

KLS Support UK

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1st September 2013

Getting the right educational support for your child

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How IPSEA can help

- Website – FAQs and information
- E-learning courses
- Parent one day training courses
- Information Service
- Advice Line
- Tribunal Helpline
- Tribunal Support Service

Legal frameworks

- Health
- Social services
- Education - compulsory
 - Children with health needs
 - SEN
 - Disability discrimination
- Further and Higher Education

Education (2-18)

3 legal routes to help

- Health needs guidance, SEN law, discrimination law
- Not mutually exclusive
- Different “enforcement” routes
- Choosing the right way for your child, depends on the individual and local facts
- Soft skills can help ...

Where do I start?

Homework reading1

- **‘Ensuring a good education for children who cannot attend school because of health needs’**
 - Department for Education
 - Statutory Guidance for Local Authorities 2013

Homework 2

‘Special Educational Needs Code of Practice’

(Hard copy can be ordered from the Department for Education.

Tel: 0845 60 222 60)

Homework 3

Technical Guidance on Disability

- Equalities and Human Rights Commission(**EHRC**)
- Schools
- Further and Higher Education

Reasonable adjustments for disabled pupils

- EHRC

STATEMENT OF SEN

- What? – a document setting out needs and special provision
- Why? – legally binding
- How? – Request your LA for a statutory assessment

“Learning Difficulty”

Definition - s.312 (2)

(a) he has a significantly greater difficulty in learning than the majority of children of his age, or

(b) he has a disability which either prevents or hinders him from making use of educational facilities of a kind generally provided for children of his age in schools within the area of the local education authority, ...

Special Educational Provision

Education Act 1996

“educational provision which is additional to, or otherwise different from, the educational provision made generally for children of his age in schools maintained by the Local authority”

“Education Otherwise”

- A.k.a : EOTAS – Education otherwise than at school

Educating Children with health needs

Sources of law:

- Section 19 Education Act 1996
- Section 319 Education Act 1996
- Statutory guidance for Local Authorities:
 - **“Ensuring a good education for children who cannot attend school because of health needs”**
- Case law – Re T (a minor) [1998] UKHL 20

Key points

- Local authorities must:
 - Arrange suitable¹ full-time² ³ education (or as much education as the child's health condition allows) for children of compulsory school age who, because of illness, would otherwise not receive suitable education.

1 "Suitable" means suitable to the child's age, aptitude, ability and any special educational needs that he or she may have.

2 Unless the pupil's condition means that full-time provision would not be in his or her best interests.

3 "Full-time education" is not defined in law but it should equate to what the pupil would normally have in school – for example, for pupils in Key Stage 4 full-time education in a school would usually be 25 hours a week.

LAs should:

- Ensure that the education children receive is
- of good quality, as defined in the statutory guidance Alternative Provision (2013),
- allows them to take appropriate qualifications,
- prevents them from slipping behind their peers in school and
- allows them to reintegrate successfully back into school as soon as possible.

LAs should:

- Address the needs of individual children in arranging provision.

Local authorities must not:

- Withhold or reduce the provision, or type of provision, for a child because of how much it will cost

Paragraphs 24 & 25

- Staying in touch while away
 - Newsletters, invitations to school events, internet links to lessons etc
- Individually tailored reintegration plans
- Access to the curriculum and materials he/she would have had at school
- Extra support to help fill gaps missed
- Nursing

Disability Discrimination

- (Reasonable adjustments)

Definition

- A person has a disability if they have (or had) a physical or mental impairment which has a substantial and long term effect on their ability to carry out normal day to day activities
 - Equality Act 2010 section 6(1)

- Long term
 - At least 12 months, or
 - Likely to last at least 12 months
 - Or likely to recur
 - Schedule 1, paragraph 9

Reasonable adjustments

Type 1:

- Changing the way they do things

Type 2:

- Supply of auxiliary aids and services

- section 20 Equality Act

Common suggestions of what schools should do:

- Identification of disability
- Information and advice to parents
- Planning (written – clear roles and responsibilities)
- Seeking help and advice
 - Local authority
 - Other

- Information sharing with relevant staff (with consent)
- Training for teachers
 - Basic awareness
 - other
- Anti-bullying measures
- Working together with parents and advisors
- Access arrangements for exams

Conclusion

- 3 routes to help
- Not mutually exclusive
- Different “enforcement” routes
- Choosing the right way for your child, depends on the individual and local facts

When in doubt

ASK!

Please get advice & support

IPSEA Advice Line 0800 0184016