



Working effectively with parents

A training guide for SEN caseworkers

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About this handbook

This handbook and the accompanying materials are part of an overall package, which includes direct training, that is intended to enhance the knowledge and skills of caseworkers who work directly with parents of children and young people who have special educational needs (SEN).

The handbook is intended to ensure that SEN caseworkers:

- understand the importance of working in partnership with parents
- develop an appropriate focus on progress and outcomes for children and young people
- reflect on parents' experiences of the SEN system
- consider how they can improve the confidence of parents
- develop skills in communicating effectively with parents
- understand key areas of legislation and parents' rights.

Embedded throughout the handbook is a series of exercises designed to support the key messages.

Ultimately it is expected that caseworkers who are able to apply these skills and the knowledge gained will make an effective and positive contribution to improving the confidence of parents in the SEN system.

Using the handbook

This written guide is to be used in conjunction with:

- a CD-ROM which includes
 - video footage of parents talking about their experiences of the SEN system
 - a PowerPoint presentation that will help presenters to deliver the training to their SEN casework teams
- the SEN Code of Practice and other referenced resources, in particular the materials developed through the Achievement for All (AfA) project to support structured conversations with parents.

While it is anticipated that these materials could be used in a variety of ways, the expectation is that they will be used with groups of people in face to face training sessions. Activities are designed to be carried out in groups and many of them involve practising interpersonal skills.

The most effective way of understanding how parents experience the statutory assessment procedures is to hear from parents themselves. In order to explore what works well for parents and what doesn't, some local authorities (LAs) find it effective to include parents who have positive experiences and also those who have experienced difficulties.

In addition it is recommended that all course participants interview a parent about their experiences of statutory assessment and getting a statement for their child. This needs to be carefully organised so that parents are not talking to the officer with whom they dealt at the time of the assessment. This approach is definitely worth organising, ideally early in the training as it is likely to provide much of the motivation for going through the training.

The pack also includes a poster of top tips for SEN caseworkers working with parents.

Throughout this guide

- We use the term 'parent' to include parents and carers. In education law, all those who have care of the child have parental rights. For example, foster carers have all the rights of birth parents under the SEN legal framework, including the right to appeal to tribunal.

- We use 'SEN caseworker' to describe the named person within the LA who coordinates the assessment and statementing process.
- We use the term 'child' to mean child or young person.
- We use 'school' to include maintained schools and academies, pupil referral units (PRUs), and all early education settings in receipt of government funding.
- We use 'SEN Regulations' to describe the Education (Special Educational Needs) (England) (Consolidation) Regulations 2001 published at the end of the SEN Code of Practice.

Guidance for course leaders

These materials, which include this training guide, the video, and the PowerPoint slides, provide comprehensive information and resources to enable course leaders to deliver training over two days. A model agenda and notes for a two-day training course are provided with suggestions for the content for the days, with approximate timings for each of the exercises which illustrate key learning points.

It is important that the course leader ensures that all participants have a copy of this training guide, as there will be frequent reference to the contents and use of the exercises.

The PowerPoint presentation includes extensive tutor notes for those leading the training. The course is practical and deals with a range of issues and knowledge around communicating effectively and implementing the SEN statutory framework.

The accompanying CD-ROM contains a number of short videos of parents of children with SEN, describing their personal experience of various aspects of the system. Tutors are expected to use excerpts from the video at various points over the two days to illustrate key points.

It is also strongly recommended that course leaders invite a local parent to introduce the training, and open Day 1 with a brief account of their experience and perspective of the SEN system. This will reinforce the principle that the best way to develop understanding of the parents' experience is to hear from the parents directly.

Introduction: Why is there a need to improve parental confidence in the SEN system?

By the end of this section, participants will:

- have reflected on parents' experiences of the SEN system
- understand the importance of working in partnership with parents.

These materials have been produced as a direct response to a recommendation of the Lamb Inquiry (2009) into parental confidence in the SEN system, set up following a House of Commons Education and Skills Committee (2007) report on SEN: Assessment and Funding (see www.publications.parliament.uk/pa/cm200607/cmselect/cmmeduski/1077/1077.pdf). The report stressed the need for 'a radical recasting of the relationship between parents, schools and local authorities to ensure a clearer focus on the outcomes and life chances for children with SEN and disability'.

Under the chairmanship of Brian Lamb, the Chair of the Special Educational Consortium, the Lamb Inquiry has investigated a range of ways in which parental confidence in the SEN system might be improved. The inquiry concluded that change is needed in four key areas:

- children's outcomes at the heart of the system
- a stronger voice for parents

- a system with greater focus on children's needs
- a more accountable system that delivers better services.

The inquiry recommended the development of training for SEN caseworkers to support the development of a partnership approach with parents of children with SEN.

Promoting successful parent participation in their child's education is not a new concept – it is one of the guiding principles of the SEN Code of Practice. This emphasises the need for user-friendly information and procedures.

The Code of Practice recognises that parents hold key information and play a critical role in the success of their children's education:

The work of professionals can be more effective when parents are involved and account is taken of their wishes, feelings and perspectives on their children's development. This is particularly so when a child has special educational needs. All parents of children with special educational needs should be treated as partners. (para 2.2)

It is clear that parents know their child's needs best. Where they feel they are listened to as experts on their child and valued as partners by the LA, their confidence in the effectiveness of the SEN system is high.

Establishing good partner relationships with parents at an early stage is crucial. Parents start the education journey with their child trusting that all professionals want the same outcome for their child as they do. It is only when something goes wrong that this trust disappears. To re-build this trust takes a long time and sometimes can never be achieved. The SEN caseworker's role is transient but pivotal and, where partnerships are successful, SEN caseworkers can transform a family's life.

While many SEN caseworkers in children's services will be familiar with the training points these materials cover, the intention is to renew focus on parents and their legal rights as being at the heart of the process. With this in mind, a number of exercises have been adapted from training materials designed for Independent Parental Supporters.¹

This guide and accompanying training materials aim to support this intention.

Exercise 1: What influences parental confidence?

This exercise is intended to get SEN caseworkers thinking about the SEN process from parents' perspective. Use video clip 3: *Influences on parental confidence* to introduce the exercise.

It is recommended that prior to attending the training, all SEN caseworkers have had experiences of talking individually with parents who have been through the SEN system about their experiences, and exploring for themselves what would have made it better. The Parent Partnership Service (PPS) could facilitate this opportunity.

Ask participants to work in twos or threes and list what they agree are:

- the top five things that would undermine parental confidence
- the top five things that would promote parental confidence.

In order to stimulate ideas, think of a family you are currently supporting which you feel is a successful partnership. Ask yourself: Why is it successful? What makes it a good relationship from your point of view?

Now think of a family that it is difficult to support. What is different from the first relationship? What could you do with this family to promote the relationship?

Get group leaders to feed back to everyone, and draw together key messages.

(25 minutes)

¹ Council for Disabled Children (2005). The IPS Pack – materials for training Independent Parental Supporters.

What parents tell us about their experiences

The Lamb Inquiry concluded that there is a need for a significant cultural shift in the working relationships between schools, LAs and other services, and parents/carers.

The SEN legal framework offers comprehensive rights to parents, but too many feel they have to 'battle' to achieve those rights. Their experience is characterised by the terminology of conflict. They speak of 'fighting' for their rights and describe the SEN system as a 'battleground'.

Parents have told researchers² that they found interactions with professionals stressful. They said that they approached these professionals with anxiety, especially when they were unclear about their purpose. Some parents tell us they have lost trust when information they disclosed was used against them at a later date. Some parents feel confused about the content of communication where they found the detail hard to understand, or where they felt it did not contain sufficient explanation about decisions that had been made, or how those decisions had been reached. These experiences can foster the suspicion among parents that they are missing out on important information or that decisions made about provision for their child are not being made fairly and following proper consideration of all the available evidence.

What parents experience

- '... I had a very approachable case officer who I felt I could always contact and check progress with.'
- 'You need to know what to ask for, what to do and where to go but no one tells you – you have to find out for yourself.'³

What parents tell us about what undermines their confidence in the SEN system

Poor communication, including:

- professionals not hearing or giving weight to the importance of what parents say
- professionals withholding information from parents
- professionals not sharing information with each other
- professional reports lacking in specification and transparency
- SEN caseworkers being hard to reach
- SEN caseworkers not communicating information about decisions
- SEN caseworkers not responding when they said they would.

Lack of accurate, clear information, including:

- information which is too general and too complex
- information which reflects the LA policy rather than the law itself
- lack of information about school and LA SEN policies
- no transparency in how LAs make decisions
- inconsistencies in information provided by professionals

² NatCen (2009): Parental Confidence in the Special Educational Needs Assessment, Statementing and Tribunal System – Qualitative Study.

³ SENSE (2009) *Lamb Inquiry – focusing on statements of SEN: How to get a better quality and clear statement that makes sense to families and contributes to outcomes.*

- a lack of openness in relation to the allocation of services
- inequalities in provision owing to local resource restrictions.

What parents tell us about what actively promotes confidence

Successful communication, including:

- acknowledgement of the wider family context
- for their child to be valued as an individual rather than being seen as a condition or a set of needs
- respect for the amount of involvement they want
- responsiveness to immediate issues around their child's education.

Accurate and clear information, including:

- being able to have confidence in the accuracy of what professionals tell them
- clear, simple and accessible guidance on how to understand their legal rights
- information which acknowledges the financial calculations on which decisions are also based
- knowledgeable front-line professionals.

Responsiveness to their child's needs, including:

- interventions that relate to their child's particular needs rather than their being 'fitted into' an existing package
- speedy access to the right support
- joint solutions to issues
- acknowledgement of the longer-term educational aim for their child to be equipped to become an independent adult.

Session 1: Communicating effectively with parents

By the end of this session, participants will:

- have strategies to enable them to improve parents' confidence
- develop skills in communicating effectively with and listening to parents.

Parents want to work with professionals who understand their family context

We know from research evidence that the engagement of parents with their children's learning is essential if positive outcomes are to be achieved. Pupils with parents who are regularly engaged in their learning are more likely to attend school regularly, achieve better outcomes and have better social skills (Henderson and Mapp, 2002). For children with additional needs, education is one of several critical factors and stages in a lifetime of additional support essential for them to lead a successful life. Parents will be with their child for the whole of that journey in a more active way than with other children. Understanding the additional challenges which parents face and the stresses on the wider family – financial, social and emotional – will therefore be crucial to the relationship SEN caseworkers have with parents.

When SEN caseworkers first come into contact with a family, the parents may be feeling hurt and disappointed by their efforts to have their child's needs identified and addressed. This is often the case if the child has a hidden SEN and their parenting has been questioned by professionals looking for reasons for the child's difficulties.

Parents may not have had positive experiences to date: they may be reluctant to share information about their child, particularly if they have experience of, or know other parents who have experience of, such information being used against their child. For example, if they have told a school about their child's needs and the school has then been reluctant to admit their child or has placed conditions on their child's admission.

It is important, therefore, to resist jumping to conclusions about parents and their abilities. A non-judgemental approach from the start will help everyone to get off on the right foot.

Parents may differ in how much of their family life they want to share with professionals. They may feel that having a child with SEN means they lose too much privacy and that they constantly have to engage with professionals and services, sometimes repeatedly telling their story.

Exercise 2: Understanding the family context

- This exercise is intended to help SEN caseworkers to think about the wider context of the family of a child who has SEN.
- Ask participants to consider a family they are currently supporting.
- Draw the family in the centre of a piece of paper and then map around them the different aspects of their lives, e.g. work, home, pets, friends, relatives, leisure activities, etc. Now write down what additional adjustments they have to make to include their child with SEN. What is different from families without an SEN child? An example would be, under 'home', the need to have deadlocks positioned high up on all doors to ensure their child does not 'escape'.
- Video clip 5: *Understanding the family context* may be useful for this exercise.

(10 minutes individually, then 10 minutes plenary)

Parents want accurate, timely and clear information

The SEN Regulations require a range of information to be provided to parents at key points throughout the SEN assessment and statementing process within set time limits. These are detailed in Chapter 3 to emphasise the importance of giving parents accurate and timely information.

The Lamb Inquiry found that failures in compliance with the regulations created gaps in information for parents and had a significant impact on parental confidence. It concluded that in order to reinforce parents' legal rights to information, the principles of the Core Offer developed through Aiming High for Disabled Children should be extended. Core Offer guidance reasons that information and transparency are key to empowering parents, providing them with greater clarity about what to expect and how to access help, thus leading to greater equity.

The Core Offer described in Aiming High for Disabled Children expects services to provide information for disabled children, young people and their families that is:

- accessible
- available
- relevant and accurate
- joined-up
- user-focused.

What parents tell us about communication

Parents tell us they need accurate, full and timely information:

- at the right time so they can make the right decisions
- because knowing what to expect promotes confidence
- because understanding their rights is empowering.

But information on its own can make parents feel:

- like passive receptors rather than active partners
- overloaded
- confused, especially if they have literacy or language barriers or find SEN jargon impenetrable.

Parents tell us that as well as information they want:

- help with processing information especially at initial stages and transitions
- to feel involved with the process
- the opportunity to ask questions and raise concerns
- communication to be tailored to their needs – for many parents this means personal face to face contact.

Exercise 3: Sharing information

This exercise is intended to get SEN caseworkers thinking about how they can improve the information they routinely give out as part of the SEN process. Video clip 6: *Sharing information* can be used to introduce this exercise.

Ask each participant to take an example of a piece of information they regularly give to parents as part of the SEN legal framework; for example, standard letters, information about the assessment procedure and their role in it, choosing a school.

Taking each of the five key features of the Core Offer (accessible; available; relevant and accurate; joined-up; user-focused):

- Tick where each piece of information fits each heading.
- Put a cross where you feel the information does not meet one of the criteria.

Follow up with a discussion about how information can be made more parent-friendly.

Draw out any conclusions; for example, are families better able to make decisions with good information? Does sharing information help build trust? Are there other ways you can tailor information for families?

Add to the suggestions in this section through discussion.

(10 minutes individually, with 10 minutes plenary)

Parents want to be heard

Information-giving should be a two-way process. Sharing information is crucial to building trust and true partnership.

The basis of all interpersonal skills is listening. Listening skills include ways of responding to another person so that they see that their experiences and the impact of their experiences have been understood. Using these skills can help people feel able to solve their own problems.

These basic skills described below can make a big difference to successful partnership working.

Listening for content

Listening to a parent describe the support their child has received already, possibly at School Action/ School Action Plus (SA/SA+), is a good example of this. Caseworkers will be listening for factual information about the child, the type of support provided so far, the length of time it has been in place, and the outcomes.

Empathic listening

Empathy is not the same as sympathy. Empathy involves putting yourself into the world of another person, such as the parent of a child with SEN, to understand and share the experiences of that world. Empathy means being sensitive to the speaker from moment to moment, without judging or patronising them.

Active listening

Hearing what people tell you is not enough. People quickly sense whether you are genuinely listening. You need to show that you are listening by your body language and how you respond.

Body language

Use body language which shows that you are listening; for example:

- use eye contact
- face the other person at eye level
- nod to show understanding, agreement or that you want them to continue
- lean towards the person
- be relaxed.

Avoid:

- gazing elsewhere
- fidgeting
- doodling.

Waiting

Don't be afraid of silence. Give the parent time to collect their thoughts before they speak. Try not to jump in too quickly if there is a pause. Think about what the parent is saying – what is their key message? You should also read between the lines to pick up questions parents do not ask but would like to ask.

Repeating and paraphrasing

Repeating what has been said can show that you are listening. This can be helpful when there is a break in the parent's train of thought. Paraphrase what they have said as this shows that you have both heard and understood what they have said.

Clarifying

If you don't feel clear enough about what the parent is saying, ask a question. It may seem easy at the time to leave difficult issues to one side but this may lead to misunderstandings and difficulties later on. Different questions will get different responses:

- **Open questions** (usually beginning with How, Who, What, When or Where) will elicit more considered responses. Questions can be door-openers, e.g. 'How did it go?'
- **Probe questions** may draw out a specific reply, e.g. 'Why did you...?' But don't use too many questions like this or the parent may feel they're being interrogated.
- **Closed questions** may require just a 'Yes' or 'No' but can be useful in checking a point. Don't use leading questions, though. These imply you have already made up your mind and will discourage the parent from answering with their own views.

Summarising and ending

A summary should be brief and concise. It shows that you have been listening to what has been said. Take care to summarise in such a way that the parent feels you understand what they have said in terms of both content and feeling. But remember, this isn't a counselling session. Beware of telling a parent you know how they feel – this is unlikely and risks seeming patronising.

Pages 10 and 11 and Exercise 4 on page 12 adapted with kind permission from CDC & ACE (2005) *The IPS Pack: Guide for trainers – materials for training Independent Parental Supporters*. London: NCB.

Exercise 4: Practising listening skills

This exercise gets participants to practise listening skills and empathy. Video clip 7 can be used to show the importance of listening to parents.

- Divide the group into pairs. Ask each of them to think of a conflict situation in which their point of view was not understood. In each pair give one person about three minutes to explain their story and feelings. It does not matter if they do not finish as there will be an opportunity to do this later on. The listener should not comment but should use gestures to show that they are paying attention.
- At the end of the three minutes the listener should feed back to the speaker showing that they have understood the main points of their story.
- The pairs should swap roles and repeat the exercise.
- Bring the groups together to consider the points under 'Active listening' above.
- Ask the group to return to their pairs. The first speaker returns to their story, either retelling it or continuing where they left off. This time the listener uses repetition, paraphrasing and clarifying to get to the emotions and needs of the speaker.
- After listening for three minutes the listener tries to describe the speaker's needs and feelings within the situation. The pair should swap roles and repeat the exercise.
- The group should then meet and consider together:
 - What difference was there for the listener between the first and second exercise: In listening to the facts of the story? In understanding the speaker's feelings and needs? In understanding their own attitude to situations of potential conflict?
 - What difference was there for the speaker between the first and second exercise?
- An alternative for large groups would be to have a third person observing and taking notes and feeding back to the two presenters at the end of the exercise. They could also note how body language and other non-verbal cues were used by each of the speakers.

Pages 10 and 11 and Exercise 4 on page 12 adapted with kind permission from CDC & ACE (2005) *The IPS Pack: Guide for trainers – materials for training Independent Parental Supporters*. London: NCB.

(45 minutes)

Using structured conversations

How you hold conversations with parents is vital to maintaining their confidence in the SEN system. A positive approach which you may want to consider adopting is a structured conversation, which is intended to facilitate a relationship that develops around the shared purpose of improving the educational achievement of young people with SEN. A structured conversation can allow the free exchange of information and views, the evolution of supportive teaching and learning strategies and clarity of learning objectives.

Detailed information about the structured conversation can be found in materials that support the AfA initiative (visit www.standards.dcsf.gov.uk/nationalstrategies and search for Achievement for All). These materials may be used to support additional training and the development of skills in communicating with parents.

A structured conversation uses a clear framework for developing an open, ongoing dialogue. It is not a set way of speaking with parents about their child's learning; rather the aim is to have a listening conversation, which draws on parents' knowledge and aspirations for their child to tailor provision and targets. A structured conversation aims to:

- help identify barriers to learning
- influence provision, targets and goals for the pupil
- identify joint action.

How can caseworkers use structured conversations?

1. During discussions around a decision to carry out a statutory assessment

- to learn about the child's 'educational story' to date
- to identify gaps, underachievement and learning difficulties
- to identify barriers to learning
- to explore the impact the child's educational experience has on the family at home
- to find out about the parents' hopes and aspirations for their child.

2. At meetings following the issuing of a proposed statement

- to identify any concerns parents may have with the proposed statement
- to identify any gaps parents may have identified in the description of their child's needs and/or provision
- to identify any ambiguity in what provision is needed to meet those needs
- to resolve any disagreements parents may have over the proposed statement.

3. At meetings to discuss recommendations following annual review

- to check progress and focus on outcomes
- to consider the needs and provision described in the statement
- to review interventions and focus on the additional provision needed to accelerate the progress of children with SEN who are underachieving
- to consider how the school/parents can support the child's learning more effectively
- to identify new objectives and additional provision to meet them.

Ensuring that meetings are effective

It is important for parents and professionals to work together to achieve the best outcomes for children with SEN. Many parents tell us that they prefer face to face meetings to other forms of communication.

Preparation

Prepare for the meeting. This means agreeing an agenda: a meeting should always be about a specific issue. Ask parents in advance why they think you are meeting and what they want as an outcome of the meeting. You will be surprised how often what you thought you need to discuss is not what parents want to discuss!

Be clear about the issues that the meeting can and cannot deal with. If you do not have the responsibility to deal with an issue then be clear with the parents as to who does and how they can raise it with them.

Once an agenda is agreed, try to stick to it. If parents bring up other issues, listen to them, but bring the focus back on the agenda items as soon as it is comfortable to do so. Remember to focus on the individual child and avoid generalisations. Start on the easy issues first.

Practical issues

Check the family's circumstances when you arrange meetings. It may not be possible to please everyone all the time, but even small adjustments to the location and timing of meetings can make a big difference to families of children with SEN.

Check:

- Is mobility a problem for their child or themselves?
- When is the best time to hold meetings to avoid childcare problems?
- Does one parent consistently have to miss meetings because they are scheduled when they are at work or have childcare responsibilities?
- Are there other children who parents may feel are missing out because of the extra time needed to attend meetings for the child with SEN? Are there ways this could be minimised?
- Do the parents have impairments? If so, is the venue suitable?
- Is English the language the family use at home? Do they need an interpreter at the meeting?

Dealing with conflict

When disagreements arise:

- listen carefully to the other person
- speak slowly and calmly
- do not try to side-step or avoid disagreements
- ask for clarification of any complaints: break problems down so you are clear about the area in dispute
- stick to the agenda as much as possible
- if parents are abrupt or rude, do not respond in kind
- acknowledge anger by offering alternatives or converting accusations into requests, such as 'Does that mean that you would like/prefer...?'
- ask parents if there are any other issues they would like to raise.

Problem-solving techniques

Consider using a problem-solving approach:

- defining the problem: if there's disagreement about this, break it down into what people have observed, points of disagreement and the additional information that both sides would find useful
- discussing and identifying possible solutions
- selecting solutions which meet both parties' needs
- planning who will do what, where and by when
- implementing the plan
- evaluating the process and solution.

Agreeing a way forward

At the end of a meeting summarise what has happened and agree the next steps which either side will be expected to take, with time scales if appropriate. Some meetings may end on a disagreement but you

may still have had a successful meeting if the parent feels listened to and believes their concerns have been acknowledged. This may set the stage for agreement further on in the process.

Following a meeting, make sure parents receive a written summary of what was agreed and what issues are still outstanding so that all parties have a clear record.

Communicating effectively with parents – key points

- Be clear with parents about what decisions you can make as an SEN caseworker and those you do not have the power to make.
- Keep a record of the information that you have given parents.
- Make sure you maintain regular contact so that parents don't feel they have been forgotten.
- Tailor information to meet individual parents' needs.
- Ensure parents have a clear written record of anything you have told or explained to them.

Exercise 5: Making meetings effective

This exercise is intended to get SEN caseworkers thinking about how to improve their communication with parents at meetings, resolve problems and reach agreement.

List two or three actions which you might take under each of the four headings.

Effective meetings

Preparation

Involvement of all present

Problem-solving approach

Agree way forward

(20 minutes)

Session 2: Building parental confidence in the SEN system

By the end of this session, participants will:

- understand key areas of legislation and parents' rights
- be able to apply skills in communicating effectively with parents.

The session starts with a quiz which is intended as an icebreaker to start the session on building parental confidence. The quiz covers a range of areas around parents' rights, parental involvement and effective communication.

It is advised that each participant spends 10 minutes individually responding, and then shares their responses with a partner.

The full set of answers is provided in Appendix 2.

Exercise 6: A quick quiz

Q1: Do parents have to consent to a statutory assessment of their child?

Q2: Are LAs obliged to carry out a statutory assessment of a child under two if parents request it?

Q3: Are parents entitled to be present when their child is examined for statutory assessment?

Q4: How many meetings are parents entitled to, following the receipt of a proposed statement?

Q5: Are foster parents entitled to appeal to tribunal?

Q6: Give three examples of active listening.

Q7: A structured conversation is:

- reading a script
- a formal meeting
- a listening conversation
- an open dialogue.

Q8: Give three ways you can make meetings more effective.

Q9: Suggest three types of information which would be useful for a parent considering which school is right for their child with SEN.

Q10: If parents appeal following a notice to cease to maintain, the LA must:

- a) Cease to maintain the statement until the appeal has been decided
- b) Maintain the statement until the appeal has been decided
- c) Maintain the school placement but not the provision until the appeal has been decided.

(15 minutes)

The legislation and rights for parents

Much of the SEN legal framework has been in place since 1981 with further legislation on SEN introduced by the Education Act 1993, which provided the statutory basis of the SEN Code of Practice and gave parents the right to appeal to tribunal. Special education law was subsumed into the Education Act 1996 which was then amended by the Special Educational Needs and Disability Act 2001. This made Parent Partnership Services statutory, improved rights to a mainstream school place for children with SEN, and extended the legislation on disability discrimination to schools and other education settings.

Understanding the LA's legal duties

Around 10 per cent of education complaints that parents make to the Local Government Ombudsman (LGO) relate to SEN.⁴ It is worth noting that in many of the SEN cases, where parental complaints have been upheld, LAs have been criticised for lost educational opportunities because of delays in making provision.

⁴ LGO Analysis of complaints statistics for 2008/09.

Mistakes can be costly in terms of compensation to complainants, but more importantly in terms of good relations with parents. In its guidance on good administrative practice (see www.lgo.org.uk/publications/guidance-notes) for councils, the LGO sets out the principles of good administration. These are that:

- LAs understand what the law requires the council to do and fulfils those requirements;
- LAs ensure that all staff working in any particular area of activity understand and fulfil the legal requirements relevant to that area of activity.

This section does not attempt to explain in full the legislation relating to SEN, although references to the legislation and Code of Practice are included where relevant. Instead it highlights those areas in the legal process where relationships with parents can flourish or founder, depending on how the process is managed.

It is essential to note that LAs, schools, early education settings and those who help them – including health and social services – must have regard to the SEN Code of Practice (2001).

The Key SEN Statutory Documents

- Part IV of the Education Act 1996 and Schedules 26 and 27 (as amended)
- The Education (Special Educational Needs) (England) (Consolidation) Regulations 2001
- SEN Code of Practice 2001

Partnership working with parents

Working in partnership with parents has long been a feature of the SEN framework and it applies across the range of SEN provision. For most parents, partnership is largely with their child's school as the majority of children with SEN have their needs met by schools. Where a child does not make adequate progress, despite differentiation, they should receive extra support. This is provided at three levels:

- School Action (SA) or Early Years Action (EYA)
- School Action Plus (SA+) or Early Years Action Plus (EYA+) when external services are likely be involved
- Statement of SEN.

For a child who does not have a statement, schools have a legal duty to inform the parent when they are making special educational provision because they believe that the child has SEN. (*Section 317A Education Act 1996*) The Code of Practice says that parents should always be consulted and kept fully informed of the action the school is taking to help their child, and the outcome of that action. (*CoP, 5.47, 6.56*)

Schools are responsible for deciding and reviewing provision at SA/SA+. They should work with parents to identify concerns about children's learning and the best strategies for supporting children's education. Parents often have a great deal of knowledge of their child's SEN and how to manage their needs effectively.

Research into parental confidence identified the degree of flexibility, communication, capacity and expertise demonstrated by schools in managing the needs of children with SEN at SA/SA+ as key factors in underpinning parental confidence in the SEN system as a whole. Parents who described more positive experiences of support at SA/SA+ tended to have a relationship with their children's schools characterised by involvement in children's individual education plans (IEPs) which was encouraged and fully supported by the school.

(For further information about EYA/EYA+ see Chapter 4 of the SEN Code of Practice. For further information about SA/SA+ see Chapters 5 and 6 of the SEN Code of Practice.)

LAs will find it easier to engage parents during statutory assessment if schools routinely work in partnership with parents as a key part of their SEN practice. Good record keeping by schools will also help LA decision making if a request for statutory assessment is made.

Individual education plans (IEPs)

When discussing with parents how their child's needs have been met by a school, or plans for future support and target-setting, it is important that caseworkers reinforce expected SEN planning and intervention processes. IEPs are the standard ways for schools to use for recording short-term targets and the strategies to be put in place for children at SA, SA+ or with a statement. Drawing up an IEP and reviewing it represents a useful, formally recognised structure for sharing information with parents. Schools may use other, additional or alternative planning and review mechanisms such as provision mapping for documenting the objectives and the range of support to groups and individual pupils with SEN across a school. However, they should have in place arrangements for developing and reviewing IEPs and their impact or, if they choose to use a different name, documents which fulfil the function and mirror the content of IEPs as these are set out in the Code of Practice.

All parents have a legal right to discuss their child's annual progress report with their child's teachers. The SEN Code of Practice says that those parents whose children have SEN should be consulted on their child's progress at least twice a year and ideally termly or more frequently for some children. Both parents and pupils should be involved in planning targets, deciding provision and reviewing the success of different interventions. The NatCen report found that those parents involved in the design and development of their child's IEP were more likely to view their child's school as adopting a flexible, creative and collaborative approach to supporting their child's SEN.

All pupils with statements of SEN, whether they are attending mainstream or special schools, should have short-term targets set, linked to the longer term targets in the statement. In the majority of cases the strategies to meet these targets will be set out in an IEP. (*CoP, 5.67 and 6.74*) SEN caseworkers can ensure that statements specify under the 'Monitoring' section in Part 3 of a statement that schools involve parents in drawing up and reviewing IEPs or other action plans. Parents may have their own ideas of how they would like to be involved and their suggestions could be included in Part 3 of the statement.

IEPs, or alternative approaches, should include:

- short-term clear and stretching targets
- evidence of progress since the last review against these targets
- the teaching strategies to be used
- intervention which is additional to or different from that given to children without SEN
- the views of the parent and child
- the date for the next review
- the criteria used to decide if it has been successful or not.

Exercise 7: Working with schools

SEN caseworkers are not responsible for the way in which schools fulfil their duties in law and under the Code of Practice to meet children's SEN and to keep parents informed and involved.

This section has suggested one way in which SEN caseworkers can influence schools' practice – by including the need to involve parents in reviews of IEPs in Part 3 of statements.

In what other ways can SEN caseworkers influence schools' practice with regard to their dealings with the parents of children with SEN, both those with and without statements?

Discussion in twos or threes (15 minutes), followed by a plenary (10 minutes)

Duty to identify and assess children with SEN

LAs in England are responsible for identifying those children in their area who will need their special educational provision to be decided by the authority. In practice this means LAs will need to carry out a statutory assessment and possibly draw up a statement for those children whose needs are not being met. Generally this will be where the expertise and resources available in the mainstream school they are attending have been exhausted, or for children aged under five years old with complex learning difficulties.

The law on identifying and assessing children

- The duty to identify and make a statutory assessment of children with SEN who may need a statement is set out in **Sections 321 and 323 of Education Act 1996**.
- Making of assessments is detailed under **s323 and Schedule 26**, with detailed procedures for assessment and reassessment set out in **The Education (SEN) (England) (Consolidation) Regulations 2001 (SI 2001/ 3455)** which are at the back of the SEN Code of Practice.
- **Section 321 (1) (2) Education Act 1996** sets out the LA duty to identify children with SEN for whom it is necessary for the authority to determine the special educational provision which any learning difficulty he may have calls for.

The Code of Practice

- LAs, schools, early education settings and those who help them – including health and social services – must have regard to the SEN Code of Practice (2001).
- **Chapter 7** of the Code of Practice describes the considerations LAs must and should take into account when deciding whether to assess, the procedures when carrying out an assessment and good practice on consulting parents and pupils. It also explains when a child might move straight to statutory assessment, for example, where immediate specialist intervention or a quick response is required. (*CoP, 7.14 and 7.30*)

Request to carry out statutory assessment

Parents or the school (specifically the headteacher or proprietor of a child's school, nursery school, PRU or the management body of a government funded early years provider) have a right to request a statutory assessment of a child's SEN. (*Section 329 and 329A Education Act 1996*)

LAs' duties to identify and provide for children under two years old apply only with parents' consent. If parents request an assessment the authority must, where necessary (*Section 331 (2) (b) Education Act 1996*) comply, although the way they carry out that assessment is at the LA's discretion.

What parents tell us...

Some parents have felt that requests made by themselves, and not the school, for statutory assessment have been given less weight by the LA.

Parents have suggested that a checklist of paperwork needed for the application would be useful. In cases where headteachers had not requested a statutory assessment before, parents suggested that an information pack should be available which explains the documentation they needed to provide, and the requirement for reports, such as IEP assessments, to be up to date. Parents also thought that where paperwork was incomplete or missing, LAs should liaise with schools and parents to resolve this prior to the LA making a decision about whether or not to assess.

The legal timetable for assessment

- If a parent or appropriate person at a school requests a statutory assessment the LA must reply in writing with its decision within **6 weeks** of receiving the request.
- If a request for statutory assessment comes from a school, PRU or nursery the LA must begin by informing the parents that they are considering whether to carry out an assessment and asking for their views within **29 days**.
- If the LA decides to make a statutory assessment, it must be concluded within **10 weeks**. They must then inform parents of the outcome within a further **2 weeks**.
- The only permissible exceptions to these time limits are set out in the regulations (SEN Reg 12).

Informing parents of a proposal to assess

When LAs write to notify parents that they are considering statutory assessment, they must explain the assessment procedure and provide the SEN caseworker's name (the Named Officer). Parents have the right to make representations within 29 days of being notified of the proposal. (*Section 323 (1) Education Act 1996*)

In a minority of cases, a proposal to make a statutory assessment may be unexpected or unwelcome, especially where parents may not have come to terms with the possibility that their child has an SEN. Those who have just had a diagnosis for their child are likely to be experiencing many emotions. The SEN caseworker may be one of the first contact points for parents so as a minimum they will need to have basic information for parents about:

- why their child may need a statutory assessment
- what a statutory assessment involves
- how their child may benefit
- where they can get further information, advice and support.

What parents tell us...

Parents of children who have been newly-diagnosed with an SEN often feel anxious and upset, although some may be relieved to have an explanation for their child's difficulties. If it has not been possible to obtain a clear-cut diagnosis, parents may feel they and their child are alone in experiencing particular difficulties.

Parents sometimes feel frustrated at the lack of information or overwhelmed by the amount of new information they are receiving.

Meeting parents' information needs

LAs must arrange for the parent of any child in their area with SEN to be provided with advice and information about matters relating to those needs. (*Section 332A Education Act 1996*)

Parents may need signposting to sources of advice and information such as health, social care, welfare benefits, as well as information about what will happen in education. The amount of information may be uneven with a great deal being available for families about children with particular disabilities, and scant information for others.

Some parents will particularly appreciate being put in touch with other parents whose child has similar SEN.

Discussing the needs of children with SEN at an early stage can ensure parents are referred to the right sources of further help.

SEN caseworkers should consider a range of formats to provide information:

- leaflets, policy documents and other publications (including those in different languages)
- for families of under-fives, the Early Support materials (see www.dcsf.gov.uk/everychildmatters/healthandwellbeing/ahdc/earlysupport/resources/esresources provide a useful starting point)
- teachers and other parents at their child's school or early years setting
- the internet, e.g. the Department for Children, Schools and Families Parents' Centre (see www.direct.gov.uk/en/Parents/Schoolslearninganddevelopment/SpecialEducationalNeeds/DG_4008600); the LA website
- telephone help lines
- face to face via the PPS, voluntary organisations or an Independent Parental Supporter (IPS)
- websites of voluntary organisations.

The document *Together from the Start*⁵ (see www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4007526 provides practical guidance on working with families of very young children at the early stages of identification.

Parents know their child better than anyone else, so a parent's concerns about their child's health or development should always be taken seriously. Parents should, wherever possible, participate fully in the assessment process, as active partners. Time taken over 'history taking' will give useful information about their child's capacities and requirements. Sensitive and expert questioning by the professional can give valuable insight into the child but also reinforce feelings of self worth in the parents as central to an understanding of their child's development. This will also make certain that the needs of the family are taken into account in any future planning, building on their strengths and resources.

From Together from the Start

Building trust

The request for statutory assessment is the point where LAs' and schools' responsibilities interface so, unsurprisingly, it can also be the point where there is most tension between LAs, parents and schools.

The way SEN caseworkers make their decision and the way they take into account parents' views and communicate with them at this stage could be crucial to what may become a long-term relationship. Building trust is important.

⁵ Department of Health (2003). *Together from the start: Practical guidance for professionals working with disabled children (birth to third birthday) and their families.*

The proportion of appeals against LA refusal to assess remains high as set against the total of all appeals. Many such appeals are conceded by LAs before they reach tribunal and a majority of those which reach a hearing are upheld – two facts which go some way to explaining the lack of trust parents sometimes have in LA decision-making.

What parents tell us...

Parents have said they lost trust because of:

- inconsistency of messages (e.g. about appropriateness of statutory assessment)
- conflicting reasons given for decisions
- professionals' reports leaving out crucial information or appearing to be tailored to the available provision rather than the child
- advice based on LA SEN policy rather than legal entitlement
- information provided by schools and/or LAs which turned out to be misleading.

Parents also complain of being put off requesting statutory assessment by misleading or false information, such as these examples:

- *'Children's needs have to be "severe and complex"...*
- *'A child has to be among the 2 per cent worst-performing (or other figure), or a fixed number of years behind...'*
- *'We don't statement for dyslexia (or Asperger's etc.) in this authority...'*
- *'There are children "far worse" than yours that don't have a statement...'*
- *'We no longer statement in this authority because all children's needs are met in mainstream schools.'*

Getting it right

Parents report positive relationships with their LAs, even when decisions go against them, when LAs:

- are open about parents' rights to challenge decisions
- are clear about LA responsibilities
- listen to what parents tell them and incorporate this into their decision-making
- use straightforward language to explain the system
- engage with parents as soon as possible after receiving a request for statutory assessment
- take a problem-solving approach which draws on parents' knowledge
- focus on progress and outcomes.

Deciding whether to carry out statutory assessment

The law is very clear that LAs must identify those children who have SEN and for whom it is necessary to determine the special educational provision which any learning difficulty they have calls for. (*section 321 Education Act 1996*)

This means that the decision on whether to carry out an assessment should be made on an individual basis. Local criteria for assessment will provide a useful guideline, but an individual child's needs and the provision required to meet them means SEN caseworkers have to look beyond the local policy and funding arrangements to the LA's legal duty.

Local guidance may be affected by local variables such as:

- the funding arrangements in an area
- the availability of expertise in particular schools
- the extent to which mainstream schools in the area are equipped for inclusion.

However, local SEN policies and other local variables do not remove parents' and schools' rights to request statutory assessment, nor the LA's duty to identify and determine special educational provision for children with SEN when it is necessary.

What parents tell us...

Parents sometimes report a lack of transparency about how SEN funding is allocated in schools, particularly where schools and LAs have failed to provide clear information in policy documents, prospectuses and on websites.

Parents want to know more about LA panels. The lack of information about how they operate often leads to a lack of confidence in their decisions. Conversely, parents who had more knowledge, sometimes attending or taking part in panels, had more confidence in making their case and in the resulting decisions.

Where an LA has established a panel to assist in deciding whether to assess, to make a statement and/or in relation to provision, the LA retains its responsibilities and therefore the formal decisions must not be delegated but remain with an officer of the LA.

Improving transparency

LAs have a legal duty to explain the extent of provision they expect schools normally to make from their budgets for children with SEN but without statements and provision that they expect normally to be met from funds they hold centrally. SEN caseworkers should provide parents with a copy of this information, especially in cases where they need to explain the division of responsibility between schools and the LA. Research (NatCen) shows that when this information is clear schools understand what they can do to support children and there are better working relationships between parents and schools. The Lamb Inquiry report said that it was crucial to have a shared understanding between schools, LAs and parents about who has responsibility for what. Without this, parents find themselves falling into the gap between the school and the LA.

A number of LAs have developed systems of provision-management and mapping which are used to set out the help provided for different levels of need and also form the basis of the information that schools are expected to provide when they request statutory assessments.

Evidence

The Code of Practice lists a range of evidence which schools and parents should provide to establish that a statutory assessment is necessary. This should include:

- any action taken through SA/SA+ including IEPs
- teachers' records tracking a pupil's progress
- parents' and pupils' views
- details of the child's medical history
- attainments in literacy and mathematics including National Curriculum levels
- details of any other assessments (such as those carried out under the Common Assessment Framework) and involvement of other professionals including social services, health or education welfare.

Remember that sometimes paper trails are unavailable, for example when:

- a child has moved to England from another country
- a child in the care system has made many moves
- parents are making the request before a child starts school/early years education
- parents are making a request without the support of the school/early years setting
- schools fail to keep records
- a child's behaviour deteriorates suddenly
- a child requires help because of an accident, illness or trauma.

In these circumstances SEN caseworkers may have to rely on parents'/carers' descriptions of their child's needs and seek advice from appropriate professionals. While parents' concerns may or may not be justified, their knowledge of their child needs to be taken seriously. In these circumstances, it would be wrong to ignore unidentified SEN just because the paperwork is incomplete. The Code of Practice says that in some cases a single report from a lead professional may be sufficient. *(CoP, 7.14 and 7.30)*

Decision not to assess

When the decision is a refusal to assess, parents will be very disappointed. The LA must write formally to explain its decision.

The letter must include:

- the decision with reasons
- parents' right of appeal and time limits for appealing
- availability of disagreement-resolution and that this does not affect the right of appeal
- information about the PPS.

It is also very helpful to set out the school provision which should be made to meet the child's needs appropriately. It is good practice at this stage for the SEN caseworker to meet the parents and possibly the headteacher or special educational needs coordinator (SENCO) of the child's school. This can be particularly useful where parents and school disagree about the child's progress and attainments at school, the appropriateness of help provided by the school or about the need for a statutory assessment. *(CoP, 7.70)*

When parents are refused a statutory assessment for their child, they need:

- an explanation of the kind of help schools should provide at SA/SA+
- acknowledgement of their concerns and action to resolve them
- information about how they can influence the school's approach to their child's SEN provision
- in some cases, an agreement about what further information might result in a different decision
- in some cases, access to dispute-resolution services
- information about how to complain if the school fails to provide the help expected
- details of where to get independent advice and support
- information about their right of appeal and the deadlines.

The NatCen study found that parental confidence in an LA's decision not to assess was undermined when there were apparent inconsistencies between the explanation provided in the notification letter and information disclosed by LA SEN caseworkers when parents sought clarification of reasons for the decision. Clearly for parents to feel trust in LA decisions, honest reasons must be given at every stage of the process.

Inconsistent messages from schools and other professionals involved with the child may raise parents' expectations in relation to the statutory assessment process. Joined-up working between schools and LAs at an earlier stage could assist in pre-empting parental concerns about, and lack of confidence in, the use of delegated resources to meet their children's needs. The NatCen study found that in cases where the LA was proactive in communicating with parents, and adopted a collaborative approach with parents and schools following a refusal to assess, the escalation of tension was avoided.

Decision to make a statutory assessment

A decision to make a statutory assessment may be the start of a long-term relationship between the SEN caseworker and the parents of a child, which may continue until the child reaches the age of 19. This can be conducted largely on paper through letters, reports and formal notices, but parents tell us that there is no substitute for meeting in person.

The law on making assessments

- The law sets out in great detail how assessments of a child's SEN are to be carried out for children aged two and over.
- In particular it says what advice the LA must seek about the child's SEN and parents' rights to be involved in the assessment. If the LA decides to go ahead with the assessment they must, as a minimum, seek advice from the child's parents, and educational, medical, psychological and social services professionals.
- The LA should also consider seeking the child's views as there is a legal requirement, where a decision is appealed to the SEN tribunal, to notify the tribunal of the child's views or the reason why they have not been ascertained.
- LAs must take into account any evidence submitted by or at the request of parents, such as independent professional reports or representations made earlier when the LA was considering whether to assess. This is set out in Schedule 26 and the *Education (SEN) (England) (Consolidation) Regulations 2001 [both as amended]*.

What parents tell us...

Parents surveyed⁶ for their views on the SEN process said that they welcomed:

- face to face support from LA or school staff to explain the process
- access to IPS.

Supporting parents

The Code of Practice says that LAs need to ensure that:

- they are accessible, welcoming and value the views and involvement of parents
- information is available in a range of appropriate languages and variety of mediums, so that all parents for whom English is not their first language, and those with a disability or learning difficulties, can access the information. (CoP, 2.13)

Personal contact between the SEN caseworker and the parent following a proposal to carry out statutory assessment can get the process off to a good start. It may give parents an opportunity to provide names of professionals who already know their child and who can provide important information for the assessment. Their views form part of the evidence on which to base decisions.

6 NatCen (2009): Parental Confidence in the Special Educational Needs Assessment, Statementing and Tribunal System – Qualitative Study.

It gives the SEN caseworker an opportunity to explain when an examination of a child may be better carried out without the parents' presence, for example during a classroom observation where a child may behave differently if their parents are there.

Parental advice

Parents are often uncertain about how much weight the assessment panel attaches to their views provided in their parental advice report. They are also concerned about how to go about writing it. SEN caseworkers should remember to point out that parents might seek support on putting their views from the PPS or voluntary organisations. The LA or PPS may have a form to make it easier for parents to structure their advice and cover all areas of their child's development and needs. An IPS or PPS may help the parent to fill out the form where necessary. Section 8 of the SEN Toolkit (see www.teachernet.gov.uk/wholeschool/sen/teacherlearningassistant/toolkit/) provides guidelines for LAs and PPS to give to parents to help them write their advice.

Materials that enable parents to help their children express their views and describe their experiences might also help parents consider more aspects of their children's education.

Some parents may want to provide information about their child in person or over the telephone. In these cases, SEN caseworkers should make a note of what parents say and read it back to them to check they have understood all the points. This can form all or part of their advice for the statutory assessment if parents wish.

SEN caseworkers should not regard this contact as a waste of time. It is an opportunity to reach a shared understanding of the child which will help SEN caseworkers write a statement which reflects the child as an individual. It also provides the opportunity to explain the process to parents. What may have become routine for the SEN caseworker is a new and possibly stressful experience for parents. They may have waited a long time to reach this point, or it may have come as something of a shock.

Checklist to ensure parents are able to submit their views

- Does the parent have an impairment?
- Will parents need information translated?
- Have arrangements been made for information to be provided in a format that is accessible?
- How will children and young people be involved in giving their views for assessment?

Exercise 8: Parental advice

This exercise is intended to focus the SEN caseworker on considering how parental advice may provide vital information for understanding the child's needs and, if a statement is found to be necessary, personalising the support it describes.

Ask participants to consider what information and evidence parents uniquely can provide during statutory assessment, including their hopes and aspirations for their child. Make a list on a flipchart.

Using the information on Active listening on page 10, ask them to consider what 'open' questions they might ask to draw out further information under each heading. Ask for examples of how they have used person-centred approaches to draw out information which has influenced the statutory assessment process.

Discussion in twos or threes (15 minutes), followed by a plenary (10 minutes)

What parents tell us...

Parents made two key points in a study about the statutory assessment process:⁷

1. the importance of knowing that those working with their child understood their child's needs and were willing to clearly define them along with corresponding provision;
2. the importance of good communication.

The latter is important even when the communication includes difficult messages. It seems that it is more important that parents know what is happening, whether it is good news or bad, than that they do not know what is happening.

Exercise 9: Finding out the child's view

This exercise considers how LAs can fulfil their duties to find out the views of children with SEN.

Parents have said they like professionals to communicate with their children. The views of children and young people should be heard at annual reviews and during statutory assessment, and LAs are expected to seek children's views before a tribunal hearing.

Ask participants to contribute ideas for how they might elicit children's views in the following circumstances:

1. during the statutory assessment of a child aged four with cerebral palsy;
2. the annual review, in the year before secondary transfer, of a child with emotional and behaviour difficulties who is in long-term foster care;
3. for the transition review of a non-verbal child of 14 with severe learning difficulties;
4. a child with visual impairment whose parents are appealing for a non-maintained special school in place of a mainstream school;
5. a young person of 16 with moderate learning difficulties who disagrees with his parents about going to college rather than staying in school.

Discussion in twos or threes (15 minutes), followed by a plenary (10 minutes)

The decision not to issue a statement

Nobody likes giving bad news, and parents can be very disappointed if a decision is taken not to issue a statement. However, if SEN caseworkers can show that their decision was reasonable, that they recognise parents' concerns and that they will help in ensuring their child's needs are met, parents are more likely to respect and accept their decision. If they believe the decision was taken to avoid LA expenditure or because SEN caseworkers have ignored their concerns, then they are less likely to trust the decision.

It is important, therefore, that SEN caseworkers:

- provide full reasons for their decision, based on the law and citing evidence from the advice given during statutory assessment
- explain how the school can meet the child's needs. It will not be enough just to state this. Instead SEN caseworkers should show what help they have concluded is necessary and how this falls within the school's capacity in terms of expertise and resources. If this is set out in a note-in-lieu, it is important that SEN caseworkers point out the status of a note-in-lieu so parents understand that it is not legally binding in the same way as a statement. (*CoP*, 8.18 – 8.20)

⁷ Lamb Inquiry (2009). Quality and Clarity of Statements.

It will be helpful for SEN caseworkers to arrange a meeting between themselves, the parent and the headteacher or SENCO of the child's school to reach an understanding between parents and school of what provision is required. The advice reports from the statutory assessment should inform the type and amount of provision to be made for the child by the school.

Exercise 10: Applying communication skills (1)

This exercise focuses on three case studies and requires knowledge of the LA's legal responsibilities.

Divide into groups of three or four. Each group should consider at least one of the three case studies below. Each describes a family whose child is at a different stage of the SEN process. The group needs to agree what their next steps would be and list the key issues they need to consider when discussing these with the child's parents. (20 minutes)

Each group will be asked to feed back in a plenary session. (10 minutes)

- Case study 1 – David, aged 10 years, has an Attention Deficit Hyperactive Disorder (ADHD) and has been excluded from school for three fixed-term periods, two of them in the last term. He receives support at SA from his primary school but the SENCO says they are struggling to manage his behaviour. His parents have requested a statutory assessment and sent in reports from a child psychologist supporting the reasons they have given for the request.
- Case study 2 – Nazeem is aged four years and has just had a statutory assessment following a request from his nursery which had concerns about his development. The educational psychologist has confirmed that he has communication difficulties and may have an autistic spectrum disorder. You have decided against issuing a statement because dealing with his difficulties is well within the capacity and resources of the primary school Nazeem will attend. Nazeem's parents were unhappy about their son being statemented because they perceived this as stigmatising.
- Case study 3 – Natasha has Down's syndrome and will finish mainstream primary school at the end of the school year. Natasha's parents are unsure about whether she should stay in mainstream or move to a special school. The LA has a policy of educating in mainstream wherever possible if parents do not object. How do you help them decide?

(30 minutes)

Proposed statement

If the decision is to issue a statement, the next step is to draw up a proposed statement. This is sent to parents explaining their rights to:

- make representations about the proposed statement
- meet the LA to discuss the statement
- request a meeting to discuss the advice (the LA will arrange for the advice giver or someone else they suggest to attend)
- state a preference for a maintained school
- make representations for a non-maintained school or independent school
- deadlines for the above.

(Schedule 1, Part A, Notice to Parents, SEN Regulations)

The legal timetable

- The LA must send the proposed statement to parents within two weeks of concluding the statutory assessment. (Reg 17(1), SEN Regs 2001)
- Parents have 15 days to request a meeting with an officer of the LA or send written representations. (Schedule 27(4)(1) Education Act 1996)
- Within 15 days of the first meeting, parents may request another meeting with an officer or with a professional, for the purpose of discussing the advice obtained as part of the assessment. (Schedule 27(4)(2) Education Act 1996)
- Parents have 15 days from receipt of the proposed statement or 15 days of a meeting with an officer of the LA or a professional to express a preference for a maintained school. (Schedule 27(3)(1) Education Act 1996)
- The final statement must be issued within eight weeks of parents receiving the proposed statement unless a specific exception applies.

Advice from parents and professionals will form the basis of the contents of the statement. SEN caseworkers should discuss with parents during an assessment how much of the family background they are happy to have included in the child's statement, given the fact that professionals from school, LA and other services may read the material. Information about a child's family background should be included only if relevant. Some parents may welcome that part of their child's story is recognised in a document which will reduce the need to repeat it with different professionals; others may want to retain greater privacy and prefer personal details to be kept to a minimum.

SEN caseworkers should seek information directly from young people and their parents about any barriers preventing or hindering a child from making use of educational facilities, bearing in mind that these can give rise to SEN which should be recorded in Part 2 and the need for special educational provision which should then be specified in Part 3. (*Section 312 Education Act 1996*)

Start with the child

Statements should be personalised to the individual child rather than the available provision. SEN caseworkers should check that professional advice focuses on the individual child, their needs and the long-term objectives for the child, not the available resources or the likely school placement. There should be no blanket policies preventing professionals from commenting on the amount or type of provision a child requires. (*CoP, 7.79*)

The Royal College of Speech and Language Therapists, for example, provides useful guidance for its members, pointing out that they must specify the child's needs and the provision to meet those needs, so that statements meet the requirements of the law and the SEN Code of Practice. (*section 324 Education Act 1996 and CoP, 8.36 – 8.37*)

Full and unfettered advice provides the basis for SEN caseworkers to write genuinely personalised details of the child's needs and appropriate help in Parts 2 and 3 of the statement. Full professional advice given after a proper assessment of a child's needs is central to parental confidence in the SEN system.

Writing good statements

- Ensure information is accurate.
- Use language which is easily understood.
- Describe the child as an individual, including his or her strengths and difficulties, and follow up with provision that is appropriately personalised.

- Demonstrate that you respect parents' unique knowledge of their child by drawing on their advice to write the statement.
- Objectives should directly relate to the needs set out in Part 2 and should be described in terms that will allow the LA and the school to monitor and review the child's progress over time.
- Quantify and specify provision in such a way that parents easily understand what help will be in place on a typical day – who is going to do what, when, how often and how regularly the child's progress will be monitored.
- Describe the child's needs and provision without prejudging which school or type of school is likely to be named in Part 4 of the statement.

What parents dislike...

- using jargon or language which is unclear to both parents and teachers
- cut-and-paste paragraphs or standard phrases which could apply to any child
- updates with the wrong child's name at the top
- vague and non-specific descriptions of provision
- gaps in the description of the child's needs or provision.

Note that during 2010, the National Strategies will be publishing guidance on writing quality statements. Dissemination and use of these materials will be supported by the Regional SEN hubs.

Meeting parents

When SEN caseworkers send a copy of the proposed statement to parents they must also offer them the opportunity to meet and make representations on the proposed statement in some other way. The Code of Practice emphasises that 'every effort should be made to ensure that parents are happy with the proposed statement and that they understand the background to the proposals made for their child and consider that their wishes and feelings have been given full and sensitive consideration'. (CoP, 8.106)

Parents have a legal right to make representations to an SEN officer and to meet the SEN officer to discuss the proposed statement. Following the meeting, they have the right to meet appropriate professionals with whom they can discuss the advice they have provided. Rather than replicating technical or confusing language in the statement, SEN caseworkers should clarify what the professional is recommending. It is important that SEN caseworkers feed back to professionals where jargon or technical language has made it difficult for parents (and often other professionals) to understand.

If a meeting is called, SEN caseworkers should ask parents which parts of the statement they want to discuss and start with those on which agreement is most likely. It is very worthwhile trying to seek mutual agreement at this point. If an immediate decision is not possible, parents will feel that the SEN caseworker has listened if they make a note of discussions and reply to them on each point, giving reasons for any decisions. If they leave the meeting feeling they have been given plenty of reassurance but no commitment to action, they will be less happy than if they have been refused changes but given good reasons for this.

The Code of Practice recognises that parents may find assessment very stressful and may need additional support. SEN caseworkers should tell parents that they may ask friends, relatives, or someone from the PPS or a voluntary organisation to accompany them to meetings. It may also be helpful to refer parents to professionals in health or other services where there is concern about the proposed provision.

Exercise 11: Applying communication skills (2)

This exercise is aimed at getting SEN caseworkers to apply effective communication skills to typical situations in the SEN process.

Divide into groups of three. One person to be a parent, a second to be the SEN caseworker, and the third to be an observer.

Using the case study below, the parent and the SEN caseworker play out the meeting to discuss the proposed statement, with the caseworker thinking through the questions they would use.

The observer will make notes and feed back on the following:

- Were the questions open or closed?
- Did the questions elicit useful information?
- Did they add to or reduce possible conflict?
- Did they demonstrate empathy or did they come over as judgemental or unconcerned?
- In what order did the SEN caseworker address each of the issues?
- Did they leave the area of most conflict until they had established a rapport?

If time allows, swap roles.

The case study

Lisbeth's mother or father has asked for a meeting to discuss the proposed statement. Lisbeth is six and has moderate learning difficulties and speech and language delay. She attends a mainstream school. Lisbeth's parent has already told you on the telephone that s/he is pleased with the support Lisbeth will receive in class from a learning support assistant; s/he would like more detail on the sort of help she can expect at lunch time because of past problems with friendships in the playground; s/he is unhappy about the vagueness of the speech and language therapy provision specified for Lisbeth in Part 3.

(30 minutes)

Placement

Part 4 of a statement describes where a child should be educated. It has to state the type of school that is suitable for the child and name the particular school a parent has expressed a preference for unless one of the reasons for not doing so that are set out in the Education Act 1996 applies.

If a school place is not appropriate for a child's needs or to provide the help described in the statement then the LA can set out the provision to be arranged other than in a school, for example home or hospital.

The law on naming a school

The law which deals with parental preference is found in Schedule 27 of the Education Act 1996. This says that LAs must name the maintained school that parents prefer unless:

- the school is unsuitable for the child's age, ability and aptitude and the SEN set out in Part 2 of the statement, or
- the child's attendance is incompatible with the efficient education of other children in the school or the efficient use of the LA's resources.

Parents have a right to a mainstream school for their child where this is not 'incompatible with the provision of efficient education for other children'. Schools and LAs are expected to take reasonable steps to prevent any incompatibility. (Section 316/316A Education Act 1996)

LAs must have regard to the general principle set out in Section 9 of the Education Act 1996 that 'pupils are to be educated in accordance with the wishes of their parents, so far as that is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure', and its duty to arrange suitable special education.

If a parent makes representations to the LA to have an independent school named in Part 4 of a statement, Section 9 of the Education Act 1996 applies. This refers to education in accordance with parental wishes avoiding unreasonable public expense.

As a statutory requirement, parents will have been sent the list of maintained schools in their area and a list of non-maintained and independent schools approved by the Secretary of State with the proposed statement. The notice to parents explains their rights but it may be difficult for many parents to understand the full significance of particular legal terms. It is important, though not easy, to explain accurately the limitations on 'choice'; rights to a mainstream place, the meaning of 'efficient education', and the difference between expressing a preference for a maintained school and making representations for an independent school. SEN caseworkers will need to consider a variety of ways they can do this effectively.

Even though discussions about which school parents want for their child may already have started, this should not prejudice the way professionals give their advice or the way the SEN caseworker writes the statement.

SEN caseworkers can help with parents with making decisions about schools by

- explaining how the law defines school 'choice' in practice
- informing parents about school SEN policies and how to get copies
- encouraging parents to visit schools
- arranging for children to attend potential schools for assessment
- providing copies of the LA prospectus for local maintained schools
- helping to arrange visits to appropriate schools, including transport for parents where schools are some distance away from home
- giving clear, legally based advice about transport arrangements which will be available
- agreeing the arrangements for contact between home and school in advance where residential schooling is being considered
- suggesting sources of further support.

The final statement

By the time the LA is ready to issue the final statement, SEN caseworkers should usually be clear as to whether they and the child's parents are in agreement over the contents. Even where there are areas of disagreement, SEN caseworkers should aim to stay open and approachable to parents. They should explain that parents have the right to make an appeal to the tribunal and that this right is not affected if they choose to use disagreement resolution services.

It is also useful to clarify with parents that while the day-to-day implementation of the statement is largely delegated to the child's school, the LA remain legally responsible for ensuring that the provision it details is arranged and that the child's needs are met, regardless of local funding arrangements.

Annual review

Chapter 9 of the SEN Code of Practice outlines the process for the annual review of a statement and provides guidance on making it more accessible for families who speak English as an additional language and for parents with disabilities. The LA may be best placed to offer help with translating documents or arranging interpreters/signers in relevant cases. Section 9 of the SEN **Toolkit** (see www.teachernet.gov.uk/wholeschool/sen/teacherlearningassistant/toolkit/) provides a useful list of issues to be considered at the meeting and the Advisory Centre for Education produces a leaflet for parents on Understanding annual reviews (see www.ace-ed.org.uk/advice-about-education-for-parents/advice-booklets/understanding-annual-reviews.htm).

It is important to remember that legally the annual review of the statement takes place at the point when the LA makes a decision whether to maintain the statement as it is, amend the statement or cease to maintain the statement. The duty to hold an annual review meeting is delegated to a headteacher and the report from this meeting provides evidence on which to base the decision that the LA makes.

The law on annual reviews

Section 328 (5) Education Act 1996 requires LAs to review a statement at least every 12 months.

The process which the LA and school are required to follow is detailed in the Education (Special Educational Needs (England) (Consolidation) Regulations 2001 (as amended). Reg 20 details the procedure for annual reviews of statements of children attending school (except for those in their tenth year of compulsory education); Reg 21 details the additional procedures for the Transition Review of statements of young people in their tenth year. Reg 22 details the procedure for annual reviews of statements of children not attending school.

The timetable and process for annual reviews

Within two weeks of the start of each term the LA must write to remind headteachers which pupils will require an annual review of their statement.

The headteacher requests written advice about the child's progress from

- parents/carers
- anyone whom the LA specifies
- anyone whom the headteacher thinks appropriate.

The headteacher arranges a meeting for each pupil needing an annual review and must invite:

- the child's parents/carers
- members of staff whom the headteacher thinks have appropriate knowledge
- a representative of the LA which maintains the statement
- representatives of social services and the Connexions/careers service if the review is of a child in Year 9
- anyone the LA specifies in the notice sent to the headteacher.

At least two weeks before the annual review meeting, the headteacher must circulate copies of any written advice, inviting comments, to anyone who has not said that they will not be attending the meeting.

No later than 10 school days after the annual review meeting or the end of that school term, whichever is the earlier, the headteacher must send a report to the LA and copies to everyone concerned with the review including parents. In the report the headteacher summarises the meeting, includes recommendations about future educational targets, and recommendations, with their reasons about whether the statement should be maintained, and if so whether any amendments should be made. Based on the recommendations from the annual review meeting, plus any other relevant information or advice they have received, the LA will now carry out the annual review of the statement and make a decision on whether the statement is still needed and, if so, whether amendments should be made. Within one week of making a decision, the LA must send a copy of the decision to the headteacher, the child's parents and anyone else they think appropriate.

Helping parents prepare

Parents may need help when providing their written advice and during the annual review meeting. Headteachers may help parents to express their views but if parents contact SEN caseworkers for information before the meeting, it will be helpful if they are advised that they may bring a friend, relative or adviser with them. The SEN caseworker should take time to explain the legal purpose of the annual review and that the process ends only after the LA has made its decisions after considering the headteacher's report and any other relevant evidence.

The SEN regulations require that the headteacher requests advice on the following points:

- the child's progress towards the objectives in the statement
- the child's progress towards targets set to help the child achieve those objectives
- where relevant, any modifications to the National Curriculum applied to the child and the child's progress in the National Curriculum
- the child's progress in any curriculum provided instead of the National Curriculum
- the child's progress in his/her behaviour and attitude to learning
- any matters for transition planning
- whether the statement continues to be appropriate
- any amendments to the statement which would be appropriate
- whether the authority should cease to maintain the statement.

Information gathered on these points should be reflected in the headteacher's report to the LA of the meeting. Parents' views should be included in this report, even if they take a different position from that of the school. If the SEN caseworker is unable to attend the meeting, it may be helpful for them to contact parents to discuss their views further where there is disagreement. The parent may have felt constrained in the meeting about expressing all their concerns, possibly because of sensitivity to the feelings of their child or a member of school staff who may have been present. An interim review could be arranged where there is unease or disagreement over a particular course of action. The SEN caseworker should offer to meet the parents if there are any significant outcomes arising from the annual review such as amendments to the statement which the parents may wish to discuss.

Parents' confidence with the SEN system often depends on how the school meets their child's needs and their own interaction with the school. While SEN caseworkers may not be able to attend every annual review meeting, those held to discuss change or difficulties may be given higher priority.

A successful annual review meeting will provide the LA with information on:

- additional identified gaps in learning
- a child's progress and outcomes
- how the school will target its teaching, interventions and activities to be effective
- the strengths of the child or young person
- stretching, but achievable, targets for the future
- parents' views on how the school is supporting their child but also of the barriers that can get in the way of progress
- any discussion which has taken place between the school and the parent on short-term activities or goals that might improve well-being and engagement with learning
- help needed to raise the aspirations of the school, parents and their child.

The Lamb Inquiry recognised the importance of good information for parents, especially at points of transition, whether these are between schools or colleges or the world of work. It recommended that the annual review meeting include consideration of the information needs of parents and the young person so that they can make informed choices and decisions. SEN caseworkers could identify information both in advance of the annual review or after they receive the report of the annual review meeting that would be helpful to individual parents. For example parents whose children will be changing schools may need to know how to access Ofsted reports, school prospectuses, and school SEN policies and disability equality schemes. Signposting will be sufficient for many parents, but others may need much greater help, for example if information needs translating or producing in different formats.

Even where the SEN caseworker decides to continue maintaining the statement unchanged, parents must be informed of the decision. Parents often feel bemused or anxious in circumstances where they hear nothing from the LA. This can be particularly frustrating for parents if the report of the annual review meeting recommends changes. It would improve trust in these circumstances if SEN caseworkers explained clearly their reasons for deciding against changing the statement. One of the recommendations of the Lamb Inquiry is that parents have a right of appeal where the LA decides not to amend a statement following an annual or interim review.

Annual review decisions

Do

- contact parents even if you decide to take no action
- give reasons for your decisions
- arrange for an interim review if there is disagreement or concern about a child's progress.

Don't

- repeat existing targets if a child has not made good progress
- ignore recommendations for changes or updates
- think only short term: the annual review is intended for long-term planning too.

Amending the statement

The review process is concluded when the SEN caseworker writes to the parent informing them of the LA's decision. It is important to make sure that documentation is complete and the review meeting has addressed the issues described above, as well as any significant changes in the child's circumstances, since the date on which the statement was made or last reviewed. This should ensure that decisions are based on all the available evidence and, should an appeal follow, will mean that the LA is properly prepared for tribunal.

If a decision is made to amend the statement, this should be done without delay. (*CoP, 9.35*) The LA must send parents a Notice of Amendment, setting out the amendments which are proposed and a copy of the existing statement, and inform parents of their rights to make representations, request a meeting and – if the LA proposes changing the name of the school in Part 4 – their right to express a preference for another maintained school to be named.

LAs may not make blanket cuts to all statements – even in difficult financial times. The LA must consider each child's needs individually.

If a decision is made to cease to maintain the statement, SEN caseworkers may need to meet parents to explain their reasons and discuss the provision for the child or young person once the statement has ended. If parents disagree with the decision and lodge an appeal, the LA must maintain the statement until the tribunal makes a decision or the appeal is withdrawn. Where a parent makes an application for an appeal, the SEN caseworker should continue to keep talking and working with the parent to see if it is possible to resolve areas of disagreement.

Amendments may also be made following a reassessment. Parents have the right to ask for a reassessment under S328 of the Education Act 1996. In these circumstances SEN caseworkers must follow the same procedures as when making a new statement, including issuing a proposed (amended) statement.

(The law on amending a statement is set out in Schedule 27 of the Education Act 1996 and the Education (SEN) (England) (Consolidation) Regulations 2001 (as amended).)

Amendments following exclusion

Sometimes a change of circumstances triggers amendments – in the case of a child transferring from another authority, for example, or when a child with a statement is permanently excluded. Currently children with SEN are eight times more likely to be permanently excluded than those without SEN.⁸

Headteachers must inform the LA immediately of any exclusion totalling more than five days in one term. SEN caseworkers should make sure that where an excluded child has SEN, the information is copied to them.

SEN caseworkers may not become formally involved with cases of exclusion from school until the point where a new placement is needed. In these circumstances parents and the young person are often traumatised by the events, especially where they feel the underlying reason for the exclusion is unmet SEN. SEN caseworkers will need great sensitivity to help families put the rejection of exclusion behind them and focus on the future. Parents may feel that they have few choices at this point. It is vital that they receive full information, including their right to state a preference for a maintained school.

Statutory guidance indicated that where there is warning of a child's behaviour deteriorating rapidly the school should request an interim review of the statement or, where the child has no statement, ask the LA to consider carrying out a statutory assessment.⁹ The SEN caseworker should work closely with school and parents and LA behaviour specialists at this point to try avert exclusion.

In some cases, where the LA finds out in time, there is a short window of opportunity when the headteacher can withdraw a permanent exclusion. This is generally where LAs are able to come up with extra support or help with a managed move to another school. Parents should not be pressured to accept a managed move, especially where they wish to put their case to the governors. Once the governors have met, the headteacher cannot withdraw the exclusion.

In the vast majority of cases of permanent exclusion, there will have been a number of disciplinary actions, including fixed-term exclusions, beforehand. SEN caseworkers may have been alerted to the problem via reports from the annual review meeting, or the school may request an interim review in line with the advice from the SEN Code of Practice and exclusions guidance. The guidance recommends changes to the statement as alternatives to exclusion. Meeting with parents to discuss what additional, or different, support may make a difference could be crucial. Asking the right questions of parents and young people about the circumstances when behaviour difficulties arise could identify when and how help is provided; for example: Are the behaviour problems related to time of day or a particular lesson?

SEN caseworkers may also wish to attend governors' exclusion hearings at which parents of a child with a statement put their case, or liaise with other LA officers who may be attending. The LA is entitled to send a representative who may speak at the hearing. It is open to the SEN caseworker to suggest ways that the LA might help with additional or different provision if the child were reinstated. SEN caseworkers might also be asked about the difficulties the child would face if this were not to happen. It would be good practice for SEN caseworkers to tell parents beforehand what they are planning to say at the meeting, especially if this involves a proposal for major changes to the statement, so parents can be ready to respond.

8 DCSF statistics 2007/08 (July 2009) www.dcsf.gov.uk/rsgateway/DB/SFR/s000860/SFR18_2009_FINAL.pdf

9 Improving Behaviour and Attendance: guidance on exclusion from schools and PRUs, 2008.

Appeals to tribunal

The legislation

Parents' rights of appeal are detailed in **Part IV of the 1996 Education Act**.

The **Tribunals, Courts and Enforcement Act 2007** laid out a new two-tier appeal system: the first tier to hear appeals to tribunals, the upper tier to hear appeals from the lower tier. Consequently, in November 2008 the tribunal system in England changed so that parents now appeal about special education to the Health, Education and Social Care (HESC) Chamber of the first-tier tribunal when they disagree with LA decisions about their children's special education. SEN and Disability now sits in the HESC chamber of the first-tier tribunal.

The proceedings are governed by the **Tribunal Procedure (First-tier Tribunal) (Health, Education and Social Care Chamber) Rules 2008**. Practice directions supplement the rules and are available on the tribunal website.

Who can appeal?

An appeal to tribunal is a parental appeal, and is against the LA that made the disputed decision. Parents can appeal jointly or separately. If they live at different addresses, the papers will only go to the parent listed first on the appeal form. The second parent can be added as a party to the appeal on their request to the tribunal. 'Parent' for the purposes of the Tribunal is a birth parent, any person who has parental responsibility or who has care of the child, for example a foster parent or the authority where the child is subject to a Care Order. Several people may be regarded as parents and have the right to put their views and, even if not a party to the appeal, may attend the hearing.

Waiting for the appeal

Research (NatCen) has shown the benefits of continuing communication between the LA and parents throughout decision-making processes, including in between the parents lodging an appeal with the tribunal and the actual hearing, so that parents are aware of any activity being undertaken and can have greater confidence in the process where an agreement is reached prior to the hearing. SEN caseworkers should continue talking with parents and their representatives, even when an appeal is lodged. The tribunal now requires LAs and parents to produce specific evidence and disclose it to other parties well in advance of a final hearing date, resulting in more cases being settled before the hearing. Even where positions have become entrenched, SEN caseworkers should maintain a professional approach. They should let parents know that, whatever the reasons behind the dispute, they share their desire to achieve the right outcomes for their child. SEN caseworkers can do this by continuing to listen to parents' concerns and views and by providing good evidence for the LA's views. Parents will generally respect SEN caseworkers for a difference of opinion if they believe it is well founded.

Naturally parents will want the best for their child and may resent the fact that funding is an obstacle to achieving that. On occasion, SEN caseworkers may have to explain that while they accept that what they want for their child may represent very good provision, in law LAs are allowed to take account of funding where adequate provision which meets the child's needs can be provided at much less cost. Parents are more likely to respect that position if SEN caseworkers can show that the provision they are proposing will fully meet the child's needs, albeit more economically.

Top tips for communicating with parents

- **Ask parents to talk about their aspirations for their child**
- **Remember that parents are the experts on their child**
- **Be clear, accurate and open**
- **Stick to the law**
- **Be an active and empathic listener**
- **Be approachable and accessible**
- **Seek out the child's views**
- **Personalise written communication**
- **Keep communication channels open – even if you disagree**
- **Signpost parents to further information and sources of independent advice**

Exercise 12: Applying the top tips

- Individually, consider each of the top tips.
- Reflect on how well you feel you currently demonstrate each tip in your work with parents. Identify those where you may need to make improvements.
- Write down three actions you intend to take to improve your work with parents.

1. _____
2. _____
3. _____

(15 minutes)

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Websites

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Appendix 1

Model agenda and notes for two-day training course

Day 1

- 10.00 Arrive and coffee
- 10.15 Introduction (slide 2)
- Introduce yourself and ask participants to introduce themselves by name and role.
- 10.20 The parent perspective (slide 3)
- Presentation from a parent about their experience of the SEN system.
- 10.40 Aims of the training (slide 4)
- Background/the Lamb Inquiry (slides 5 and 6).
 - Show video clip 1: *Introduction, Brian Lamb* and clip 2: *My child*.
- 10.45 Exercise 1: What influences parental confidence? (page 5)
- Start by showing video clip 3: *Influences on parental confidence*, then ask participants to complete Exercise 1 (25 minutes).
- 11.15 What parents tell us about their experience (slides 7 and 8)
- Show these slides and ask participants to consider the points raised in pages 6 and 7 of the guide.
 - Draw to a close, inviting final comments on the parental experience and the need for improvement.
- 11.30 Coffee
- 11.50 Session 1: Communicating effectively with parents (slides 9 and 10)
- Show slides 9 and 10 – parents want to work with professionals who understand their aspirations for their child and family context.
 - Show video clip 4: *Aspirations*. It is important that SEN caseworkers understand these wider issues when working with parents and building a relationship. It is also important not to jump to conclusions about parents and their abilities.
- 11.55 Exercise 2: Understanding the family context (page 8)
- Start by showing video clip 5: *Understanding the family context*, then ask participants to complete Exercise 2 (20 minutes).
 - Course leader will need to draw together key points through a plenary forum.
- 12.20 Parents want accurate, timely and clear information (slides 11 and 12)
- The training booklet gives more detail on what parents tell us about the sort of information they want. It is important to think about how and when information is communicated and not just the content.

- 12.25 Exercise 3: Sharing information (page 9)
- Start by showing video clip 6: *Sharing information*, then ask participants to complete Exercise 3 (20 minutes).
 - Course leader will need to draw together key points through a plenary forum.
- 12.45 Lunch
- 13.30 The importance of listening skills (slide 13)
- Show video clip 7: *Listening to parents* at this point to show the importance of listening to parents.
- 13.35 Exercise 4: Practising listening skills (page 12)
- Ask participants to complete Exercise 4 (45 minutes).
 - The course leader needs to prompt at various times to ensure each step of Exercise 4 is followed.
 - Course leader will need to draw together key points through a plenary forum (10 minutes).
- 14.30 Structured conversations (slide 14)
- The intention is to introduce caseworker to the approach to structured conversation but will not lead them to being skilled in its application. The question on the slide 'When could SEN caseworkers use this approach in their work with parents?' should generate discussion, then ask participants to look at the possibilities listed on page 13 of this guide.
- 14.40 Effective meetings (slide 15)
- This aims to promote purposeful face to face meetings between caseworkers and parents. Show video clip 8: *Meeting parents*.
- 14.45 Exercise 5: Making meetings effective (page 15) (20 minutes)
- This should be used to assist SEN caseworkers to think about how to improve their communication with parents at meetings.
 - Course leader will need to draw together key points through a plenary forum, and reference the suggestions for effective meetings in Appendix 2.
- 15.10 Communicating with parents – key points (slide 16)
- This is a summary of key points for good communication and draws together some of the key message of Session 1: Communicating effectively with parents.
- 15.15 Closing discussion (slide 17)
- Course leaders to ask participants to reflect on the day's input and to consider in twos or threes what have been their key personal learning points.
- 15.30 End

Day 2 – Building parental confidence in the SEN system

10.00 Arrive and coffee

10.15 Session 2: Building parental confidence in the SEN system (slide 18)

- This session focuses on the statutory process, what SEN caseworkers need to know, the points of tension and how effective communication can maintain positive relationships even where there are disagreements.

Exercise 6: A quick quiz (page 16) (15 minutes)

- This ice-breaker can be carried out individually by participants using the quiz on page 16 of this guide. After a few minutes, encourage them to share their answers with their neighbour and discuss issues arising.
- Then lead all through the answers (in Appendix 2), clarifying any queries.

10.30 The SEN framework (slide 19)

- This slide emphasises the need to know about, and to follow, the SEN legislation. Course leader needs to highlight all points on the slide, and emphasise the importance of the Code of Practice.

10.35 Partnership working with parents (slide 20)

- This slide makes a number of key points about working with parents and also understanding how schools work with parents. Course leader needs to highlight all points on the slide.

Exercise 7: Working with schools (page 20) (25 minutes)

- This is intended to be a discussion exercise in very small groups. The aim is to enable caseworkers to explore how they might be able to influence school practice in relation to parents of children with SEN. After 15 minutes' small-group discussion, the course leader needs to draw together the groups in a plenary session for 10 minutes and highlight, possibly on a flipchart, some of the key messages.

11.00 The statutory requirements (slides 21–29)

- This set of slides contains key information about the statutory requirements, including the assessment process and potential tension points.
- The information is covered in detail on pages 25–32 of this guidebook, and course leaders need to guide participants through each section of the guidebook on these pages.
- At all points, participants should be invited to raise queries and points of clarification.
- Course leader should use video clip 9: *Parental experience of the SEN system* to illustrate the issues – this is emphasised on some of the tutor notes for the relevant slides.

11.30 Coffee

11.50 Exercise 8: Parental advice (page 27) (25 minutes)

The views of parents and children (slide 30)

- Following the presentation on the statutory requirements and the importance of following them from a parental perspective, this exercise encourages SEN caseworkers to consider how they could elicit and include the views of parents.

- To be carried out in twos and threes for 15 minutes, then course leader draws key messages out on a flipchart.
- 12.15 Exercise 9: Finding out the child's view (page 28) (25 minutes)
- Some case examples to explore how to elicit the child's view for focused discussion.
 - To be carried out in twos and threes for 15 minutes, then course leader draws key messages out on a flipchart.
- 12.45 Lunch
- 13.30 Statements (slides 31–33)
- These slides provide key messages about issues for parents about statements.
 - Separate guidance is being produced by National Strategies about producing quality statements.
 - The need to engage constructively with parents about draft statements is emphasised by slide 33.
 - Video clip 10: *Statements* should be used to illustrate the parental perspective.
- 13.40 Exercise 10: Applying communication skills (1) (page 29) (30 minutes)
- This exercise focuses on three case studies and checks SEN caseworkers' knowledge of the LA's legal responsibilities and highlights how their communication skills might be used in practice.
 - Divide participants into groups of three or four. Ask each group to consider one of the three case studies below. Each describes a family whose child is at a different stage of the SEN process. Ask participants to say what their next steps would be and list the key issues they need to consider when informing the child's parents of the next steps. (20 minutes)
 - Discuss their answers in a plenary session. (10 minutes)
 - Refer to the suggested answers in Appendix 2.
- 14.15 Exercise 11: Applying communication skills (2) (page 32) (30 minutes)
- This exercise is aimed at getting SEN caseworkers to apply effective communication skills to typical situations in the SEN process.
 - Divide the group into threes and using the case study below, ask two participants to take the role of parent and SEN caseworker. Ask the SEN caseworker to think of questions they might use at a meeting to discuss a proposed statement. As they speak, ask a third participant to observe the role play, make notes and feed back on the points in the exercise.
 - Encourage swapping of roles as time allows.
 - Finish after 30 minutes.
- 14.45 Placements (slides 34–35)
- Refer to pages 32–33 of the guidebook.
- 14.50 Annual reviews (slides 36–38)
- This is often a very key area for parents.
 - Refer to pages 34–37 of the guidebook.

- 14.55 Appeals to tribunal (slide 39)
- Show video clip 11: *Tribunal experience*, which shows parents talking about the tribunal and its impact.
 - Emphasise the need for caseworkers to keep communicating with parents.
- 15.00 Top tips (slide 40)
- Show video clip 12 of parents giving examples of the importance of some of these top tips.
 - Go through each of the top tips in detail.
- Exercise 12: Applying the top tips (page 40) (15 minutes)
- Allow 15 minutes for individual reflection – no plenary or feedback needed.
- 15.20 Closing discussion (slide 41)
- Course leaders to ask participants to reflect on the input over the two days.
- 15.30 End

Appendix 2

Exercise 5: Making meetings effective (suggested answers)

Preparation

Defining what the meeting is for, agreeing an agenda, allowing time in your schedule, having the right information and papers to hand, making sure everyone has had a chance to read papers beforehand and that those papers are accessible to parents' levels of understanding.

The involvement of everyone present

Introductions, putting parents at their ease, agreeing ground rules and confirming what the meeting is for, active listening, ensuring everyone has their say, ensuring the meeting is not dominated by one party/person.

Problem-solving approach

Reflective listening, define problems and any disagreements, consider and pool solutions, try to find a solution that suits both parties, dealing with emotions such as conflict/anger/distress. Make a written list of hopes, aspiration, desired outcomes, complaints, concerns, and so on, and make sure it is complete and accurate.

Agree way forward

Explain what happens next, check common understanding of issues, may conclude need for more information, agree on any area of disagreement/dispute, if possible decide on solutions, decide further action. Follow up with notes of main points, what was agreed, any action, and so on.

Exercise 6: A quick quiz – Answer sheet

Q1: Do parents have to consent to a statutory assessment of their child?

A1: No, LAs have to seek their views, but must carry out the assessment if they feel it is necessary.

Q2: Are LAs obliged to carry out a statutory assessment of a child under two if parents request it?

A2: Yes, if this is necessary.

Q3: Are parents entitled to be present when their child is examined for statutory assessment?

A3: Yes.

Q4: How many meetings are parents entitled to, following the receipt of a proposed statement?

A4: As many as they wish as long as they ask for them within 15 days of receiving the proposed statement, or the previous meeting.

Q5: Are foster parents entitled to appeal to tribunal?

A5: Yes, they have the same rights in education law as birth parents.

Q6: Give three examples of active listening.

A6: Possible answers: waiting, repeating, paraphrasing, clarifying, body language.

Q7: A structured conversation is:

A7: c (a listening conversation) and d (an open dialogue)

Q8: Give three ways you can make meetings more effective.

A8: See list in Exercise 5: Making meetings effective.

Q9: Suggest three types of information which would be useful for a parent considering which school is right for their child with SEN.

A9: Possible answers: school prospectus, school SEN policy, LA admissions information, LA website, Ofsted report, school's disability equality scheme, school's accessibility strategy, information about open days, signposting to PPS, local parents' support group or relevant voluntary organisation.

Q10: If parents appeal following a notice to cease to maintain, the LA must:

A10: b) Maintain the statement until the appeal has been decided.

Exercise 8: Parental advice (Suggested answers)

Case study 1

David, aged 10, has ADHD and has been excluded from school for three fixed term periods, two of them in the last term. He receives support at SA from his primary school but the SENCO says they are struggling to manage his behaviour. His parents have requested a statutory assessment and sent in reports from a child psychologist supporting the reasons they have given for the request.

David's parents probably fear permanent exclusion and are likely to feel very anxious about their child's future at secondary school and beyond.

The fact that he has been excluded from school is a clear indication that the provision to meet his SEN is not yet appropriate to support his being in school and learning.

The SEN caseworker could arrange a meeting with the SENCO/headteacher and parents. Matters to be discussed should include:

- whether David's difficulties have suddenly become more severe
- whether David is at risk of further exclusions
- how David behaves out of school
- details of what support David has been receiving and whether the school has the capacity to increase or change it
- what David's parents feel about existing support and what extra help they feel would help
- whether the school has considered bringing in expertise from outside the school
- whether the school has taken account of the psychologist's report
- why David's parents feel statutory assessment is necessary.

The SEN caseworker could decide that a statutory assessment is necessary because of the deterioration of David's behaviour. Or they might decide that the school has the capacity to increase support which will be sufficient to meet David's needs.

In any event, the SEN caseworker should suggest that the school moves David to SA+ immediately and seeks the advice of the LA educational psychologist/behavioural specialists.

SEN caseworkers should follow up the meeting with a telephone call or a letter to David's parents especially if the decision is made after the meeting.

Case study 2

Nazeem is four years old and has just had a statutory assessment following a request from his nursery which had concerns about his development. The educational psychologist has confirmed that he has communications difficulties and may have an autistic spectrum disorder. You have decided against issuing a statement because dealing with his difficulties is well within the capacity and resources of the primary school Nazeem will attend. Nazeem's parents were unhappy about their son being statemented because they perceived this as stigmatising.

Nazeem's parents may have a great deal to absorb from the results of statutory assessment. They may find it difficult to process some of the information, so SEN caseworkers should:

- consider different ways of providing information, e.g. copies of the reports, information about where to find out more about autism, signpost them to the PPS, link them up with an IPS who understands their perspective;
- suggest a meeting where they can help Nazeem's parents understand the professional reports, and explain their decision and what will happen next;
- arrange a follow-up visit to the primary school Nazeem is to attend;
- help them discuss any concerns with the school SENCO or headteacher;
- consider referring the parents to professionals in health or other services.

Case study 3

Natasha has Down's syndrome and will finish mainstream primary school at the end of the school year. Natasha's parents are unsure about whether she should stay in mainstream or move to a special school. The LA has a policy of educating in mainstream wherever possible if parents do not object. How do you help them decide?

Natasha's parents are probably fearful as to whether their daughter's needs can be met successfully in mainstream secondary school and may have conflicting feelings about which course to take.

SEN caseworkers could:

- meet to discuss their hopes and fears for their daughter;
- help them focus on their main concerns;
- ensure that the amended statement of SEN drafted to support her transition to secondary school reflects all her needs and the specific provision to meet those needs (whatever type of school placement it is decided she will eventually attend);
- explain that her parents do not have to make a decision until after the amendments to the proposed statement are issued;
- explain the benefits and drawbacks of mainstream and special schooling;
- provide parents with information, e.g. Ofsted reports and school documents such as prospectuses, SEN policies, disability equality schemes, accessibility plans;
- arrange visits to a number of schools or provide contact details for parents to do this for themselves;
- suggest they talk over the issues with other parents through local parent support groups/IPS.

Acknowledgements

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