

★ What SEND Law Says Your Child Is Entitled To

SEND law is built on one simple idea: your child must get the support they require, based on their individual needs — not on what the school or local authority prefers to offer.

This is a legal right, not a favour.

🕒 The Main Laws That Protect Your Child

- Children and Families Act 2014 – the backbone of SEND rights
- SEND Code of Practice 2015 – guidance schools and councils must follow
- Equality Act 2010 – protects disabled children from discrimination
- Education Act 1996 – includes the duty to provide suitable education if a child is out of school

🏫 What Schools Must Do (SEN Support)

Schools have legal duties to:

- Identify needs early
- Use the Graduated Approach: Assess → Plan → Do → Review
- Make reasonable adjustments (e.g., extra time, visual supports, flexible routines)
- Use their SEN budget to support your child
- Involve you in decisions

Schools cannot say:

- “We need a diagnosis first”
- “We don’t have funding”
- “We don’t offer that here”

These are unlawful barriers.

■ EHCPs (Education, Health and Care Plans)

An EHCP is for children whose needs cannot be met through SEN Support alone.

Key rights:

- Anyone (you, school, young person) can request an EHC needs assessment.
- The council must assess if your child may have SEN and may need an EHCP — this is a low threshold.

If an EHCP is issued, it must:

- Clearly describe needs (Section B)
- Specify and quantify support (Section F)
- Name a school or setting (Section I)

Section F is legally enforceable — the council must deliver everything written there.

🏛️ What Local Authorities Must Do

Councils have strict legal duties:

- Identify children with SEND
- Complete EHCP processes within 20 weeks
- Provide all support in Section F
- Provide suitable education for children out of school (e.g., medical needs, anxiety, exclusion)
- Publish a Local Offer

They cannot refuse support because of:

- Funding
- Staffing
- Local policy
- “We don’t usually do that”

Equality Act: Protection From Discrimination

Your child is protected from:

- Disability discrimination
- Failure to make reasonable adjustments
- Exclusion or punishment caused by unmet needs

Schools must remove barriers, not blame the child.

Your Rights as a Parent

You have the right to:

- Request an EHC needs assessment
- Appeal to the SEND Tribunal
- Be involved in all decisions
- Request a specific school
- Access mediation (optional)

You are an equal partner in the process.

If Your Child Is Out of School

The council must provide suitable education from day 6, or immediately for vulnerable pupils.

This applies to:

- Anxiety
- Medical needs
- Exclusion
- No suitable placement available