



SOS! Special Educational Needs Registered Charity 1112475
The Free Independent Helpline for Special Educational Needs
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Six Steps for SEND

PARENTS of children with special educational needs are finding the new regulations for appeals to SEND (Special Educational Needs and Disability) tribunal, more complex, say SOS!SEN. While there has been some acceptance by SEND that three way telephone Case Direction hearings are too daunting to be used unless vital, the charity is urging parents without legal representation to take the following steps:

***Obtain as much evidence as possible to submit with the reasons for Appeal so that the case against the LA is made as thoroughly as possible from the start.** This avoids the over use of Case Direction hearings at a later stage because most of the evidence is already provided. It also keeps to a minimum the amount of paper work to be done during the process.

***Make absolutely sure that all correspondence from SEND is seen immediately** and someone who can be trusted sends on such correspondence should the parent be away from home. With August now a working month at SEND some parents and parent advocates have had some nasty shocks on returning from the holidays to discover unexpected Case Directions awaiting them and the time limit for reply already passed. There has been a rash of sudden Case Directions this summer and in one or two cases Directions, which virtually contradicted those of a previous Case Direction hearing!

***Watch that all dates notified by SEND at the start are respected by all sides and that there is no delay in the receipt of the Case Directions.** We advise that they are chased up no later than four days from the Case Direction hearing (whether a paper hearing or telephone one).

***Check very carefully that the local authority has obeyed the rules too and complain hard if they have not.** Only too often parents find that their local authority has not sent them all the documentation it is required to and there have been a number of cases where evidence from the LA has been seen by the parent only at the very last stage before the final Hearing. Equally the level of detail provided by many LAs in their response to appeal remains woefully inadequate. While the new regulations indicate that there may be sanctions against a LA, some parents are finding that this is not the case when they make a complaint to SEND.

***Make sure that all documents sent to SEND go recorded delivery and that their arrival in Darlington is checked.** This requires a phone call to the office and is most advisable.

***If evidence to support the Appeal has to come in after the Appeal is sent in – get it in to SEND (and the LA) as soon as possible. Use the SO4 form to request the right to produce a Case Statement incorporating the importance of the new evidence obtained.**

NOTE: The above are our views only but are based on help given to some 30 families who are at various stages of the appeal process.

SOS!SEN

Tribunal Delays

WE are becoming increasingly concerned about the number of SEND decisions published more than ten working days after the hearing.

One or two judges seem to be extremely tardy in their production of decisions and this is so very unfair on the child and parents.

Whilst a delay up to three weeks may, on occasions, be reasonable, there have been cases recently of one judge who delayed a decision for nine weeks and even then went for adjournment even though the hearing had been closed! The very same went to five weeks on one case and a further five after a rehearing. Two of these delays resulted in a year out of school for one child and a term for another.

To be fair, many judges are brilliant in getting clear decisions out on time – only a few seem to delay unnecessarily.

We would welcome news from parents if their decisions are over 15 working days late – and the name of the judge concerned.

Timely tip

YOUR child has a right to education at least up to age 19. Be careful that your LA does not try to cease to maintain his/her Statement so that a special school placement is no longer provided. Equally do not let the Statement lapse because the LA “assumes” that they will be leaving school. Make it clear during this coming term that you wish your child’s Statement to continue and in a specialist placement (it may include transfer to another school or even to a specialist school for the first time). That way – no nasty surprises!

School Year 2008 - 2009

THIS was an excellent year for SOS!SEN in terms of success by parents requesting our help - success at SEND and getting agreement ‘out of court’. The work becomes ever heavier but ever more interesting and satisfying. We have been delighted to be joined on the Helpline by parents who themselves have been through the system and are now helping empower others.

Fund raising events were well attended and the **Summer Ball on 18th July** was enormous fun and financially very valuable to help the coffers where financial assistance has been given towards payments for reports from experts etc.

Diary Dates



Friday 2nd October – **Sensory Integration Workshop.** This follows an enormously popular event last November. To be held in Shirley, Croydon. Further details to follow very shortly – **watch out for them** because it will be first come, first served!

Saturday 5th December 2009 – **CHARADE** – an evening of festive food and fun for all the family. **Note the date now. Details to follow.**

Friday 18th June 2010 – **MIDSUMMER NIGHT’S DREAM BALL** in the Sylvan setting of Cole Court, Twickenham.

A 4 course meal, dancing to the brilliant band - Backtrack, auction, bar!!!! **Note the date now** and bring your friends too! More details later.