

SEND Support Myth Buster

Myth	Correct version
Schools don't have to tell parents when they identify a child as having Special Educational Needs and needing extra support.	Early years and schools must inform parents. A variety of references in early years and schools section (e.g. CoP p79 5.6)
Schools should meet parents at least 3 times a year to discuss how their child is progressing.	(Those with Education Health and Care Plans must have an annual review) (CoP p105 6:65)
Social, emotional and mental health difficulties are not special educational needs.	SEMH is one of 4 broad areas of need. The other groups are set out in the Code of Practice. 1. Communication and interaction 2. Cognition and learning 3. Sensory and/or physical needs (CoP p98 6.32)
Schools can develop their own system of record keeping.	Schools can develop their own approach to record keeping in line with the requirements of the Data Protection Act. SEN provision should be recorded accurately and kept up to date.
Every school must have a Special Educational Needs Co-ordinator (SENCO).	Early years settings, maintained mainstream schools and maintained academies have to have a SENCO. 16-19 academies don't have to have a SENCO. Special schools don't have to have a SENCO. (CoP 6.2 p92).
SENCOs do not have to be qualified teachers.	The SENCO must be a qualified teacher working at the school. They must take the National Award in SEN Co-ordination within 3 years if they do not already hold this. (Cop p108 6:85).
The SENCO is responsible and accountable for the progress and development of pupils with SEN.	Teachers are responsible SENCOs should be called in to advise. (Co P99 6.36)
Schools must draw up a plan outlining the provision they are making for a child with SEN.	This includes those on SEN support and those with an Education, Health and Care Plan (CoP p86 5.40).
Professionals must listen to parents concerns about their child.	Parents know their children best and it is important that all professionals listen and understand when parents express concerns about their child's development. They should also listen to the concerns expressed by the child or young person. (CoP p95 6:20 "should").
Parents don't have the right to see their child's records.	Except for academies where parents have no right to access their child's records. Practitioners must maintain a record of children. Records must be available to parents to include how settings support children with SEN and disabilities.

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<p>Education, Health and Care process</p> <p>Parents can ask for an Education Health and Care Needs assessment.</p>	<ul style="list-style-type: none"> ■ the schools or post 16 institution can also make a request ■ a young person over the age of 16 <p>(CoP p143 9.8)</p>
<p>If the Local Authority refuses an Education, Health and Care needs assessment for my child there is nothing I can do about it.</p>	<p>Parents can appeal to the SEND tribunal. Must appeal within 2 months of the date on the letter of refusal. (CoP p259 11.45.) (CoP p258 11.8).</p>
<p>Children, young people and their families should be asked for their views during an Education, Health and Care Needs Assessment (EHC).</p>	<p>Children, young people and their families must be asked for their views.) (Code of Practice p155 9.49).</p>
<p>When transferring from a statement to an EHC plan, the school is responsible for drafting the EHC plan.</p>	<p>The Local Authority are responsible for the whole EHC process. Local Authority must gather advice from the educational setting.</p>
<p>When transferring from a statement to an EHCP, an EHCP needs assessment must be carried out.</p>	<p>The Children and Families Act 2014 (Transitional and Saving Provisions) (No.2) Order 2014 (as amended) 1 TP Regs: Article 18. Reports should be up to date, existing evidence can only be used if parents agree. Old statements should not be cut and pasted into the EHC Statement. They will remain in place until the EHCP is completed.</p>
<p>Parents/ young people have the right to ask for changes to a draft EHC plan.</p>	<p>The Local Authority must send the draft EHC Plan including appendices containing all information and advice gathered during the EHC needs assessment. Parents have at least 15 days to suggest any changes they want. (they can ask for extra time) These should be based on the evidence in the reports. The Local Authority must make an officer available to discuss the content of the draft EHC plan if the parents/young person wishes. The local authority does not have to agree.) (Cop p171 9.77).</p>