

Supporting parents and carers of children with special educational needs



Norfolk Parent  
Partnership

## What if we cannot agree?



# What can I do if I am worried about my child's education?

It is very important to talk about your worries as soon as you can. You should let your child's school know of your concerns so that together you can try to resolve any problems.

## You can talk to:

- ◆ your child's class teacher, form tutor or head of year
- ◆ the Special Educational Needs Co-ordinator (SENCO)
- ◆ the Head Teacher
- ◆ the Governor with responsibility for special educational needs
- ◆ if your child is 13 years or over, support from the Connexions Service may also be useful.

It is important that your child's views are heard.

## If your child is undergoing Statutory Assessment or has a Statement, you can also talk to your Special Educational Needs (SEN) Caseworker

Your caseworker's name and telephone number will be on the letter sent to you from the Local Authority.

If you are unable to find this information, ring us and we will try and help you.

### What do caseworkers do?

- ◆ Manage the statutory assessment process
- ◆ Oversee the statement
- ◆ Annual Reviews
- ◆ Funding requests
- ◆ Specialist placements
- ◆ Transport requests
- ◆ Amend statements.

Important decisions go to Panel and are not made by the caseworker.

## What support is available for parents?

- ◆ You can contact Parent Partnership who will listen to your concerns, offer information, talk things through with you and help plan the way forward
- ◆ You may wish to ask a relative, friend or support worker (if you have one) to go to meetings with you for support. It can be helpful to have someone, who was there, to discuss things with after a meeting
- ◆ You may wish to ask for the help of a volunteer Independent Parental Supporter (see 'Independent Parental Supporter' booklet), who can help support you with educational issues
- ◆ You can contact a local voluntary/support group (see 'Useful Contacts' booklet)
- ◆ The Connexions Service offers information to 13 - 19 year olds (up to 25 years with SEN) and their families in gaining suitable education and training. For more information look at their websites: [www.connexions-direct.com](http://www.connexions-direct.com) or [www.connexions-norfolk.co.uk](http://www.connexions-norfolk.co.uk).

## Mediation—Another way forward

If you cannot reach an agreement when you have tried the suggestions on page 4, you may wish to use the disagreement resolution service. This is also known as mediation.

### What can mediators do?

- ◆ They listen to parents, the LA and/or school staff to find out what has been happening and what the problems are
- ◆ They can arrange a meeting between the parties to enable them to put their views across. This meeting will happen away from home, the LA's office or the child's school, in a convenient place.

### Why choose mediation?

- ◆ Mediators are skilled in helping to sort out disagreements
- ◆ It is a chance for parents, school or LA staff to meet with someone who is not involved in the disagreement
- ◆ The mediator will not take sides, make judgements or tell people what to do.

## The following may help if you are considering mediation:

- ◆ It is a free service
- ◆ It is independent of both schools and the LA
- ◆ Asking for the help of a mediator is voluntary - nobody will force you to take part
- ◆ It is a confidential service
- ◆ Everyone involved must want to reach an agreement
- ◆ It does not affect your rights to lodge an appeal to SEND (see pages 7 to 11), but if you wish to do so you must **remember to stay within the Tribunal timescales (2 months)**
- ◆ If your disagreement is resolved through mediation and you have already lodged an appeal, it can be withdrawn at any time before the hearing.

You can get in touch with the mediation service by ringing Norfolk Parent Partnership, or by looking on our website at [www.norfolkparentpartnership.org.uk](http://www.norfolkparentpartnership.org.uk).

# What can I do if my child is going through Statutory Assessment or has a Statement?

- ◆ You can speak to Norfolk Parent Partnership
- ◆ You can talk to your child's school (as outlined on page 2)
- ◆ You can discuss your concerns with your caseworker as early as possible
- ◆ You can ask for the help of an independent mediator
- ◆ You may have a right of appeal to the **Special Educational Needs & Disability Tribunal (SEND)**.

SEND is independent and will make decisions when a parent appeals against an LA decision about their child's special educational needs (see page 9). They will also hear appeals about disability discrimination.

Contact the **SEND Helpline** on:

**01325 392760**

**Website: [www.sendist.gov.uk](http://www.sendist.gov.uk)**

**Email: [sendistqueries@tribunals.gsi.gov.uk](mailto:sendistqueries@tribunals.gsi.gov.uk)**

**You can get a copy of the SEND booklet by contacting:**

Special Educational Needs and Disability

Mowden Hall

Staindrop Road

Darlington DL3 9BG

SEN Helpline: 01325 392760

Fax: 01325 391080

e-mail: [sendistqueries@tribunals.gsi.gov.uk](mailto:sendistqueries@tribunals.gsi.gov.uk)

website: [www.sendist.gov.uk](http://www.sendist.gov.uk)

You do not have to go through the mediation process before you appeal to the Tribunal. Mediation is not intended to replace the Tribunal. It is simply another way of trying to reach an agreement before a Tribunal hearing takes place.

## **When can I appeal to the Tribunal?**

If you have been unable to reach an agreement with the LA, you may be able to appeal to SEND.

There is a 2 month limit for making an appeal, which starts when the LA gives you its final written decision.

Even if you decide to send in an appeal, you can still continue to try to sort out your disagreement with the LA.

## What can I appeal about?

You can appeal to SEND if the LA:

- ◆ will not carry out a formal assessment of your child's special educational needs
- ◆ refuses to issue a statement of your child's special educational needs.

If the LA has made a statement or has changed a previous statement, you can appeal against:

- ◆ the parts which describe your child's special educational needs (part 2) and set out the special educational help (part 3) that the LA think your child should get
- ◆ the school named in part 4 of the statement
- ◆ the LA not naming a school in part 4.

## You can also appeal if the LA:

- ◆ refuses to change the school named in your child's statement, if that statement is at least a year old (but you can only ask for an LA maintained school - one funded by the LA)
- ◆ refuses to reassess your child's special educational needs if the LA has not made a new assessment for at least 6 months
- ◆ decides not to maintain (decides to cancel) your child's statement
- ◆ decides not to change the statement after reassessing your child, or after an annual review

## You cannot appeal to the Tribunal:

- ◆ against the LA's refusal to name an independent or non-maintained school when you asked for a change in a statement which was at least a year old
- ◆ about the way the LA carried out the assessment or the length of time it took
- ◆ about how the LA is arranging to provide the help set out in your child's statement

- ◆ about the way the school is meeting your child's needs
- ◆ about the description in parts 5 and 6 of the statement of your child's non-educational needs or how the LA plans to meet those needs.

However there may be other ways of taking your concerns further. Please phone us for advice and support.

The Tribunal may not be able to consider an appeal if your child is over 16 and not on the roll of a school. They will not be able to consider an appeal if your child has left school and is going to a further or higher education college.

Please remember that if you do disagree with an LA decision you should contact your caseworker as early as possible.

The LA should be welcoming, easy to contact and value the views and involvement of parents.

Information should be available in other languages or formats on request.

**Braille**

**Portuguese  
Polish Russian and  
many more**

**LARGE  
PRINT**

## **Booklets available for parents and carers of children with special educational needs**

- ◆ Norfolk Parent Partnership
- ◆ Information and support for parents and carers
- ◆ The Independent Parental Supporter
- ◆ Helping Children in Early Years Settings
- ◆ Finding out about a school
- ◆ Helping children in school
- ◆ Statutory Assessment and Statements
- ◆ Working together to help your child
- ◆ Annual Reviews
- ◆ What if we cannot agree?
- ◆ Jargon Buster
- ◆ Useful Contacts
- ◆ Funding in mainstream school
- ◆ Exclusions from School
- ◆ Volunteers Needed

If you would like this booklet in large print, audio, Braille, alternative format or in a different language, please contact us at Parent Partnership and we will do our best to help you.

**For more information about anything in this booklet, or copies of any of the above titles please contact:**

**Norfolk Parent Partnership on**

**Tel: 01603 704070 Fax: 01603 704072**

**email: [parent.partnership@norfolk.gov.uk](mailto:parent.partnership@norfolk.gov.uk)**

**website: [www.norfolkparentpartnership.org.uk](http://www.norfolkparentpartnership.org.uk)**