

Special Educational Needs
and Disability Information,
Advice & Support Service

sendiass

in Suffolk

Disagreements about SEN Provision



Information,
Advice & Support
Services Network
for SEND

www.suffolksendiass.co.uk

What if I do not agree with decisions about SEN provision?

This information is about what you can do if your child has special educational needs (SEN) and/or a disability and you are unhappy about the help they are getting.

You can access the **SEND Code of Practice** online at www.gov.uk and search 'SEND Code of Practice'.

SENDIASS can:

- listen to your concerns
- help you sort out the issues
- identify other people who can support you
- help you decide what to do next
- explain the law and your rights.

The **SEND Code of Practice** says:

Decisions about provision for children and young people with SEN or disabilities should be made jointly by providers, parents, and children and young people themselves, taking a person-centred approach, with the views of children, young people and parents taken into account when those decisions are made. (11.1)

First steps

If you are not happy about the help that your child has at school the first step is to talk to their teacher, or to the **Special Educational Needs Coordinator (SENCO)** or the headteacher.

If your child has an **Education, Health and Care plan (EHC plan)** you can also contact the Family Services Team within the local authority.

We can help you prepare for and may attend a meeting. If you still have concerns we can help you decide what to do next.

What next?

If you still have a problem you might be able to:

- seek some help to put your concerns forward
- make a complaint
- ask for independent disagreement resolution or mediation
- appeal against a decision.

We can tell you more about each of these options and help you decide what to do.

Seeking help

It might be helpful to ask a friend or relative to attend a meeting with you.

SENDIASS can give you impartial information and advice about possible ways forward.

We might also be able to offer you independent support, or tell you about local or national groups that provide information and advice.

Making a complaint

All schools and colleges and Suffolk County Council have a complaints procedure. They will send you a copy of the procedure if you ask for it. You will usually need to:

- have tried to resolve your complaint by speaking to the right people
- put your complaint in writing, using the word 'complaint'
- be clear about all the issues you want resolved
- state what you want to happen
- give a reasonable time by which you would like a response.

If you are not happy with the outcome of making a complaint or feel that it has not been dealt with properly we can give you information on what to do next.

You can find out more about complaints procedures in the SEND Code of Practice sections 11.2 and 11.67 to 11.111. If you want help to understand the different procedures, or advice on which to use, please contact us.



Disagreement resolution

Most disagreements can be sorted out by talking with the school, college, local authority, or **Clinical Commissioning Group**.

The **SEND Code of Practice** says:

Decisions about provision for children and young people with SEN should be made as soon as possible. In most cases this will be achieved by early years providers, schools, colleges, local authorities and clinical commissioning groups (CCGs) working closely together and agreeing what should be provided with parents and young people. (11.3)

Sometimes it can be difficult to reach agreement, we can help you by providing impartial information, advice and support.

The **SEND Code of Practice** says:

Local authorities must make disagreement resolution services available to parents and young people. Use of the disagreement resolution services is voluntary and has to be with the agreement of all parties. The service, while commissioned by it, must be independent of the local authority – no-one who is directly employed by a local authority can provide disagreement resolution services. (11.6)

Suffolk County Council must make provision for an independent mediation and disagreement resolution service that will provide a trained mediator to facilitate a discussion. The purpose is to look for a way forward that all the parties accept. The service is free and confidential – and you can choose whether or not to use it.

The disagreement resolution service is there to help resolve three kinds of disagreement between parents or young people and the organisations that are responsible for making provision for children and young people with special educational needs. These are about:

- how early years providers, schools and further education institutions carry out their duties for children and young people with SEN. For local authorities this includes keeping education and care provision under review, assessing needs and drawing up Education, Health and Care plans. For governing bodies and proprietors of schools it includes using their “best endeavours” to meet children and young people’s SEN.
- the special educational provision made for a child or young person by early years providers, schools or further education institutions. This includes children and young people receiving **SEN support** and those with **EHC plans**.
- health or social care provision when this part of an **EHC needs assessment**, while EHC plans are being drawn up, reviewed or when children or young people are being reassessed.

Disagreement resolution services can also be used:

- during EHC needs assessments
- while EHC plans are drawn up
- while waiting for Tribunal appeals
- at review
- during reassessments.

SENDIASS or the independent mediation service can help you decide if disagreement resolution is the right way forward.

You can find out more about disagreement resolution services in the **SEND Code of Practice** sections 11.6 to 11.10.

Mediation

Mediation is a type of disagreement resolution. The service is free and confidential.

The **SEND Code of Practice** says:

Mediation can take place following decisions by a local authority not to carry out an EHC needs assessment, not to draw up an EHC plan, after they receive a final EHC plan or amended plan, following a decision not to amend an EHC plan or a decision to cease to maintain an EHC plan. (11.13)

If you wish to register an appeal with the **First Tier Tribunal (SEN and disability)** you first have to consider mediation. This is called **mediation advice**. Once you have had the mediation advice you can decide whether you want to go to mediation.

You do not need to seek mediation advice first if the appeal is only about the name of the school, or college, named on the plan, the type of provision specified in the plan or the fact that no school or other institution is named.

If you choose mediation the local authority (or **Clinical Commissioning Group**) must take part. The meeting will be arranged within 30 days.

An independent mediator runs the meeting. When the meeting has finished the mediator issues you with a certificate within 3 working days. You would need this certificate to register an appeal to the First Tier Tribunal.

Mediators must be trained and accredited and are independent of the local authority or **Clinical Commissioning Group**.

If you decide not to go to mediation the mediation adviser will issue you with a certificate within 3 working days. You will need this certificate to register an appeal to the First Tier Tribunal.

SENDIASS or the independent mediation service can help you decide if mediation is the right way forward.

You can find out more about mediation in the **SEND Code of Practice** sections 11.13 to 11.38.

Do I have to choose between making a complaint, using disagreement resolution and mediation?

Usually you can follow more than one route. For example you can still make a complaint if you have already tried disagreement resolution. We can explain your rights and the different procedures.



Appeals

The **SEND Code of Practice** says that parents and young people can appeal to the Tribunal about:

- a decision by a local authority not to carry out an EHC needs assessment or re-assessment
- a decision by a local authority that it is not necessary to issue an EHC plan following an assessment
- the description of a child or young person's SEN specified in an EHC plan, the special educational provision specified, the school or other institution or type of school or other institution (such as a mainstream school/college) specified in the plan or that no school or other institution is specified
- an amendment to these elements of the EHC plan
- a decision by a local authority not to amend an EHC plan following a review or re-assessment
- a decision by a local authority to cease to maintain an EHC plan (11.45)

You can find out more about appeals to the Tribunal in the SEND Code of Practice sections 11.39 to 11.55.

We can explain the appeal process to you and provide impartial advice and support.

You can also appeal against a school exclusion. You can find out more about school exclusion appeals on www.childlawadvice.org.uk

Where can I get more information, advice or support?

You can find out more about making a complaint about provision at your child's school on the school website or by asking for a copy of its complaints procedure.

The **Local Offer**, published by the local authority, includes information about the arrangements for resolving disagreements and for mediation, and details about making complaints. It also tells you about your right to appeal to the Tribunal. You can find the Local Offer at www.suffolklocaloffer.org.uk.

Chapter 11 of the **SEND Code of Practice** includes a lot more information about complaints procedures, disagreement resolution, mediation advice and mediation.

SENDIASS can give you:

- information about complaints procedures, disagreement resolution and mediation
- advice about what to do if you are unhappy with the support the school or college is providing
- details of other organisations, support groups and information services that might help
- information and advice about your rights to appeal to the First Tier Tribunal (SEN and Disability)
- impartial advice and support through the process of making a complaint, disagreement resolution, mediation or appeal.

Complaints about SENDIASS

We strive to give you the best possible service, if you have a comment or complaint you can email enquiries@suffolksendiass.co.uk, and mark for the attention of the SENDIASS manager.

Further Information

View our other information leaflets and resources at www.suffolksendiass.co.uk/leaflets



Information: You may find it helpful to look at our other leaflets and information on our website, social media channels and through our workshops and courses.



Advice: We provide unbiased information and advice about what the law says, the local authority's policies and procedures, and about the policy and practice in local schools or other settings.



Support: We can help you by listening to your views and concerns, and working with you to explore your options.

Useful Links

Activities Unlimited (short breaks and leisure activities for disabled children and young people up to age 25 in Suffolk) www.activities-unlimited.co.uk

Anglia Care Trust (local SEND mediation services) www.angliacaretrust.org.uk

Contact (for families with disabled children) www.contact.org.uk

Child Law Advice (education law advice for families) www.childlawadvice.org.uk

Council for Disabled Children (umbrella body for the disabled children's sector) www.councilfordisabledchildren.org.uk

SEND Code of Practice (explains the statutory duties of schools and local authorities) www.gov.uk/government/publications/send-code-of-practice-0-to-25

SEND Tribunals Service (organisation responsible for handling claims) www.justice.gov.uk/tribunals/send

The Source (for young people in Suffolk) www.thesource.me.uk

Suffolk Local Offer (for the full range of services and support for children and young people with SEND) www.suffolklocaloffer.org.uk

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Providing confidential and impartial information, advice and support to help children, parents and young people take part in decisions that affect their lives.



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enquiries@suffolksendiass.co.uk



01473 265210



ADVICE4ME to 87007



If you need help to understand this information in another language please call **03456 066 067**.

Se precisar de ajuda para ler estas informações em outra língua, por favor telefone para o número abaixo.

Portuguese

Jeżeli potrzebujesz pomocy w zrozumieniu tych informacji w swoim języku zadzwoń na podany poniżej numer.

Polish

এই লেখাটি যদি অন্য ভাষাতে বুঝতে চান তাহলে নিচের নম্বরে ফোন করুন

Bengali

Jeigu jums reikia šios informacijos kita kalba, paskambinkite 03456 066 067

Lithuanian

Dacă aveți nevoie de ajutor pentru a înțelege această informație într-o altă limbă, vă rugăm să telefonați la numărul 03456 066 067

Romanian

Если для того чтобы понять эту информацию Вам нужна помощь на другом языке, позвоните, пожалуйста, по телефону 03456 066 067.

Russian

If you would like this information in another format, including audio or large print, please call **03456 066 067**.



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