

*Safeguarding is Everyone's Responsibility*

## What are special educational needs (SEN)?

The [\(SEND\) code of practice](#) defines Special Educational Needs and Disability (SEND) as::

“A child of compulsory school age or a young person has a learning difficulty or disability if he or she:

- has a significantly greater difficulty in learning than the majority of others of the same age, or
- has a disability which prevents or hinders him or her from making use of facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions”

While many children with SEN will also have disabilities, this is not always the case. This pocket guide focuses on educational support.

## What type of support might children or young people receive?

The type of support that children and young people with SEN receive varies widely, depending on the individual difficulties faced. However, two broad levels of support are in place:

- SEN Support is support given to a child or young person in their pre-school, school or college.
- Education, Health and Care (EHC) Plans for children and young people aged up to 25 who need more support than is available through SEN support

## What is an EHC plan?

EHC Plans are issued following a statutory EHC needs assessment undertaken by the local authority. They set out the assessed special educational needs of the child or young person, the special provision required and identify the school or college placement. They aim to provide more substantial help by requiring education, health care, and social care to work in partnership to meet the needs of the child.

## Who is responsible for delivering the special educational provision in an EHC plan?

The local authority has the statutory duty to secure the special educational provision detailed in an EHC plan (part F). However, pre-schools, schools, colleges or other institutions are under a statutory duty to use their 'best endeavours' to meet pupils' special educational needs.

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## What should parents who think their child has SEN do?

Parents who have concerns should raise the issue with their child's pre-school, school or college. It may be that their issues can be supported at school.

Parents and carers, and in some cases young people themselves, have a statutory right to request an EHC needs assessment if they believe an EHC plan might be required.

A request can also be made by:

- anyone at the child's school,
- a doctor,
- a health visitor or
- a nursery worker.

The charity, Independent Parental Special Educational Advice (IPSEA), has a model letter that could be used to request an EHC needs assessment, [IPSEA: Making a request for an EHC needs assessment](#).

The local authority must respond within 6 weeks, and a decision not to assess can usually be appealed to the First Tier Tribunal.

## How can I find out what support is available locally?

Local authorities are required to publish a 'local offer' to clearly set out the services available for children and young people with SEN or disabilities. The offer must have been developed in partnership with children and young people with SEN or disability and their parents, and education, health and care partners. It should cover the support available for those with and without EHC Plans and from birth to 25 years, including SEN Support.

In Newcastle the you can find the 'local offer' online at this link –

- <https://www.newcastlesupportdirectory.org.uk/what-local-offer>

And information, advice and support for children and young people with SEND and their families.at this link –

- <https://www.newcastle.gov.uk/services/schools-learning-and-childcare/special-educational-needs-andor-disabilities-send>

## Can decisions about SEN support be appealed?

It is possible to appeal a wide range of decisions and actions relating to SEN. More detail on this and the charities and organisation that can support families seeking to appeal can be found at this link [Disputes about special educational needs in England](#).

*The content of this guide is informed by information from [House of Commons Library](#), published 25<sup>th</sup> July 2024*