

WHAT TO DO IF YOU DISAGREE WITH A DECISION RELATING TO EHC NEEDS ASSESSMENT OR THE CONTENTS OF YOUR CHILD'S EHC

If you are not happy with a decision that has been made regarding an EHC needs assessment or the contents of an EHC Plan, there are several options open to you.

Firstly, do accept the invitation to speak with a member of the Local Authority SEND Team. When any decision is made about a request for a statutory assessment or an EHC Plan, you will be notified in writing. The letter explaining the decision will contain details of who you can speak to within the SEND team.

You can ask for a meeting if you want to discuss the decision further. You can bring someone to support you; this may be a representative from your child's setting or a professional supporting you or your child.

You may also wish to contact The Southend SENDIASS Service. They provide impartial information, advice and guidance on special educational needs and disabilities. Their website includes a range of resources to help you and details of how to contact them for further information. <https://www.sendiasssouthend.co.uk/>

What if the issue is still not resolved?

In cases where issues cannot be resolved and agreement is not reached between you and the Local Authority, there are two other routes you may wish to consider; mediation or appealing to the Special Educational Needs and Disabilities Tribunal (SENDIST).

Mediation

The purpose of mediation is to consider whether this is a means of resolving your disagreement with the Local Authority. This service is independent of the Local Authority and free to access.

When seeking mediation, an impartial person is appointed as mediator; they arrange a meeting with you and the Local Authority and helps to keep the meeting calm, productive, and focused on finding a solution to the issue you are raising. Mediation is a less formal way of working out a solution. Your Local Authority will have sent you a letter to explain their decision, and this will tell you how to contact the mediation service. The contact details are also on the Local Offer website.

In most cases, you must consider mediation before you appeal to SENDIST. You can decline mediation, but you will still need to contact the mediation service to discuss this. You may require a mediation certificate if you wish to appeal.

Appeal

The Special Educational Needs and Disabilities Tribunal (SENDIST - also known as the First-Tier Tribunal) is the Government body that handles appeals from parents, carers or young people (over the age of 16 years) regarding special educational needs.

When can I appeal?

You can appeal local authority decisions, including a refusal to:

- ▶ Assess a child or young person's educational, health and care (EHC) needs
- ▶ Reassess their EHC needs
- ▶ Issue an EHC plan
- ▶ Change what's in a child or young person's EHC plan
- ▶ Maintain the EHC plan.

SENDIST are also able to make recommendations about health and social care issues in some appeals. You can appeal if you have parental responsibility for the child. Your child must be under 16 years old. If your child is over 16 years, they may be able to appeal on their behalf instead.

How Do I Appeal?

When any decision is made about a request for a statutory assessment or an EHC Plan, you will be notified in writing. The letter explaining the decision will contain details of how you can appeal the decision.

You have two months from the date of the letter in which to lodge an appeal and for the Tribunal to receive your completed forms (including a mediation certificate where applicable).

If you need advice or guidance on the appeal process, how to complete the forms or any legal advice on the Tribunal proceedings, you can contact IPSEA:

- ▶ Either visit their website for information or book an appointment to speak to a consultant <https://www.ipsea.org.uk/contact-ipsea>

OR

- ▶ call them on **01799 582030** (Monday to Friday, 9am-5pm).

SENDIST can be contacted at the following address: HM Courts & Tribunals Service, Special Educational Needs & Disability Tribunal, 1st Floor, Darlington Magistrates' Court, Parkgate, Darlington, DL1 1RU.

Helpline Number: **01325 289 350**

Email: send@justice.gov.uk

Website: <http://www.justice.gov.uk/tribunals/send>

THERAPIES

Information for this section has been taken directly from NHS websites

Speech and Language Therapy

Children's Speech and Language Therapy is a community-based service to children and young people aged up to 18 years who live within and are registered with a GP in South East Essex (Southend and Castlepoint and Rochford Clinical Commissioning Group areas).

They aim to provide an evidence-based, friendly and approachable service that anticipates and responds to the needs of children that have or are at risk of having speech, language or communication difficulties. Therefore, they look at the current or future impact of communication problems before considering whether to accept a referral and the timing of any treatment needed.

Their team partners with parents/carers and other health and education professionals to support and empower them to ensure that children achieve their maximum quality of life and potential. They work hard to consider differing strengths and difficulties and find innovative ways to encourage the families to become active participants in their child's assessment and treatment.

Children and young people can have communication difficulties for many reasons, including developmental speech-language delay, speech and language disorder, Autistic Spectrum disorder, global developmental delay, complex physical or sensory needs, hearing impairment, stammering, or, on occasions, for no known reason.

When they accept a referral, they will provide a triage/assessment appointment to reach a diagnosis and then plan the most appropriate treatment approach (if necessary).

As all children are different, they work with you to individualise the best treatment approach for your child. This may include any of the following;

- ▶ Individual therapy in clinic with a Speech and Language Therapist or Speech and Language Therapy Assistant to work on specific skills or techniques and show you how to use these at home with your child
- ▶ Demonstration and advice as to how the environment at home/school/nursery can be changed to support your child to reach their communication potential
- ▶ A written programme of advice and work to be shared with home, school, preschool or other members of the team supporting the child or young person
- ▶ Input and targets into a multi-agency approach such as Team Around the Child or One Planning Meetings.

Speech therapists also go into SEND schools and schools with dedicated SEN provisions to provide SALT appointments on-site to existing Speech and Language Therapy patients.

There is a Speech and Language Therapist at the Lighthouse Centre who specialises in Speech and Language Therapy for Autistic children and young people.

How to get a referral to SALT

- ▶ You can access a referral to SALT through two different routes depending on your child's age; For children of preschool age – via any health professional completing an SLT referral form. Generally, we ask that your child's Health Visitor complete this form with you as they can provide copies of a short screening assessment (Teddy Bear Kit and/or ASQ 3) with the referral form to give us plenty of information to help us decide whether we are the best-placed service to see your child
- ▶ For school-aged children – via an EHA form completed by your child's school jointly with you. We ask for this form as it gives us lots of information about your child's communication concerns alongside how they are doing in general at school to help us decide whether we are the best-placed service to see your child.

What is Occupational Therapy

Occupational therapy can help babies, infants, children and young people grow, learn, have fun, socialise and play so they can develop, thrive and reach their full potential. Occupational therapy enables people to participate in daily life to improve their health and wellbeing. Daily life is made up of many activities (or occupations). Occupations for children or young people may include self-care (getting ready to go out, eating a meal, using the toilet), being productive (going to nursery or school, or volunteering) and leisure - playing with friends or doing hobbies.

How to get a referral for Occupational Therapy:

You will need to get a referral from your GP, paediatrician, or another health professional involved in your child or young person's care. Your child's school may also be able to refer your child. Please discuss your concerns with your child's teacher.

Physiotherapy What is children's physiotherapy?

Children's physiotherapy is the treatment and care of babies, children and young people from birth to 16 years. Children's physiotherapists bring their specialist skills as physiotherapists and have additional expert knowledge and experience of child development and childhood disabilities.

What do children's physiotherapists do?

Treatment is based upon an assessment of the child's needs and the formation of an individualised approach to physical management to maximise physical potential. Children's physiotherapists recognise the importance of working in partnership with the child, parents and carers to maximise a child's physical abilities and independence.

How to get a referral for Physiotherapy:

You will need to get a referral from your GP, paediatrician, or another health professional involved in your child or young person's care.

Your child's school may also be able to refer your child. Please discuss your concerns with your child's teacher.

Burr Hill Chase, Prittlewell, Southend-on-Sea, Essex, SS2 6PE

For children aged 5-16 years, who have specific needs and barriers to learning or behavioural difficulties;

<https://www.suttonhouse.org.uk/>