

Rights to Redress

What parents, carers and young people need to know

We are an independent service providing impartial and confidential information, advice and support to parents and carers of children with Special Educational Needs and/or Disabilities (SEND) and young people and children with SEND aged up to 25 years.



Today's session

- What is IASS?
- Some useful definitions
- What Special Educational needs/ disability support should be provided in school

Options for redress if:

- Special Educational Needs Support is being refused by the school or educational setting
 - An EHC needs assessment has been rejected
 - There is Refusal to Issue an EHC plan
 - Unhappy with the draft EHC plan
 - Unhappy with the final EHC plan
 - The EHC plan is not being delivered
 - A Reassessment of Need has been rejected
 - An EHCP cease to maintain letter has been received
 - An application for SEND travel assistance has been refused
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- **KIDS mediation service contact details**
 - **SENDist tribunal updates**
 - **Bexley IASS contact details**



What is IASS?

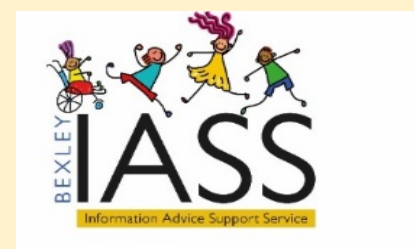
IASS is a statutory service that provide **information, advice & support (IAS)** to disabled children and young people, those with special educational needs (SEN), and their parent carers.

- IASS are required to be **impartial, confidential & free.**
- At 'arms length from the Local Authority'
- IASS staff must complete independent accredited legal training to be able to provide information & advice **based on legislation** rather than local policy.
- IASS must involve Parents, children & young people in the design of their local IAS Service.



Why does every local authority have an IASS?

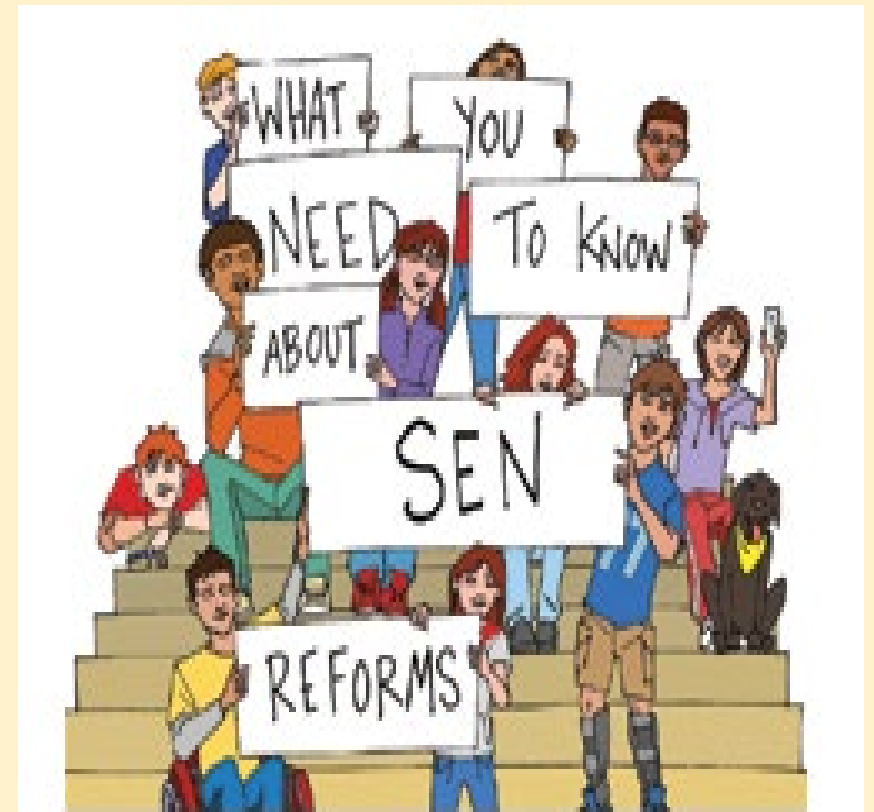
- The obligations and expectations of IASS are set out in the **Children & Families Act Part 3** and **Chapter 2 of the SEND CODE of Practice 2015**.
- Bexley IASS are jointly commissioned through the LA & the CCG.
(**LA**: Local Authority / **CCG**: Clinical commissioning Group)
- Governance is provided by the Bexley IASS Steering Group (Termly).



IASS will provide...

Information and advice about issues in education, health and social care for children, young people and their parents, on matters relating to special educational needs and disability (SEND).

- Someone impartial to talk to in confidence.
- Information and advice on special educational needs support (SEN Support) in Early Years settings, Schools & College.
- Information and advice regarding requesting an Education, Health and Care (EHC) Needs Assessment and Plan
- Support on school exclusion enquiries, personal budgets and transport.
- Information to Young People on Post 16 / Post 18 transition
- Support families to understand roles and responsibilities of professionals.
- Supporting families, Children & Young People in managing mediation, appeals to the First-tier Tribunal and complaints on matters related to SEN and disability.
- Signposting to local (Local Offer) or national sources of information



IASS cannot....

- Provide an Advocacy Service
- Accept referrals from Professionals
- Case Load
- Contact professionals involved without prior consent from parent carer or Young Person
- Attend meetings as parent advocate
- Give advice or recommendations regarding schools



The IAS Service Offer: Advice & Information enquiry support

Bexley IASS provides:

A 5 day a week telephone enquiries line, open 9am – 5pm,
including a direct helpline with 24-hour answer machine:

0203 045 5976

Email contact BexleyIASS@bexley.gov.uk

Website referral form [Self Referral & Consent Form |
Bexley IASS](#)



BEXLEY IASS HAS A 3 DAY SERVICE RESPONSE TIMEFRAME

Some useful definitions

- **SEND: Special Educational Needs &/or a Disability:** A child or young person has SEN if they have a special need or a disability which means that they require **Special Educational Provision**
- **SEN Support:** The process of supporting a child with Special Educational Needs in school.
- **SEP: Special Educational Provision:** is when a child or young person needs **additional** or **different** support to that which is given to pupils of the same age.
- **APDR:** Assess, Plan, Do, Review – SEN Support should take the form of this four-part cycle involving the parent and carers and the child or young person.
- **Graduated Response:** Where the SEN Support actions are revisited, refined and revised with a growing understanding of the child or young person needs to secure good outcomes for them.
- **Differentiated Curriculum:** learning that is matched to the needs of the student.

Some useful definitions

- **EHC NA:** Education Health Care Needs Assessment
- **EHCP:** Education Health Care Plan
- **CAMHS:** Child & Adolescent Mental Health Services
- **SALT:** Speech and language Therapy
- **EP:** Educational Psychology
- **OT:** Occupational Therapy
- **SENCO:** Special Educational Needs Coordinator
- **CCG:** NHS Clinical Commissioning Group
- **EYFS:** Early Years Foundation stage education - The standards that school and childcare providers must meet for the learning, development and care of children from birth to 5.
- **PfA:** Preparing for Adulthood
- **Right of Appeal:** this is the right to consider mediation, and to appeal to the SENDist Tribunal for changes to be made to the EHC plan, including placement.
- **SENDist Tribunal:** Special educational Needs and Disability Tribunal

What is the definition of disability?

'A physical or mental impairment which has a substantial and long-term adverse effect on your ability to carry out normal day to day activities'



The Equality Act 2010

Rights to Redress

What parents, carers and young people need to know



Did you know...?

The Children and Families Act 2014, and the SEND Code of Practice require schools to:

- Identify children who **may** have special educational needs.
- Provide Special Educational Needs Support in the process of Assess, Plan, Do and Review. A medical diagnosis is **not needed** to access this support.
- If support is not ensuring progress the school should contact **specialists** for advice.
- If support is still not ensuring progress, the school should make an application for an **Education, Health and Care Needs Assessment** from the local authority.
- Employ a Special Educational Needs Co-ordinator (**SENCO**) in all maintained mainstream schools.
- Have a **Special Educational Needs Policy** and publish a **SEND information report**.
- Some independent schools **do not need** to follow the SEND Code of Practice.

For more information on SEN support, visit the Bexley IASS Website, click here: [Get Informed - EDUCATION: SEN Support - Bexley IASS](#)

Did you know...?

The Equality Act 2010 applies to **all** schools and education settings. Independent schools must not discriminate against disabled pupils and must make **reasonable adjustments** where necessary to avoid disability discrimination.

A reasonable adjustment is **a change, or set of steps, taken by a school for the benefit of a pupil who is at a 'substantial disadvantage'**. For example, a reasonable adjustment may be that a child with a visual impairment sits closer to the board, so that the board is easier to read.

In order to show that the student has a "**substantial disadvantage**" a medical or professional report, professional evidence or medical diagnosis may be required.

For more information on Reasonable Adjustments, visit the Bexley IASS Website, click here: [Equality & Inclusion | Bexley IASS](#)

The voice of the Child or Young Person

- The most important person in this process of support is the Child or Young Person
- What support do they need / want?
- How is their voice being captured?

For further information and advice about Working with Professionals, including how to do a One Page Profile, visit the Bexley IASS Website, click here: [Working with the School & other Professionals | Bexley IASS](#)

My One Page profile

Your Name Age:
Occupation:

What people appreciate about me

What is important to me

How to support me

What if SEN support is being refused by the educational setting?

- You have a right to make a **formal complaint** against the educational setting. Follow their complaints procedure which should be on their website. The complaint should be responded to within a reasonable timeframe.

For more information, visit the Bexley IASS Website, click here: [Understanding your rights \(bexleyiass.co.uk\)](https://www.bexleyiass.co.uk/understanding-your-rights)

- You have a right as a parent or young person to **request an EHC needs assessment**. You should receive a response from the Local Authority within 6 weeks to say whether the request has been granted or rejected.

For more information, visit the Bexley IASS Website, click here: [Get Informed - The Education, Health & Care Plan \(EHCP\) - Bexley IASS](https://www.bexleyiass.co.uk/get-informed-the-education-health-care-plan-ehcp-bexley-iass)

- You have a right to consider **disagreement resolution**.

For more information, visit the Bexley IASS Website, click here: [Get Informed - Disagreement Resolution & Mediation - Bexley IASS](https://www.bexleyiass.co.uk/get-informed-disagreement-resolution-mediation-bexley-iass)

What if an EHC needs assessment has been rejected?

- You should be notified by the Local Authority of your **right of appeal**. The first step in an appeal is to consider **mediation**. You must contact KIDS, the mediation service if you are considering an appeal. You must contact **KIDS**, the mediation service within **2 months** of the date on the rejection decision letter, issued by the Local Authority.

For more information, visit the Bexley IASS Website, click here: [Get Informed - Disagreement Resolution & Mediation - Bexley IASS](#)

For more information about the appeals process, visit the Bexley IASS Website, click here: [Get Informed - SENDist Tribunal- Bexley IASS](#)

- You also have the right to make a **formal complaint** against the school about SEN support, if needed.

For more information, visit the Bexley IASS Website, click here: [Understanding your rights \(bexleyiass.co.uk\)](#)

What if there is a Refusal to Issue an EHC plan?

- You should be notified by the Local Authority of your **right of appeal**. The first step in an appeal is to consider **mediation**. You must contact KIDS, the mediation service If are considering an appeal. You must contact **KIDS**, the mediation service within **2 months** of the date on the Refusal to Issue decision letter, issued by the Local Authority.

For more information, visit the Bexley IASS Website, click here: [Get Informed - Disagreement Resolution & Mediation - Bexley IASS](#)

For more information about the appeals process, visit the Bexley IASS Website, click here: [Get Informed - SENDist Tribunal- Bexley IASS](#)

- As an EHC needs assessment has taken place, there will be professional reports. You can expect that the school will put in place the **professional recommendations** from those reports. You also have the right to make a formal complaint against the school about SEN support, if needed.

For more information, visit the Bexley IASS Website, click here: [Understanding your rights \(bexleyiass.co.uk\)](#)

What if I am unhappy with the draft EHC plan?

- You have **15 days** to raise your concerns with the **EHC plan Case Officer**, and to request that a particular school is named on the final EHC plan.

For more information, including a guide to Checking the Draft EHC plan, visit the Bexley IASS Website, click here: [Get Informed - The Education, Health & Care Plan \(EHCP\) - Bexley IASS](#)

- You also have **right of appeal when the final EHC plan is issued**. If you have discussed with the EHC plan Case Officer but are unhappy with the changes made to the draft EHC plan, you can request for the plan to be finalised in its current state. You should be notified by the Local Authority of your right of appeal. The first step in an appeal is to consider **mediation**.

For more information, visit the Bexley IASS Website, click here: [Get Informed - Disagreement Resolution & Mediation - Bexley IASS](#)

For more information about the appeals process, visit the Bexley IASS Website, click here: [Get Informed - SENDist Tribunal- Bexley IASS](#)

What if I am unhappy with the final EHC plan?

- You should be notified by the Local Authority of your **right of appeal**. The first step in an appeal is to consider **mediation**. You must contact KIDS, the mediation service If are considering an appeal. You must contact **KIDS**, the mediation service within **2 months** of the date on the final EHC plan letter, issued by the Local Authority.

For more information, visit the Bexley IASS Website, click here: [Get Informed - Disagreement Resolution & Mediation - Bexley IASS](#)

For more information about the appeals process, visit the Bexley IASS Website, click here: [Get Informed - SENDist Tribunal- Bexley IASS](#)

- **Right to complain** against the Local Authority if an EHC plan review has not been conducted properly:

For more information on the EHC plan review process, visit the Bexley IASS Website, click here: [Get Informed - The Education, Health & Care Plan \(EHCP\) - Bexley IASS](#)

- **Right to Local Government and Social Care Ombudsman or Parliamentary and Health Ombudsman (LGSCO) complaint**

For more information, visit the Bexley IASS Website, click here: [Understanding your rights \(bexleyiass.co.uk\)](#)

What if the EHC plan is not being delivered?

Some of the options include:

- Annual review/ Early review to discuss concerns
- Formal complaint against school for not delivering EHC plan
- Formal complaint against Local Authority for not securing the provision in the EHC plan
- Judicial Review

For more information, read the information about reviews and the Bexley IASS Guide to What if the EHC plan is not being delivered, visit the Bexley IASS Website, click here: [Get Informed - The Education, Health & Care Plan \(EHCP\) - Bexley IASS](#)

What if a Reassessment of Need has been rejected?

If a child or young person has a **final** EHC plan, a reassessment of need can be requested if you believe that:

- the needs of the child or young person have changed since the last EHC plan was issued; or
- a different kind of help, or more help, is needed; or
- the child or young person should attend a different kind of school or college.

A re-assessment is an opportunity to gather new evidence to work out what support the child or young person now needs.

The LA should respond within 15 days of receiving your request. There is a **right of appeal** if the LA refuses to carry out a re-assessment.

For more information on asking for a re-assessment of a child or young person's needs, and for information on appeal **deadlines**, visit the IPSEA website (www.ipsea.org.uk) click here: [Asking for a re-assessment of a child or young person's needs: Model letter 2 | \(IPSEA\) Independent Provider of Special Education Advice](#)

What if an EHC plan Cease to Maintain letter has been received?

Check that the correct procedure has been followed. The IPSEA website (www.ipsea.org.uk) has information on the **reasons** that an EHC plan can be ceased, and the correct **steps** that the Local Authority should take.

For more information, visit the Bexley IASS Website, click here: [If your LA takes away your EHC plan | \(IPSEA\) Independent Provider of Special Education Advice](#)

There is the **right of appeal**. Visit the Bexley Local Offer website (ww.bexleylocaloffer.uk) for more information on appeal **deadlines**, and contact details of **EHC plan Case Officers** at the Local Authority.

For more information, visit the Bexley Local Offer website, click here: [Services | Bexley Local Offer](#)

What if an application for SEND travel assistance has been refused?

The Bexley IASS website has information on the reasons why an application for SEND travel assistance can be made.

For more information, click here: [Transport | Bexley IASS](#)

You can **appeal** a transport decision in Bexley.

For more information, visit the Bexley IASS Website, click here: [Transport | Bexley IASS](#)

SENDist Tribunal Update

- Tribunal Backlog:

As at May 2022, the Tribunal is facing an unprecedented backlog and will be prioritising cases which involve a [phase transfer](#) and/or where the child/young person is [out of education](#).

For more information, visit the Bexley IASS Website, click here: [Get Informed - SENDist Tribunal- Bexley IASS](#)

- Bexley IASS advise to consider all options for redress and choose whichever you think is most appropriate. You can choose more than one option for redress (i.e. formal complaint and appeal at the same time).

KIDS Mediation Service Contact Details

Call: 020 7359 3635

Email: mediationlondon@kids.org.uk

Website: www.kids.org.uk/mediation

For more information, click here: [Get Informed - Disagreement Resolution & Mediation - Bexley IASS](#)

If you are seeking impartial and confidential information, advice and support, contact Bexley IASS

Tel: 020 3045 5976

Email: bexleyiass@bexley.gov.uk

Website: www.bexleyiass.co.uk

