



In this Edition— Case Law Update, Children Starting or Transferring School in September 2019, Annual Review Meeting of an Education Health and Care Plan (EHCP)

CASE LAW UPDATE

The Equality Act 2010 (EqA) states that schools must make 'reasonable adjustments' to ensure that disabled students get the right support. Some conditions are not covered, these include a 'tendency to physical abuse'. This means that under the EqA, a school can exclude pupils when no reasonable adjustment has been made for them as they are not recognised as having a disability in relation to their behaviour.

There has been a recent ruling in the Upper Tribunal that has recognised the human rights of disabled children whose disability may result in them having 'a tendency to physical abuse'.

This recent ruling means that schools **must** put in necessary adjustments if their behaviour can be linked to their disability – in this particular case it was a child with autism who was excluded from his primary school. This does not mean that children with autism or disabilities cannot be excluded but it does mean that schools will need to put in necessary adjustments to support the child before they resort to exclusion. Exclusion should always be a last resort.

Norfolk SEND Partnership Update

Bridget Robinson joined our team in June 2018 as a Help Line Advisor. Bridget has two children with SEN and has previously worked in Education and various youth work roles supporting young people.

Our new website is now up and running and there is a wide range of information and resources for parents and young people and you can contact us by using the help desk submission form.

Our face to face advice clinics are being held once a month. You can talk through issues for an hour, this is useful for paperwork or clarification of issues which you may have struggled to understand on the telephone. Please call to find out more.



CALL OUR ADVICE LINE 01603 704070 MONDAY TO FRIDAY 9.00 TO 5.00

Will your child be starting or transferring school in September 2019?

We would suggest you look up the school/colleges on their websites, look at their SEN information reports, Ofsted reports, speak with the SENCO (Special Educational Needs Coordinator) and visit the schools/colleges that you feel may meet your child's/ young person's needs.

For children without an EHCP (Education, Health and Care Plan)

Here are some important dates from The Norfolk Admission process for 2019/20 school year:

	Reception Classes	Junior Schools	Secondary Schools
Admission round open	28/09/2018	08/11/2018	11/09/2018
Admission round closes	15/01/2019	15/01/2019	31/10/2018
Placement Offer day	16/04/2019	16/04/2019	01/03/2019
Last date for letting the LA know that you want to appeal	15/05/2018	03/05/2019	20/03/2019

For full admissions procedures you can: visit this web address www.norfolk.gov.uk/education-and-learning/schools/school-admissions and follow the links to 2019/20 admissions, call admissions on 0344 800 8020 and ask for school admissions or contact them at: admissions@norfolk.gov.uk. Read our booklet called - '**Finding out about a school**' which contains a lot of useful information, things to consider and questions to ask when visiting a school. This is available on our website at www.norfolksendpartnershipiass.org.uk.

If you would like impartial information and advice on phase transfer and your child has SEN, please contact us, Norfolk SEND Partnership Information, Advice and Support Service, on 01603 704070

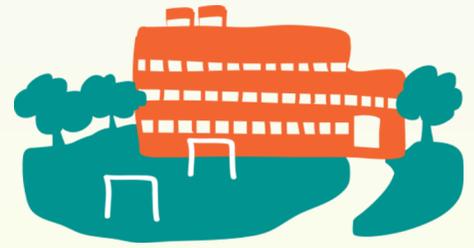
For children/young people with an EHCP

The Local Authority (LA) **must** hold a review and amend the EHCP in sufficient time prior to a child or young person moving between key phases of education. The review and amendments must be completed by 15th February (March 31st for post 16). (SEND Code of Practice 9.179) (See annual review meeting on Page 4 in this newsletter).



The **statutory process** for phase transfer is:

1. LA reviews the EHC plan;
2. LA sends proposed amendments and a copy of the EHC plan to the parent or young person;
3. Parent or young person has at least 15 days to make comments about the proposed amendments/content of the EHC plan and to request the school they feel can meet needs



A parent or young person can request the following types of school:

- A maintained school or nursery (mainstream or special)
- An Academy or Free School (mainstream or special)
- An institution in the Further Education sector
- A non-maintained special school
- A section 41 school which is an independent school/post 16 which has been approved by the Secretary of State.

A parent or young person can also suggest a non-maintained early years provider, independent school or college but the LA are not under the same duty to name.

Please contact us for more information on naming a school.

4. LA issues a final amended plan, with the right of appeal, before 15th February/March 31^s(post 16)

Norfolk's procedure:

Norfolk County Council will have written to you early in September asking you to choose which school you would like your child to go to, you should have replied to this letter within 15 days of receiving it with your choice of school (although see Page 4 regarding the annual review).

The LA **must** then consult with the school that you have chosen, but they may speak to other schools if they feel they can also meet your child's needs. The LA must then send you a copy of the EHCP and a notice of amendment, stating the changes they are going to make –i.e. the name of the school.

If you do not agree with this change on your notice of amendments you should contact your EHCP co-ordinator and discuss your concerns and reasons with them.

By the 15th February (or 31st March for post 16 places) you **must** receive your amended final plan, if you still do not agree with the school named you now have the right to appeal to the First Tier Tribunal.

If you would like impartial information and advice on phase transfer, annual reviews, naming a school etc please look at the booklets available on our website and /or call us on 01603 704070.

You may also like to look on IPSEA's website as they also have impartial information on naming a school.

Save the Date: If you need to appeal your final plan we have a tribunal workshop for parents coming up on 20th March 2019. Please look out for more details on our website and Facebook page in the New Year.

Annual Review Meeting of an Education Health and Care Plan (EHCP)

Information taken from the Special Educational Needs and Disability Code of Practice 0-25 years, January 2015 (SENDCoP) and the SEND Regulations 2014

(For 'Before an Annual Review' see our **Spring 2018** newsletter on our website)

By the time the meeting is held, the reports and views should have been sent to all those invited. These must include your views as the parent and/or young person and school or institution, Local Authority Co-ordinator, Health and Social Care and anyone else who is relevant.

Those invited do not have to attend but it is useful to have an up-to-date report if that person has been working with or seen a child/young person since the last review.

During the meeting

It is very important that the EHC Plan is looked at and considered and the information from the reports and those attending is used to discuss:

- A** Are the **aspirations** still correct? (What the child/young person wants to do in the future) are their views still relevant?
Have the basic details changed? (Name, address, phone numbers)
- B** Have the education **needs** changed?
- C** Have the social care **needs** changed? Are you struggling at home and need support?
- D** Have the health **needs** changed? Are there any new diagnosis?
- F** Is the education **provision** (support to meet needs) still appropriate. Is progress being made?
- G** Is the health **provision** still appropriate and effective ?
- H1 H2** Is the social care **provision** still appropriate and effective?
- E** Have the **outcomes** been achieved? Do medium or long term outcomes need changing to respond to the changes in provision, or are they no longer appropriate?
- J** Is the information about personal budgets still correct? You may request a personal education budget at this stage. See our booklet on Personal Budgets
- I** **Is the placement** still appropriate? (nursery, school, college etc)



From Year 9 reviews must include preparing for adulthood, employment, independent living and participation in society.

The annual review meeting is your opportunity to say what has gone well and what you are concerned about. If you have concerns about your child's/young person's education, their EHC plan, including the placement named on it you should make this clear at the meeting.

All the views should be recorded on an annual review form and you may be asked to sign to say you agree with it. The form should say what amendments/deletions /additions need to be made to the EHCP. The question will always be asked should the EHCP continue?

You can say that you disagree with the views on it and send your views to your EHCP coordinator after the meeting asking them to be included as part of the annual review.

Within two weeks of the meeting the annual review form (report) must be sent to the local authority and everyone invited to the meeting.



TIPS

- Before the meeting read the reports and mark any sections you would like to discuss
- Write a list of comments about the EHCP, consider Aspirations, Needs in education, health and social care, what support is provided and the outcomes and take this with you so you are prepared
- If you do not know all the people at the meeting ask for introductions
- Write some short notes at the meeting if there is a disagreement
- Take somebody with you. They can support you through the meeting and discuss it with you afterwards.

Please also be aware that if a child or young person is at risk of exclusion an interim review should be called to see if the EHC Plan needs to be changed to meet their needs.

The meeting is part of the review. The Spring newsletter 2019 will look at the Local Authority making a decision and finalising the review.

For further information on Annual Reviews please see our booklet called Reviewing an EHCP on our website.



We are currently writing some new booklets which will be available on our website .

- Needs Assessment for an EHCP
- Reading and understanding EHCP
- Writing your views for an EHCP
- Young persons guide to EHCP
- An over view of an EHCP
- Disability discrimination

Please let us know if you would like large print copies



Translations of this newsletter are available to download in other languages on our website. Please contact us if you would like it in any other format.

Contact Us

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Norfolk SEND Partnership is an 'arms length service' funded by Norfolk County Council, working with the voluntary sector and other professionals to support young people and parents/carers of children with special educational needs and disabilities.