via email CDN@dudley.gov.uk