

## Statutory Plans for SEN in the UK

These are the only statutory assessed plans for children and young people who need more support than is currently available through their education institution and enables them to have funding from the local authority to pay for any additional support to meet their educational needs.

### Process throughout the UK

If your child has M.E./CFS, and has special educational needs (SEN), your local authority has a legal duty to make sure that their needs are identified and met. In most cases, SEN is identified by the child's teacher and an assessment should be arranged to establish what their additional needs are. If you feel that your child has SEN that has not been identified by the local authority or school you can make a formal request. These were called Statements of Special Educational Needs across the UK, however, they are now called:

**England** – Education and Healthcare Plans (EHCPs)

**Northern Ireland** – Statement of Special Educational Need (SEN)

**Scotland** – Co-ordinated Support Plans (CSPs)

**Wales** – Statement of Special Educational Need (SEN)

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## England

If your child has additional needs, which cannot be met through the school, the local authority will assess the young person and may draw up an Education, Health and Care Plan (EHCP). These are reviewed annually. When developing EHCPs, Local Authorities **must** consider:

- whether the child or young person has or may have special educational needs (“SEN”); and
- whether they may need special educational provision to be made through an EHCP.

Whilst EHCP sounds similar to the Individual Healthcare Plan (IPH), they are different documents, with a different purpose.

An EHCP is for those who need more support than currently available through an institution’s general support system. For those identified as having SEN, EHCPs identify educational, health and social needs and set out the additional support required to meet those needs.

Local Authorities are required to develop a ‘Local Offer’, which gives information about what extra support is available for children with SEN. This information should be available on your local council website and offer a list of education, health and social care services in your local area provided for children, young people and families who have special education needs or disabilities.

All areas have an impartial Special Educational Needs and Disability Information, Advice and Support Service (SENDIASS) for children and young people with special educational needs and/or disability (SEND) and their parents and carers who can provide support with process of applying for an EHCP. SENDIASS will be the main source of support and information for an EHCP.

Many parents/carers find that they need additional legal/professional help with this process, as it can be very challenging. Not all requests for an EHCP are successful and therefore getting additional support with the application, if affordable, may be worthwhile.

At Action for M.E. we can support you with information about M.E./CFS as a condition, how it may impact a child as a SEN and how this would affect the delivery of education.

## 16 and over

EHCPs can be used up until the age of 25 in further education. The time it takes for a young person to complete their further education will differ depending on individual circumstances and needs. Therefore, the judgement to maintain or stop an EHCP is made on an individual basis. If there is an EHCP in place this should outline how the student will be supported during transition to post-16 education.

With or without an EHCP, the options for studying post-16 are:

- full or part-time study in a school, college or with a training provider
- employment, self-employment or volunteering (20 hours or more) combined with part-time education or training
- an apprenticeship or traineeship
- Open University (this can be funded by an EHCP).

It's important to be realistic – if the student has had home teaching for GCSEs, think about the support needed to go to school/college. One consideration is continuing education at home; however, if there isn't an EHCP in place this is unlikely to be funded by the local authority.

In instances where an EHCP is in place, then it may be that Education Other Than at School (EOTAS) is named, but only if this is deemed most appropriate option by the local authority.

## Northern Ireland

The Education Authority considers the need for a statutory assessment and, if appropriate carries out an assessment. The assessment aims to find out what the young person's needs are and what special help they will need. Either the school or the parent can request this assessment. This statutory assessment may result in the child having a 'Statement of Special Educational Need', describing the special educational need (SEN) and the help they will get. It is reviewed annually and can be appealed if the parent is not happy about the decision.

SEN Statements are reviewed annually and can be appealed if the parent is not happy about the decision.

**Useful link:** This process is explained in more detail on the NI Direct website:

<https://www.nidirect.gov.uk/articles/special-educational-needs-statements>

### **Going to college/6<sup>th</sup> form –**

Universities and higher education colleges must make provision for students with disabilities. Special educational needs legal protection also applies to further and higher education and places a duty on institutions to make reasonable adjustments for students with special educational needs and disabilities. This may include measures such as:

- accommodation adapted for the needs of students with disabilities and SEN
- professional care staff
- help from volunteers.

Each university and college should have a 'disability statement', which details what support they provide for students with SEN.

Although a young person's statement of SEN ends when a young person leaves school, they can to apply for a Learning Difficulty Assessment for further education.

## Scotland

If your child has special educational needs (SEN), your local authority has a legal duty to make sure that their needs are identified and met. In most cases, SEN is identified by the child's teacher and an assessment should be arranged to establish what their additional needs are. If you feel that your child has SEN that have not been identified by the local authority or school you can make a formal request.

The purpose of an assessment is to help identify the actions required to maximise development and learning of the child with SEN. Assessments play a key role in the authority's arrangements for identifying children and young people who have additional support needs and who, of those, require a coordinated support plan. The local authority may develop one or more education plans to help meet their needs. These include:

### Coordinated support plan (CSP)

CSPs are the only statutory education plans in Scotland, this means that they have a legal duty to provide the support detailed. A CSP is an action plan for children or young people who need significant additional support due to complex or multiple factors, which adversely and significantly affect their education, and are likely to last more than a year.

A CSP supports professionals in working together to help children and young people achieve educational targets and ensures this support is properly co-ordinated for everyone involved: the child or young person, the parent, teachers, therapists, educational psychologists, social workers so the child or young person can reach their educational goals. CSPs are reviewed annually.

**16 and over** - the Additional Support for Learning (ASL) Act requires education authorities to take specific action to help prospective school leavers with additional support needs to make the transition from school to post-school life successfully. This is done through supporting those with additional support needs to engage personally in the transition planning process to help them to prepare their plans for the next stage in their education, training or employment. Legally there is a duty to for Local Authorities to support young adults through transition into adulthood.

Enquire Factsheet on CSPs - <https://bit.ly/2NQj1Rx>

Contact factsheet on CSPs - <https://bit.ly/354g89G>

### Individualised Education Plan (IEP)

Whilst IEPs are not legal documents, many schools will develop one of these plans as a form of good practice. They are used as a tool for teachers to plan progression, communicate with parents, share responsibility and monitor the effectiveness of teaching for children with SEN.

## Wales

The Special educational needs code of practice was introduced in 2002. It recommends that children with Special Educational Needs and Disabilities (SEND) receive graduated support to help them learn more effectively.

Either the school or the parent can ask the Local Authority to make a statutory assessment of a child's educational needs. This assessment aims to find out what the young person's needs are and what special help they will need.

Once all the advice requested for the statutory assessment has been received, the Local Authority may draw up a statement of educational needs. This will explain the young person's needs and what additional support and help should be provided. Before producing the final statement the local authority should send you a 'proposed statement.' This is so that you can review and comment on it, they will allow a 15-day period to do this.

*The Special Educational Needs code of practice for Wales* is guidance for all local authority maintained schools. Independent schools may choose to follow its advice; however, they may use a different system for supporting SEND students.

This statement should be reviewed annually and can be appealed if the parent is not happy about the decision.

**Going to college / 6<sup>th</sup> form** – a young person's statement of educational needs ends when a child leaves school, however, they can apply for a Learning Difficulty Assessment for further education. It is unlawful for any school or provider of further education, higher education, adult and community education to discriminate against disabled pupils under the Equality Act 2010. Colleges and universities have a duty to make reasonable adjustments for students with SEND.

## Statutory Support Plans - Guidance and Laws – Co-ordinated Support Plans, Education Healthcare Plans and ‘Statements of SEN’:

### England

#### Education and Healthcare Plans (EHCPs)

##### **The Children and Families Act 2014**

(section 37) describes what an EHCP is and what it must specify. Statutory Guidance contains further detail about what a Local Authority should consider when considering a request for an EHCP. Further details are in the Guidance document - Special Educational Need and Disability Code of Practice 0-25 (see Chapter 9, 9.14 for criteria for an EHCP).

<https://bit.ly/2CIQwD4>

### Wales

#### Statements of SEN

**Guidance for Wales**, relates to the Education Act 1996 - Special Educational Needs Code of Practice for Wales (see Ch. 8 for Statements).

<https://bit.ly/2OjANQc>

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### Scotland

#### Co-ordinated Support Plans (CSPs)

The law that relates to additional support for learning is the **Education (Additional Support for Learning) (Scotland) Act 2009**. It is often referred to as the **ASL Act**.

This act places duties on education authorities to identify, meet and keep under review the additional support for students, including providing Co-ordinated Support Plans.

<https://bit.ly/2q7fhGA>

**Guidance for Scotland** - Supporting Children’s Learning Code of Practice for Scotland (see Chapter 5 for Support Plans).

<https://bit.ly/2Kqxd5F>

### Northern Ireland

#### Statements of SEN

Government guidance about Statements - **Special Educational Needs Statements Northern Ireland**.

<https://www.nidirect.gov.uk/articles/special-educational-needs-statements>

**Code of Practice on identification and assessment of Special Educational Needs, Department of Education (1998).**

<https://bit.ly/2Om05xo>

**Supplement to the code of practice. Department of Education (2005).**

<https://bit.ly/2Ock9SC>

**Special Educational Needs: A guide for Parents. Department of Education (1997).**

<https://bit.ly/378ICB6>

## Useful Contacts

There may be organisations in your local area as well as national charities to help with the process of getting a support plan.

### National Organisations

#### Action for M.E.

Information and support for children, young people and parents who have a child who has M.E. or may have M.E.

Tel: 0117 927 9551 (9am-4pm)

Email: [questions@actionforme.org.uk](mailto:questions@actionforme.org.uk)

Website: [www.actionforme.org.uk](http://www.actionforme.org.uk)

#### IPSEA - Independent Parental Special Education Advice

The IPSEA's website offers online training, seminars and impartial advice, including education and support plans.

Website: <https://www.ipsea.org.uk/>

#### Contact - a charity for families with a disabled child

Information and support for statutory assessments for SEN across the UK.

Tel: 020 7608 8700

Email: [info@contact.org.uk](mailto:info@contact.org.uk)

<https://contact.org.uk/>

#### Disability Rights UK

Disability Rights UK provide education factsheets and guides for all of the devolved nations, including information about funding.

<https://www.disabilityrightsuk.org/>

### England

#### Disability Rights UK

This service offers a Disabled Student Helpline for students over 16 who have a disability and are studying or who would like to study.

Tel: 0330 995 0414 (Tues-Thurs 11am-1pm)

<https://www.disabilityrightsuk.org/how-we-can-help/helplines/disabled-students-helpline>

#### Information about your local Special Educational Needs and Disability Information, Advice and Support Service.

<https://cyp.iassnetwork.org.uk/>

### Scotland

#### Enquire

This is the Scottish advice service for additional support for learning, including information and support for statutory assessments for special educational needs.



<https://enquire.org.uk/>

Helpline: 0345 123 2303 (Mon-Fri 9am-4.30pm)

### **Reach**

Reach can help you understand your rights about support for learning in Scotland.

<https://reach.scot/get-help/rights-education/>

### **Resolve**

Additional Support for Learning independent mediation service is the largest mediation provider in Scotland.

<https://childreninscotland.org.uk/our-work/services/resolve/>

### **Children in the Highlands Information Point Plus (CHIP+)**

CHIP+ is a Highland-wide charity providing information, advice and support to families with children with additional support need, and the professionals who work with them.

<https://childreninscotland.org.uk/our-work/services/resolve/>

## **Wales**

### **Snap Cymru**

Information, advice and support for parents, children and young people who have, or may have, special educational needs or disabilities in Wales.

<https://childreninscotland.org.uk/our-work/services/resolve/>

## **Northern Ireland**

### **NI Direct**

NI Direct provides detailed information about what support is available for children and young people with special educational needs in Northern Ireland.

<https://www.nidirect.gov.uk/articles/special-educational-needs-assessments>



If you have found the information in this factsheet helpful, please consider making a donation to help us reach more children and families living with M.E. Visit [www.actionforme.org.uk](http://www.actionforme.org.uk) or call 0117 927 9551 to donate now. Thank you.

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